POLITICAL SCIENCE QUARTERLY

A REVIEW DEVOTED TO THE HISTORICAL STATISTICAL AND COMPARATIVE STUDY OF POLITICS ECONOMICS AND PUBLIC LAW

> EDITED BY THE FACULTY OF POLITICAL SCIENCE OF COLUMBIA UNIVERSITY

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Volume XVIII.] September, 1903.

[Number 3.

POLITICAL SCIENCE QUARTERLY.

THE ANTHRACITE COAL STRIKE AND ITS SETTLEMENT.

THE strike of the anthracite coal miners during 1902 was a phenomenon of commanding importance in consequence of the unparalleled shortage of fuel which ensued. Nevertheless, the strike finds its chief significance in the principles that were at stake. The rights of labor unions, the rights of non-unionists, the rights of the general public as affected by labor disputes, have become among the most burning of social questions. Since 1800 trade unions have grown in membership by leaps and bounds, and with their increasing power they have forced employers, and the people generally, to accord to their policies. and practices a degree of attention hitherto unknown. The dispute in the anthracite field brought many of these new issues home to the people with definiteness and with tremendous force. The decision of the Anthracite Coal Strike Commission is therefore important, not so much because of its immediate effect on wages or profits, as because it presents the opinions of representative American citizens regarding these wide-reaching questions of principle.

I.

For more than twenty-five years prior to 1899 there had been no labor organization among anthracite coal miners of sufficient strength to influence materially the conditions of labor. In that year the United Mine Workers of America, an organization which had become since 1897 a dominant factor in the bituminous

mines, sent organizers to the anthracite region and soon enrolled half the miners there. The strength of the union grew so rapidly that, in September, 1900, it ventured upon a general strike. Almost the entire body of anthracite workers quit work. The mine operators, influenced in part by pressure from campaign leaders of the Republican party, yielded to most of the demands of the miners, and work was resumed after about six weeks. Wages were advanced ten per cent.¹ The sliding scale, by which the wages in the Middle and Southern fields had varied according to the price of coal, was abandoned, the miners objecting that it had always reduced, never advanced, their pay. The demand for recognition of the union and for a system of joint conferences and agreements was refused by the operators. The miners, however, appear to have understood the operators to agree informally that, if peace were maintained till April, 1901, a conference would then be held with the representatives of the union.

In the spring of 1901 the United Mine Workers requested the employers to meet them in such a conference, and to adopt an agreement covering the conditions of labor for the ensuing year, after the fashion prevailing in the bituminous region. This request was denied. The operators, however, posted notices that the existing terms of employment would continue another year. For the time a strike was narrowly averted; but the fundamental aim to secure recognition of the union was not forgotten, and in February, 1902, the demand for a conference was renewed. The presidents of the leading anthracite railroads and railroad coal companies, evidently after joint consultation, replied separately that they were always ready to meet their own employees, individually or by representatives, but that they would have no dealings with a general labor organization, still less with one representing bituminous miners as well as those of the anthracite region.

In March a convention of the anthracite districts of the United Mine Workers formulated demands for an advance of twenty

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per cent in the wages of piece-workers, for a reduction of hours from ten to eight per day for time-workers, for the weighing of coal wherever the basis of wage payment was the quantity mined, and for recognition of the union. The National Civic Federation, through its chairman, Senator Hanna, succeeded in bringing the presidents of the anthracite roads into conference with Mr. Mitchell and other representatives of the miners, but the employers persistently refused to deal with the United Mine Workers in any formal way. On May 8 the union proposed that its demands be submitted to the arbitration of a committee of five to be chosen by the Civic Federation, or, if preferred, to Archbishop Ireland, Bishop Potter, and another person to be selected by these two. This request was also rejected. On May 12 a preliminary strike was ordered, and three days later a delegate convention of the anthracite districts of the union, by a vote of 461¹/₄ to 340³/₄, decided to continue the strike. Though the vote was far from unanimous, loyalty to the union was so strong that at most only a few thousand of the 147,000 employees in and about the mines sought to continue at work. Early in June the strike was extended to the engineers, firemen and pumpmen. Most of the operators succeeded in getting enough men to run the engines and pumps so as to prevent the flooding of the mines, but during the five months of the strike they were able to bring very few new men to take the place of the other mine workers, and failed to persuade any considerable number of the strikers to return to work. This fact, so far as can be judged from the newspaper accounts and the evidence before the strike commission, was by no means primarily due to violence on the part of the strikers, or to fear of violence, though unfortunately instances of lawlessness were far too common. Aided by large contributions from the bituminous miners, from labor organizations in other crafts throughout the country, and even from people of the middle class, the United Mine Workers were able to support such strikers as were in need. Indeed the organization came out of the long struggle with over a million dollars in its treasury, far more than it had at the outset.

Anthracite production was almost entirely suspended. The people, with the prospect of an unprecedented coal famine the

¹ The price of powder, which in most of the mines had been \$2.75 per keg, was reduced to \$1.50. This meant an increase of six or seven per cent in the wages of contract miners, but it was computed as part of the 10 per cent advance, not in addition to it.

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ensuing winter, became daily more incensed - some with the miners, more with the operators, many with both sides. Repeated attempts to bring about a settlement, or to persuade the mine owners to submit to arbitration, proved vain. At last President Roosevelt intervened, not by virtue of any constitutional authority, but as the representative citizen of the country. His first appeal to the presidents of the coal roads to resort to arbitration was unsuccessful. Soon after, however, they proposed that the questions at issue be submitted to a board of five members, — an officer of the army or navy, an expert mining engineer, a judge of the United States circuit court from Pennsylvania, a sociologist, and a man familiar by actual participation with the coal business. The miners very naturally refused to accept a body on which a representative of the anthracite industry should be seated without a representative of organized labor. After a long personal conference between President Roosevelt, the railroad presidents, and Mr. Mitchell, a modification of the proposed board of arbitration was agreed upon. The President accordingly appointed, in consultation with the parties, Brigadier-General John M. Wilson, Mr. Edward W. Parker of the Geological Survey, Judge George Gray, Mr. E. E. Clark, chief of the Order of Railroad Conductors, Mr. Thomas H. Watkins, a retired coal operator, and Bishop John L. Spalding. Hon. Carroll D. Wright, Commissioner of Labor, was chosen recorder to the commission, but soon after, by general consent, he was made one of its members. Judge Gray was selected as chairman. The railroad presidents, on the one hand, and a convention of the anthracite districts of the union, on the other, agreed to be bound by the award of this board, and the strike was declared off on October 23. Later most of the smaller independent coal operators became parties to the proceedings, promising to abide by the award rendered. A considerable number of non-union miners also presented a petition that they be considered a third party to the case. They submitted demands essentially the same as those of the union miners, but with the added demand that there should be no discrimination in favor of the organization, and that its members be required to desist from interference with non-unionists. It appeared during the proceedings that the attorneys of

this non-union contingent were paid by the operators. Apparently, in fact, this intervention of the non-unionists was initiated by the employers.

The arbitration commission began its work with a week of personal investigation of the mines and their surroundings. Its later proceedings were much in the fashion of a court trial, though somewhat more informal. Both sides were represented by counsel, who examined and cross-examined the 558 witnesses. Much the larger part of the oral testimony was of very little value, often bearing but slightly on the real questions at issue. The work of the commission dragged on slowly, and in November it was interrupted in the hope that a voluntary agreement would be reached by the parties. This plan failed and the investigation continued. The award was finally announced in March, 1903. It is to continue in force till March 31, 1906, while the provisions regarding wages were made retroactive for the time after November 1, 1902.

II.

At the request of the strike commission, the demands of the union miners were formulated categorically at the beginning of the inquiry. The first two of the four had virtually the same purpose, — an increase of wages. The demand for an increase of twenty per cent in the wages of piece-workers included "contract miners" and, indirectly, the "mine laborers" whom they hire to load coal. These two classes constitute about two-fifths of the employees in and about the mines. For all other classes of employees, who are paid by the hour, day or week, the demand was for a reduction of the hours of labor from ten to eight, without a reduction in earnings. This would be equivalent to an advance of twenty-five per cent in hourly wages. The arguments put forward under this second head in the formal statement of the miners were those ordinarily used in favor of the shorter workingday, - arguments relating to health, safety, efficiency, and the like. The operators replied by pointing out that, even on days when the mines are active, most of the time-workers are seldom employed more than eight or nine hours. The real significance of

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the demand, as is more fully shown below, was the desire for an advance in pay.

The strike commission compromised in regard to these two demands. It advanced piece rates ten per cent, and reduced the nominal hours of time-workers from ten to nine per day, equivalent to an advance of $11\frac{1}{9}$ per cent in wages.

Was this increase sufficient? Was it excessive? The reasoning of the commission itself on this point is scarcely conclusive. The precision with which the difference was split was apparently due rather to the hope that the aggregate dissatisfaction would thus be as little as possible, than to the conviction that the rates fixed were essentially just to both sides. In truth, the position of an arbitrator of wages is a hard one under any circumstances. There is no standard wage even for a known grade of skill; and degrees of skill cannot be compared when tasks differ utterly in their nature. The lack of accurate wage statistics renders comparisons with other occupations wellnigh impossible. Moreover, the conditions as regards earnings in the anthracite mines are peculiarly complicated. It is impossible to learn accurately the average earnings, year in and year out. The strike commission could say no more than that there had been "failure to produce testimony to sustain" the proposition that the wages of contract miners are less than those for work of similar grade in the bituminous field or in other occupations; and its views as to the wages of other classes of mine workers are no more definite.

The chief specific argument which the commission brings forward to justify the increase in wages is that the cost of living was approximately ten per cent higher in the anthracite region in 1902 than in 1900, and six per cent higher than in 1901. Special agents of the Department of Labor secured retail prices from fifty-eight establishments in the region. Weighting the statistics according to the average quantities consumed by the workingman's family, it was found that, if prices for 1901 be taken as 100, the index number for the prices of 1898 would be 96.5; 1899, 94.5; 1900, 96.7; 1901, 100; 1902, 106.2. If these higher costs of living continue, the position of the mine workers, so far as real wages are concerned, will be little better under the award than they were in 1901.

The commission presents many valuable statistics of the wages of anthracite workers — the first that can claim any considerable degree of accuracy. The leading operators, in the first instance, had submitted elaborate tables of wages and earnings. Some of these tended to show that the contract miner was a perfect prince among wage-earners, and that even men paid by the day were highly remunerated. Critical examination of these tables, however, revealed in some of them errors of the most pronounced character, - errors perhaps to some extent due to intent to deceive, but probably more often to the fact that the employers, as some of them finally confessed, had been largely ignorant of the actual earnings of their men, especially of the contract miners. Extreme instances of richly paid miners were found to be explained by the practice of letting a contract in the name of one individual, who associated with himself not merely the customary single laborer, but one or more other skilled miners besides laborers. The commission accordingly adopted the policy of requiring detailed pay-rolls to be submitted to the criticism of its own skilled statisticians, as well as to the miners and their counsel. The tables finally prepared in this manner may therefore be considered fairly trustworthy, as far as they go.

They are, however, far from satisfactory. We are at once confronted by the great difficulty, everywhere experienced, of ascertaining annual earnings, as distinguished from mere daily rates of pay. Especially in the anthracite industry is it essential that the former as well as the latter should be known, for in no other great industry is the opportunity to work so irregular. To ascertain from the books of employers average annual earnings for all the men is impossible, because the receipts of the individual can be traced only so long as he remains in the employ of a single establishment. The most accurate statistics of the earnings of contract miners are those of the Lehigh Valley, Lehigh and Wilkesbarre, Philadelphia and Reading, and Scranton Coal Companies, which pay directly to the miner's laborer the amount due him, and record separately the net earnings of the miner himself. The first two of these companies presented tables showing only the earnings of those men whose names appeared on the books during every month of 1901, and who presumably earned nothing

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from other sources. But what about those who were not on the rolls every month? The report of the Philadelphia and Reading Coal and Iron Company, for nine selected collieries, shows that out of 1,843 contract miners no less than 901 received during 1901, from the collieries named, less than \$200 each. The average number of days worked by these goi men was only 28. Evidently, to average their earnings with those of miners working 250 days during the year would give an unfairly low figure. It is probable that a large proportion of them merely shifted to other collieries. Yet it is entirely possible that some of these part-time men, as well as some of the part-time men not reported by the Lehigh Valley and Lehigh and Wilkesbarre companies, were in enforced idleness during a greater or less proportion of the time when they were not on the rolls of the reporting companies. The difficulty is one familiar to all investigators of wages. Thoroughly satisfactory statistics of annual earnings can be obtained only through detailed information showing how much each individual has earned during the year, wherever he may have been employed; and such information is exceedingly difficult to obtain, involving a vast deal of trouble and expense. Accordingly, it seems doubtful that statistics of this nature can ever be secured for any large number of wage-earners.

Taking the figures for what they are worth, we find that the average earnings for 1901 of all-the-year contract miners of the Lehigh Valley Coal Company were \$568. The miners entered the collieries, on an average, 236 out of the 264 days on which the breakers started. The average earnings were thus \$2.41 per day worked, but only \$1.81 per day of possible working time, counting 313 days to the year. The average annual earnings of the miners who appeared on the books of the Lehigh and Wilkesbarre Coal Company every month of 1901 were \$589. The table below shows the number and proportion of the contract miners of the Lehigh Valley and Philadelphia and Reading companies who received the respective annual earnings indicated, The returns of the latter company cover nine collieries, in which the average earnings are stated to exceed those in its entire 37 collieries by about 10 per cent. The 901 miners who earned less than \$200 each at the nine collieries have been excluded.

PHILADELPHIA AND READING. LEHIGH VALLEY. PER CENT Avg. DAVS PER CENT AVG. DAYS No. OF No. OF WORKED. MINERS. OF TOTAL. EARNINGS. WORKED. MINERS. OF TOTAL 256 10.8 102 5.8 256 \$800 or over 53 245 86 9.I 10.I 250 700-800 93 231 13.8 130 188 22.I 249 600-700 204 215 20.0 238 31.9 500-600 295 181 14.9 140 22I 176 19.1 400-500 143 8.2 200 136 14.4 76 300-400 103 160 17.0 185 16 1.7 200-300 159 10 I.I Under 200 100.0 942 100.0 923

CLASSIFIED EARNINGS OF CONTRACT MINERS, 1901.

From this table it will be seen that, while a considerable proportion of the all-the-year contract miners of the Lehigh Valley Coal Company get more than \$700 per year, nearly three-fourths of them fall within the limits of \$400 to \$700, and nearly onethird, the largest single group, show earnings ranging from \$500 to \$600. The Philadelphia and Reading figures naturally show greater distribution of miners among the various groups of earnings, since many men working only a fraction of the year are included, as is indicated by the column showing the average number of days worked by the miners included under each group.

The strike commission, from its study of these and other similar figures, reaches the opinion that about \$560 would represent the average earnings of the contract miners in 1901. This means an average wage of about \$1.80 per possible working-day. These earnings seem to compare fairly well with those of workmen in other occupations requiring moderate skill, although anything like accurate comparison is impossible. As is noted below,¹ those who are employed in the anthracite mines incur risks which are considerably greater than those incurred by laborers in other employments. It may be admitted that such risks should be compensated by higher wages. It is difficult,

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however, to establish a general principle which will determine exactly how great an advance in wages would be fair compensation for a given risk.

The contract miner is much better paid than most of the other classes employed about the mines. The laborer whom he hires receives usually about 36 per cent of the gross receipts of the miner. Cost of materials (except powder, which is separately reckoned) and of sharpening tools must be paid by the miner out of these gross earnings. These expenses are estimated by Dr. Peter Roberts at about \$2.00 per month.¹ We may assume, therefore, that the laborer's wage is equal to about 60 per cent of the net earnings of the miner. This would mean, on the average, only in the neighborhood of \$350 per year for the laborer.

In considering the earnings of the anthracite workers who are paid by time, - approximately three-fifths of the entire number employed,— we perceive at once the significance of the demand for the lessening of the length of the nominal work-day. Most of these men can work only on days when the breaker starts, and only so long as it is in operation. In the anthracite region at large the number of breaker starts in 1901 averaged only 258, or five-sixths of the possible number of work-days, excluding Sundays. But seldom does a breaker run a full ten-hour day. The average time of operation in all the collieries during 1901 was 7.6 hours per day when the breaker started, and the aggregate working-time amounted to only 196 ten-hour days, or about 60 per cent of a full working-year.

The Philadelphia and Reading Company shows much the greatest regularity of employment. Its breakers started on 261 days, and made a total of 221 ten-hour days. On no one day did a breaker at any colliery of this company run ten hours, but on 85 per cent of the starts nine hours or more were made, while for most of the other starts the time worked was from seven to nine hours. The Delaware and Hudson Company, on the other hand, shows 264 breaker starts, but only 183 ten-hour days in the aggregate. In only 22.3 per cent of the starts at its collieries were nine hours or more made, while for 35.8 per cent of them the time of operation was from seven to eight hours, and for 21.6

¹ The Anthracite Coal Industry, 1901, p. 113.

per cent only from five to six hours. Still worse is the irregularity of some of the other companies, as seen in the following table:

BREAKER	STARTS	AND	Hours	PER	START,	1901.
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Company.	No. of Starts.	Av. Hrs. PER START.	TOTAL 10-HOUR DAYS.	No. of Starts with		
				8-10 HRS.	6-7 HRS.	Under 6 Hrs.
Del., Lack. & West. Lehigh & Wilkesbarre Pennsylvania Coal Scranton Coal Temple Iron Hillside Coal and Iron Lehigh Valley Coal Philadelphia and Reading Delaware and Hudson	262 258 232 260 256 253 263 261 264	7.8 7.7 6.8 6.6 8.2 6.6 8.1 8.6 6.9	205 199 159 172 184 167 213 225 183	77.5 86.8 53.8 38.8 42.1 27.6 86.8 26.4	13.2 7.7 22.3 32.8 43.4 44.5 9.7 44.0	9.3 5.6 23.9 28.4 14.5 27.9 3.5 29.6

Now, wages of time-workers in the coal mines, prior to the strike, were paid for the most part on the basis of ten-hour days. If a man worked four hours in a day, he was paid four-tenths of the daily rate of wages fixed for the occupation. The above figures show that it meant very little to say, for instance, that the average rate of wages of loaders at the Philadelphia and Reading mines was \$1.90 per day, when the work was so irregular that the average earnings for the year were only \$1.10 per possible working-day of ten hours. If all the available work could be crowded into seven or eight consecutive months, the mine worker might have some chance to supplement his wages by other employment; or if he could know in advance that for a given day or number of days the breaker would not start, he could at least take advantage of the idleness to get a real vacation. But the toiler of the mine must be always ready to work. He never knows in the morning whether the whistle may summon him to his place; and when it does sound, he must go to the mine, don his working-garb, and get to work, even if the breaker is to run only a few hours. His whole day may be spoiled, yet his pay be only for half a day. The wage payment was really on the basis of hours and not of days. The demand for a reduction of hours really meant, therefore, a demand that, for such hours of work

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as were actually available, the rate of pay should be one-eighth of that fixed for the day's wage, instead of only one-tenth.

The average daily wages per ten-hour day worked, for all classes of employees of the Philadelphia and Reading Company, including both men and boys, but excluding contract miners and their laborers, amounted to \$1.66 in 1901. These employees worked on the average 242 days, and thus earned \$402 each during the year. According to the detailed reports of this and other leading companies, very large numbers of adult men, employed as loaders, drivers, and in several other classes, earned only from \$300 to \$400 per year. The showing of the Reading is, on the whole, more favorable than that of any other company, and it would be safe to put the average earnings of adult men in the anthracite industry, exclusive of contract miners, engineers, pumpmen, and a few other specially skilled classes, at not over \$400.¹

and the second second	No. of Men.	AVG. 10-HR. DAYS WORKED.	Avg. Rate per Day.	Avg. Yearly Earnings.
Headmen, shaft	101	246	\$1.60	\$393.25
Ditto, second class	25	247	1.43	353.46
Loaders	25 89	258	1.60	412.63
Ditto, sec. class	27	226	1.46	330.64
Scale runners	28	255	1.56	397.27
Culm dumpers	27	224	1.58	353.95
Shovelers	29	219	1.46	320.32
Laborers, outside	104	261	1.59	414.98
Ditto, second class	IOI	280	1.42	397.83
Ditto, third class	89	255	1.35	344.06
Slate pickers, first class	368	197	1.10	216.47
Laborers, inside	119	249	1.86	462.34
Ditto, second class	61	236	1.64	386.50
Runners, first class	210	225	1.70	381.87

An increase of one-tenth in such wages as these can surely not be considered excessive, particularly since half or more of the added pay will be consumed by the enhanced cost of living. It must be remembered, too, in judging the earnings both of dayworkers and of contract miners, that the last year or two have been exceptionally prosperous in the anthracite industry, and that work has been more nearly continuous than for several years before.

If earnings were no greater than this in 1901, when the average of ten-hour days worked by the breakers was 196, what must they have been, under a 10 per cent lower scale, in 1897 and 1898, when 149 and 148 days respectively measured the time worked? The increase in the production and price of anthracite has benefited the operators much more than their men. The average price of anthracite, stove size, in New York Harbor, rose from \$3.70 in 1899 to \$4.32 in 1901¹, or 17 per cent, while the output of the mines increased nearly 12 per cent in the same time, and was more than 25 per cent greater in 1901 than in 1898. It is by no means certain that the present activity in the mines will continue; therefore, it seems proper that a standard of pay should be established which will insure a living wage in times of depression, since at such times advance in wages would be hardly probable.

The strike commission sets forth some of the reasons tending to make employment in the anthracite mines especially irregular. The seasonal nature of the demand for coal, and the difficulty and expense of storing it in anticipation of consumption, are emphasized. The commission might have added that, in the past, competition among the operators, each seeking to extend his market, led to the opening of more collieries than were needed. The same motive existed even when the output of coal was limited by agreement, for the proportions assigned to each operator depended on the capacity of his collieries. The possibility of profit in this over-development of mines, and in discontinuous operation, depended chiefly on the presence of an over-supply of labor such that, if need be, the mine could be worked to its fullest capacity for a short time each year. There is some evidence that, especially during the seventies, the anthracite operators took measures to encourage immigration into the coal region, from our own cities and from the more backward countries of Europe.² Steamship companies, seeking to attract steerage passengers, have continued down to the present time, it is said, to advertise the

¹ Bulletin Department of Labor, March, 1902, p. 387. ² Powderly, Thirty Years of Labor, p. 428.

¹ This opinion is confirmed by the elaborate wage tables of the Delaware and Hudson Company, which, unlike the others, distinguish between the earnings of men and boys. The following are the figures for typical classes of adult workers

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rates of daily wages prevailing in the anthracite field, and have thus led many to come to the mines who were not aware of the irregularity of employment which made the annual earnings much less than they had anticipated. The reports of the first-comers have induced their relatives and friends to follow in their steps; for, after all, the earnings of the anthracite miners have always been materially higher than those prevailing among unskilled laborers in Italy, or Hungary, or Poland. Once settled in the mining region, the immigrant has been tied there by his ignorance of our country, of its language, and of its labor markets, as well as by the bonds of race fellowship. The hope of greater regularity of work in the future, when the daily wage rates should bring in comparatively high yearly earnings, has also doubtless kept many laborers from abandoning the anthracite industry.

With all this, it may perhaps be admitted that the less skilled classes of anthracite workers who have come to us from eastern and southern Europe have earned, especially during the past year or two, quite as much as their fellow-countrymen have earned in the other unskilled occupations which they have been so largely usurping in this country. But the strike commission was forced to face the question whether we can afford to see foreign standards of wages and of life grow up in any of our communities. Thousands of the native-born miners, and of the earlier immigrants of higher type, have been able to rise to the better positions in the anthracite industry, or to seek better conditions elsewhere. But many others, bound by ownership of homes or by the multitude of other ties that check the mobility of labor, have had to suffer a gradual undermining of their standard of living. One of the beneficial effects of the coal strike should be to arouse public sentiment against the flood of low-class immigration that is constantly pouring in upon us. The strike has brought into sharp relief the difference between the conditions of life which the Italian or the Hungarian will endure and those which we have been wont to consider proper for the American. It is to be hoped, too, that the raising of wages by the award of the commission will lessen the incentive of the operators to encourage an over-supply of labor at the mines, and will thus tend to greater continuity of employment. As the commission points out, the operators have, during the past few years, begun to introduce methods for equalizing the output of coal throughout the year; and with sufficient stimulus these methods can be greatly extended.

The coal commission suggests the great risk of accident as one reason why the anthracite miner should be paid more than the laborer of similar skill in other industries. It would be difficult to over-emphasize this point. The death rate from accident in and about the mines in 1901 was 3.5 per 1,000 employed, or fully a third of the death rate from all causes for the general adult male population of the country.¹ Even railroad employees, counting all classes together, show an accident death rate considerably lower — in 1900, 2.51 per 1,000 employed. Among those working inside the anthracite mines, the deaths from accident numbered 4.5 per 1,000 in 1901. Besides those killed, every year from 7 to 10 out of every 1,000 anthracite workmen are seriously injured in connection with their work, and a large proportion of this number are permanently disabled. Mine operators are almost never compelled by law to pay damages for the accidental injury or death of their employees, nor do they contribute at all largely to insurance schemes for the aid of the miners in case of accident. It would seem but a moderate grant of justice that the anthracite laborer, likely to be cut off at any moment in the prime of life, should have his wage increased materially above the mere remuneration for his toil. Calculations of the mere money payment that should compensate men for incurring these terrible risks seem heartless.

The commission reëstablished the sliding scale system, although in a decidedly different form from that which caused so much dissatisfaction prior to 1900. It rightly holds that "no sliding scale can be of permanent value, unless there be established a minimum basis of earnings." The standard of living of the laborer must be maintained; wages must be more stable than profits. Accordingly, the wages fixed by the present award became the minimum. If the average price of the domestic and

According to the Census of 1900, in the areas keeping vital statistics, the death rate per 1000 from all causes for men from 15 to 24 years of age was 6.7; for those from 25 to 34, 9.5; from 35 to 44, 12.4. Census of 1900, Vol. III, p. lxxx.

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lump sizes of anthracite advances above \$4.50 per ton at tidewater, wages will rise at the rate of one per cent for each five cents per ton; so long as the price is below \$4.50 they remain unaffected. This standard base price is more than twenty-five cents higher than the average price of 1901, so that the sliding scale is not likely to affect wages very materially. It is estimated that the sliding scale gives to the miners about two-fifths of the advantage from rising prices whenever the price of \$4.50 is exceeded.

This is no place to discuss in detail the complicated question of the sliding scale, or of profit-sharing in general. The sliding scale has merits, if it is not made a fetich. It may enable workpeople to share automatically in the advancing prosperity of the country. In the particular case of the anthracite industry, it has the advantage of giving to the miners a share in any excess monopoly gains which the operators by their combination may hereafter extort. But sliding scales ought not to be so arranged as to make the laborers large partakers in profits due to wholly exceptional conditions, or primarily to the skill of the employer; since, on the other hand, they ought not to be required to partake in losses due to causes of the same order. The employer should be the primary bearer of risks. Moreover, changes in price may be far from parallel with changes in profits. Costs of mining, for instance, are probably destined to increase, and might increase faster than prices. From the standpoint of the employees, even where a minimum is provided, the sliding scale has the disadvantage that its existence, with the possibility of some automatic rise of wages in the future, may be pleaded as an excuse for not advancing present wages. All these considerations point to the need of very careful adjustment of the details of a sliding-scale system in the first instance, and of opportunity for readily modifying the basis on which it rests whenever conditions so change as to warrant revision in the interest of either party.

III

The third demand of the strikers was that all coal mined should be paid for by weight, on the basis of a ton of 2,240 pounds, at a No. 3.] THE ANTHRACITE COAL STRIKE.

minimum of 60 cents per ton. The commission found the latter part of the demand altogether unwarranted; the first clause is discussed at some length. At present the wages of contract miners in some collieries are based on the lineal yard excavated; in others, the mine car is the basis. These cars vary greatly in size at the different mines and veins, and the miners complained that the size of the cars had at times been increased without corresponding advance in the rates of pay, and that more "topping" was required by some companies than formerly. In still other instances payment is by the ton, but the miner is required to send up 3,100 pounds or more of coal for a ton. This practice had its origin in the fact that the operators formerly threw away the small sizes of coal, and the gross weight fixed for the miner's ton was calculated to be sufficient only to produce 2,240 pounds of merchantable coal.

The conclusion reached by the commission was that the change proposed would not be of enough advantage to the miners to justify the expense to the operators of weighing coal and establishing weighing machinery, or the confusion which the change would involve. The commissioners were doubtless wise in taking this position. It must be admitted that the existing methods of calculating wages are perplexing to the miners and to the public, obscuring at times changes in the actual rates of pay, and opening the possibility of insidious or deceptive encroachment by the operators. The suspicion, even though unwarranted, which these methods arouse among the miners, is a constant source of friction. On the other hand, the commission recognized that an attempt to change methods which are the outgrowth of long development would involve very complex negotiations, and would perhaps, for a considerable period of time, engender more ill-feeling than now exists. This reform is one that must come about gradually, through general conferences of operators and miners and through local boards of conciliation and arbitration.

The strike commission recommended the introduction of devices for lessening the misunderstandings and abuses that arise out of the present systems of determining the wages due. It adjudged that, whenever a majority of the contract miners in any colliery shall so desire, they must be permitted to provide a check

weighman, and a check docking-boss to prevent unjust docking on account of impurities in the product sent out by the miner. There have been many complaints of injustice in weighing and docking, and the suspicions of the men were even more a source of trouble than the proved facts. The commission found that in various collieries where check docking-bosses had already been introduced, the number of cars rejected had been lessened about one-half, and the wages of the miners had thus been increased by from one to three per cent. The appointment of check weighmen had also been followed in some instances by a material increase in the amount of coal credited. Though the figures on this point were not published, it is understood that in one or two cases the change in weights was sufficient to arouse a decided suspicion of fraud in the prior action of the company's weighmen.

IV.

By far the most important demand of the miners was for recognition of their union, — for "the incorporation in an agreement between the United Mine Workers of America and the anthracite coal companies of the wages which shall be paid and the conditions of employment which shall obtain."

The commission declares this question outside its jurisdiction. The operators had distinctly stated, in their letter proposing arbitration, that it should relate to the "questions at issue between the respective companies and their own employees, whether they belong to a union or not." The miners, *pro forma*, agreed to this limitation in the submission, Mr. Mitchell declaring that he appeared before the commission, not in his capacity of president of the union, but as the representative of the anthracite mine workers, selected by a convention chosen by them only, and not by the bituminous workers belonging to the organization.

It may be remarked that to compel recognition of a union by the award of arbitrators is virtually impossible. Collective bargaining between employers and the union necessarily implies voluntary action of both parties. Yet, as the commission itself states, the question of unionism was fundamental in the entire dispute and could not be ignored. The strike itself had been No. 3.]

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ordered by a union; the convention which agreed to arbitrate was, after all, strictly a union gathering; the representative of the miners in enforcing the award of the commission must necessarily be the union. The strike commission has virtually adjudged that the employers must grant all the recognition to the present union which it is possible for any authority to compel, and it suggests the desirability for the future of complete recognition of unionism in the system of collective bargaining. Yet it has so clothed its award as to avoid the appearance of deciding against the operators on this point. After the Chinese fashion, the operators have "saved their face," while the union is satisfied.

Definite and forceful is the commission's expression of approval of the general principle of labor organization:

The development of the employers into large corporations has rendered personal contact and acquaintance between the responsible employer and the individual employee no longer possible in the old sense. ... There seems to be no medium through which to preserve [peace and good-fellowship] so natural and efficient as that of an organization of employees governed by rules which represent the will of a properly constituted majority of its members. ... The union, representing their community of interests, is the logical result of their community of thought. ... The claim of the worker that he has the same right to join with his fellows in forming an organization, through which to be represented, that the stockholder of the corporation has to join others in forming the corporation, and to be represented by its directors and other officers, seems to be thoroughly well founded, not only in ethics but under economic considerations.

To this last remark, of course, the commission might have added very pertinently that the right to organize a union, and even to seek a degree of monopoly of the labor supply, is certainly as well founded as that of a group of capitalists, like the anthracite operators, to form a combination in order to protect their common interests and to monopolize a product of universal consumption. Pursuant to its quite obvious purpose to avoid ruffling the feelings of the operators unnecessarily, while deciding against them on so many points, the commission refrained from this addition, but the thought was doubtless in the minds of its members. No doubt a strong element in the public sympathy

which was so widely accorded to the miners in their struggle, was the feeling that opposition to combinations of labor came with ill grace from one of the most powerful combinations of capital in the country — that "what is sauce for the goose is sauce for the gander." And this feeling has a more valid basis than the old saw expresses. The people are coming very generally to recognize the possible advantages of combinations of capital, and to favor regulation of them rather than destruction. And they see that, if the trust is to stay, the combination of labor is even more necessary than before as a protection to the great laboring masses. The commission in defending unionism voices the prevailing sentiment of the day,- the sentiment of the majority of our journals, economists, and leaders of public opinion. It is the abuses of which some unions are guilty, rather than the principle of organized association, that have provoked criticism. Notwithstanding the present agitation among employers regarding union policies, it is probably safe to say that most employers realize that the unions can never be rooted out; while the more open-minded of them admit that, under modern conditions, the workingman is almost helpless without combination with his fellows.

The coal commission, moreover, declared vigorously that the union which it approved is the effective union, — the union that can make the employer reckon with it in determining the fundamental conditions of labor; not the namby-pamby mutual insurance company and social club which is the ideal of many employers. To quote from the report of the commission:

Some employers say to their employees: "We do not object to your joining the union, but we will not recognize your union, nor deal with it as representing you." If the union is to be rendered impotent, and its usefulness is to be nullified by refusing to permit it to perform the functions for which it is created, and for which alone it exists, permission to join it may well be considered as a privilege of doubtful value.

While, of necessity, the commission makes no formal award on this subject, it does strongly recommend that, after the expiration of the present award, the employers shall enter into collective

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bargaining with an organization representing their men. Though some changes in the constitution of the present union are suggested, it is the union now existing that the commission desires to see continue. To be sure, it sides with the contention of the operators that miners of the bituminous field should not be permitted to dictate the policy of anthracite miners. But while the commission proposes "an organization of anthracite workers, governed by anthracite workers," it adds that this "can be effected by making the anthracite mine workers a separate department of the union," which is precisely the case to-day. The commission does not even distinctly recommend that the constitution of the United Mine Workers be so amended as wholly to rule out sympathetic strikes in the one field for the purpose of aiding the other, though this is doubtless implied. It prudently refrained from definitely urging the entire separation of the organizations in the two classes of mines. There is a degree of community of interest among coal miners throughout the country, and some federation between the organizations in the anthracite and the bituminous regions is not only permissible, but is certain to continue.

The plan of collective bargaining with the union, suggested for adoption after the expiration of the present award, is based rather on the practice of the railroad brotherhoods, of which one of the members of the commission was a leading officer, than on that in the bituminous coal fields. It contemplates conferences and agreements between local or district committees of the union and the officers of particular collieries or companies, but apparently without general conferences to fix the basal conditions of labor for the entire region. There is little doubt, however, that, if the union maintains the ascendency it now seems to possess, this broader phase of collective bargaining will ultimately be superimposed upon the narrower one. The anthracite operators showed clearly that the great differences in conditions between the various fields and collieries utterly preclude uniform rates of piece payment. But this does not prevent the determination, by agreements covering the region as a whole, of uniform rates of pay for men working by the day, or of percentages of advance and reduction in piece rates. Though the conditions in the bitumin-

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dation. It was belief in unionism, and in the effectiveness of the United Mine Workers as an organization, that kept the great body of the strikers from returning to work. And it was the strength of organized labor, and of the sentiment in its behalf throughout the country, that furnished the funds which enabled the strike to continue without great hardship to those out of work. The anthracite operators, themselves closely organized and possessed of vast resources, had hoped, with apparent confidence, to crush unionism completely, and to remain dictators of labor conditions. They encountered a force greater than they had dreamed of. Beyond question, we shall see unionism year by year growing in favor with the working-class; we shall see the older unions becoming more comprehensive and new unions arising in the less skilled trades. The increasing strength of organized labor will more and more lead employers to form counter organizations. These employers' associations will often aim at first to destroy labor unions, but ultimately they will find their real function in checking extreme and uneconomic practices. Organization of both sides is a necessity. Only when the parties to the labor bargain confront one another with approximately equal economic strength can injustice on the one side or the other be prevented. It is nonsense to speak of the identity of interest of capital and labor. Each needs, must have, the other; but each will gain if it can secure the assistance of the other for less than it is worth. Organization will in the long run promote industrial peace, but it will be the peace that results chiefly from mutual dread of conflict, rather than from brotherly love. We may expect many a fight before that mutual fear and respect which stops fighting is generally established in the minds of employers and employees.

While according its approval to unionism, the strike commission seizes the occasion to read the miners, and through them unionists generally, a vigorous and, on the whole, well-deserved lecture. To uphold the principle of labor organization does not commit one to commendation of all the acts of unions or their individual members; just as, on the other hand, condemnation of the practices of which they, or some of them, are guilty does not logically lead to the demand that unionism be utterly destroyed. The

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ous mines are somewhat more nearly uniform than in the anthracite region, yet even there the base rate of piece payment fixed by the annual agreements actually applies to only a fraction of the mines. Local differentials are established, partly by the interstate conference itself, partly by local conferences. Unless such uniform standards are fixed for an entire competitive field, each employer, seeking to produce as cheaply as possible, is constantly tempted to nibble at wages.

The commission makes some minor suggestions regarding the constitution of the miners' union which are most commendable. It criticises the policy of allowing boys, with little sense of responsibility, an equal voice in the most important affairs, and recommends that no person under twenty-one be allowed to vote on the question of ordering a strike. It urges also that a twothirds vote be required for the authorization of a strike, instead of a bare majority, as at present.

As already stated, all the expressions as to unionism so far summarized are suggestions merely. The formal, though indirect, recognition of the United Mine Workers is in connection with the proposed system of conciliation and arbitration regarding questions arising during the life of the award. This system is described in the next section.

Not merely may the report of the strike commission be considered as a victory for the principle of unionism, but the strike itself proved the power of labor organization. The United Mine Workers demonstrated the possibility of organizing effectively a heterogeneous mass of comparatively ignorant and unskilled laborers. Hitherto strong unions have been confined, for the most part, to the highly skilled trades in which the great body of the workers are English-speaking. The recent flood of low-grade immigrants has been considered perhaps the greatest hindrance to the organization of labor. A serious hindrance it often is, but the unanimity with which the foreign-born miners entered the union, and the loyalty with which they stood by it, show that the immigrants are by no means wholly lacking in ambition for a higher standard of living, or in the ability to organize and to maintain discipline. It is useless to attempt to prove that the main force which held the strikers in line was violence and intimi-

commission sees that such extreme and tyrannical practices are mere excrescences, by no means essentially characteristic of labor organization, and that it is to the interest of the working people, of the labor unionists themselves, that they be lopped off. At first blush, the commission might perhaps seem unfair in dwelling so much on the sins of the strikers, while saying little of the unjust and unlawful practices of the mine operators. But the miners had received much at the hands of the commission; they could stand the censure with better grace than the operators, against whom the award had ruled in so many particulars. The aim of the strike commission was, not merely to settle the existing dispute, but to leave behind a spirit on both sides that should tend to permanent industrial peace; and this object could best be attained by scolding the miners and soothing the operators. Accordingly the commissioners confined their expression of disapproval of the employers' methods to the policy of hiring armed guards during a strike, - a policy in part forced upon the operators by the lack of adequate provision of law for maintaining order in times of bitter labor disputes. Some of the "coal and iron policemen," the commission says, were men of bad character, and, in any case, their presence was a source of irritation and of disrespect for the law they were supposed to enforce.

The most forcible strictures which the commission directs against the miners related to violence and disorder during the strike:

Men who chose to be employed, or who remained at work, were assailed or threatened, and they and their families terrorized and intimidated. In several instances the houses of such workmen were dynamited, or otherwise assaulted, and the lives of unoffending women and children put in jeopardy.

The commissioners, while recognizing that strikers may be expected to feel resentment toward those who, by continuing at work or taking the places left vacant, endanger the success of the movement, insist, nevertheless, that the right to act in this manner is "part of the personal liberty of a citizen, that can never be surrendered, and every infringement thereof merits, and should receive, the stern denouncement of the law. Approval of the object of a strike . . . cannot sanction an attempt to destroy " this right.

But this arraignment is softened, in the commission's report, by the assertion that the national leaders of the United Mine Workers condemned all violence, and that the anthracite mine workers, in the main, are well-disposed and good citizens. It points out that the idle and vicious of the community, who were in no way connected with the purpose of the strike, had a considerable share in the acts of lawlessness; but it is also implied that many of the strikers, and of the local leaders of the union, participated in or encouraged these practices; and the evidence seems to bear out this implication. The commissioners remind the responsible officers, and the peaceably disposed rank and file of unionists, that a labor organization, in ordering a strike, creates an occasion which is likely to arouse dangerous passions, and that it therefore owes to society the duty of exerting all its power to restrain the unlawful expression of those passions. The words of the commission undoubtedly represent the general feeling on this subject. Unionists will gain far more by retaining the respect of good citizens than by employing violent methods to hinder other work-people from taking the places of strikers.

The boycott also receives the attention of the commission. It excuses the "primary" boycott. The mere refusal of a set of men to patronize, or hold social intercourse with, any persons whom they, "with or without good reason, dislike . . . may sometimes be unchristian, but it is not illegal." This attitude, which is more liberal than that taken by some of the American courts, is qualified by the remark that even the primary boycott might be unlawful "if the ingredient of malicious purpose and concerted action to accomplish it were present." One might wish for a fuller expression as to what, in the judgment of the commission, would constitute such malicious purpose; it is precisely the vagueness of such phrases that has made the law regarding strikes and boycotts so inconsistent and unsatisfactory. But the boycott which was actually most conspicuous during the miners' strike, as in many other labor disputes of recent years, was of the "secondary" type. Here persons who have no special sympathy with the boycotters are intimidated into refraining

from dealings with those against whom the grievance exists, or are themselves boycotted if they resist. In the opinion of the strike commission, "cruel and cowardly are terms not too severe by which to characterize" the boycott thus carried out. It is difficult for the present writer to see any element of unlawfulness in peacefully persuading persons not directly connected with a labor dispute to aid the side which they deem just by withholding patronage from the other, but where boycotters virtually compel others to take such action against their will, little can be said in their defence.

The strike commission does not directly discuss the important question whether it is legitimate for union men to refuse to work with non-unionists, but it apparently condemns that policy. The commissioners made it part of their formal award that "there shall be no discrimination against, or interference with, any employee who is not a member of any labor organization by members of such organization." Moreover, in the suggested scheme for permanent organization of the anthracite workers, they say that this does not mean that a minority of the employees in any colliery who may refrain from becoming members shall be "prevented from working or interfered with in their work. If they are willing to work under the conditions fixed for the colliery, their right to pursue their way unmolested should be guaranteed." If by interference and molestation the commission here refers to violence or to hindrance in buying the necessities of life, the justice of the principle is obvious. But if it means to maintain that union men ought, under no circumstances, to interfere with nonunion men by refusing to work with them, or that such refusal is per se unlawful, the position, though one which is held by many, is not so evidently just. Unionists feel that workingmen, if they share in the improved conditions which organization secures, ought likewise to share in the expense of maintaining organization. They know that the comprehensiveness of the union, on which its success so largely depends, can, at least in some cases, be promoted by making it difficult for those who refuse to join to get work. They have observed that, where a considerable minority of non-unionists continue to be employed, the master has a strong lever with which to overthrow the organ-

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ization when a dispute with it arises. They insist that every workman owes an obligation to his class, and that the interests of the class are intimately bound up with labor organization. Against the claim that by refusing to work with the nonunion man they are practically depriving him of his constitutional right to the pursuit of happiness, they reply that they have as much right to quit work for any cause they see fit as he has to continue working. They hold, too, that if a man, by taking a job at less than the union rates, tends to keep the great body of his fellows from bettering their lot, he is not exercising a moral right but is doing a moral wrong. These arguments of the unionists unquestionably have much weight. It is doubtless in some instances bad policy for unions to attempt to exclude non-unionists from employment. Some unions are too weak to succeed in it; others are so strong that they do not need to use this method, and only cause friction by doing so. But the practice seems neither morally nor legally wrong, and in some cases it serves really to strengthen organization.

V.

The method of settling the late strike, as well as the terms of the decision of the commission, are highly significant as regards the principles of collective bargaining, conciliation, and arbitration.

In the first place, the people virtually forced the contestants to arbitrate. The mediation of President Roosevelt had no legal authority, but it had the authority of an overwhelming public feeling that the business and comfort of a nation must not be sacrificed to the obstinacy of employer or employee. Not merely did the people demand investigation, as a basis for the formation of public opinion regarding the merits of the dispute; they insisted that the strike should cease, and that the parties should submit to the binding decision of arbitrators. The experience of the coal strike will almost certainly hasten the movement toward legally compulsory arbitration in the case of such serious and prolonged disputes. At the same time, the work of the commission showed clearly the difficulties that confront the arbitrator who is called upon to fix the general conditions of labor. Were

it the custom generally to refer questions of wages to outside arbitrators, we should find ourselves utterly lacking in standards to which the awards should conform. No one who reads the report of the strike commission will find it strong evidence of the virtue of arbitration. The strike commissioners themselves evidently considered that the real value of their work lay in bringing about a temporary peace, during which the foundations of the system of collective bargaining should be haid. They did not even suggest, as part of that scheme of collective bargaining, a uniform resort to arbitration in case of failure of the parties to reach an agreement regarding the fundamental terms under which labor should be employed. Furthermore, they specifically declined to recommend legislation for compulsory arbitration under any circumstances. They do suggest that Congress and the state legislatures pass laws providing for compulsory investigation of grave disputes between employers and employees, with the hope, apparently, that public opinion would in most cases serve to compel settlement in accordance with justice as thus revealed.

Despite the obvious and great difficulties and disadvantages of arbitration as a means of determining general labor conditions, there is much to be said in favor of legally compelling resort to it in the case of prolonged strikes or lockouts which inflict serious injury on the people. The point may be reached when any settlement is better than the continuance of a war which entails even greater suffering on non-combatants than on the parties themselves. The award of the arbitrators will establish a truce; it will give time for thought, and in many instances will pave the way for the future determination of labor conditions by voluntary agreement. Compulsory arbitration, of course, should be confined to rare and extreme cases. Perhaps the best plan would be to authorize the President, or the governor of a state in the case of local disputes, to use his discretion in ordering arbitration when convinced of its necessity, subject, perhaps, to certain general statutory restrictions.

The chief objection to governmental arbitration is the difficulty of enforcing awards, especially against the workmen. Penalties for violating awards, however, would be almost unneNo. 3.]

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cessary, so powerful would be the compelling force of popular opinion on behalf of a formal decision of arbitrators in an important dispute. Compulsory arbitration will, it must be admitted, have a firmer basis when labor organizations shall adopt the policy, voluntarily or under legal compulsion, of becoming incorporated bodies. The fear of the unions that, if incorporated, they would be more readily subject to attack before the courts, is not without foundation, for the courts are by no means always fair to labor. But ultimately we may anticipate such a change in conditions that unions will find it distinctly to their interest to incorporate; and when that time comes a great impetus will be given, not merely to arbitration, voluntary and compulsory, but to collective bargaining and conciliation as well.

The strike commission recognizes the important distinction between questions concerning the general terms of the labor contract, and questions having to do with the enforcement or interpretation of those terms. It sees that arbitration encounters much less difficulty in settling differences of the second class than those of the first. It accordingly provides in its formal decision for a joint board of conciliation for the adjustment of disputes arising under the award, with resort to the decision of a single umpire if this board fails to agree. This is quite in accordance with the generally approved practice in those trades, both in England and America, which have been most successful in maintaining peace between employers and employees.

It is here that the commission grants effective, though slightly veiled, recognition to the existing anthracite union, the United Mine Workers. The award declares that differences arising during its term must be adjusted, if possible, by conference between the miners directly interested and the mine managers. If this method fails, they are to be referred to a permanent board

to consist of six persons appointed as hereinafter provided. That is to say, if there shall be a division of the whole region into three districts, in each of which there shall exist an organization representing a majority of the mine workers of such district, one of said board of conciliation shall be appointed by each of said organizations, and three other persons shall be appointed by the operators, the operators in each of said districts appointing one person. It is of course precisely the three existing anthracite districts of the United Mine Workers of America which correspond to the description quoted, and it was merely to avoid hurting the feelings of the operators that the organization was not specifically named.

This board of conciliation is to act by majority vote. In case it is evenly divided on any question, an umpire for that particular question is to be appointed by one of the circuit judges of the third judicial district of the United States (Judge Gray). The decision of this umpire is to be binding. No suspension of work is to take place pending the action of the board of conciliation or of the arbitrator. There was temporary friction at first between the operators and the miners regarding the manner of choosing the representatives of the latter upon the board, but eventually the union was virtually recognized. The work of the board has proceeded slowly, and many questions have been brought before it. Already Judge Gray has been called upon to appoint an umpire.

The country is certainly to be congratulated upon the work of the Anthracite Coal Strike Commission. There is every promise that its award will be faithfully carried out by both employers and employees. While it cannot be hoped that friction will disappear, it is highly probable that, with the impetus which the commission has given to the movement, the system of formal collective bargaining between organized labor and organized capital will become established in the anthracite region as it has become established in the bituminous fields, and that strikes and lockouts will in considerable measure be done away with. The expressions of the commission will help to crystallize public opinion in behalf of the organization of labor, but against the unwise policies of some unions. Above all, the strike, and the work of the strike commission, have forced the people to give more thought to the great problems of labor than ever before, and that in itself may, in the long run, prove an advantage well worth the price which the people have paid.

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