

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCIS-SIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 889, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 889) making emergency supplemental appropriations and rescissions to preserve and enhance the military readiness of the Department of Defense for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Bumpers amendment No. 330, to restrict the obligation or expenditure of funds on the NASA/Russian Cooperative MIR program.

Kassebaum amendment No. 331 (to committee amendment beginning on page 1, line 3), to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for striking workers.

The PRESIDING OFFICER. The chair, in his capacity as a Senator from the State of Indiana, suggests the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from West Virginia [Mr. BYRD] is recognized.

Mr. BYRD. Mr. President, I thank the Chair.

What is the pending question before the Senate?

The PRESIDING OFFICER. The business before the Senate is the Kassebaum amendment, No. 331, to H.R. 889.

Mr. BYRD. I thank the Chair.

Mr. President, although this amendment only directly affects workers involved in Government contracts, there is a deeper principle—a principle which goes to the rights of other workers to act in concert—in other words, to strike—to bring about improved working conditions, better wages, safety and health protection, and so on. It is a principle for which many men have given their lives, and, as one who grew up in the southern coal mining counties of West Virginia, I rise today in opposition to this amendment.

I was raised by a coal miner; I married a coal miner's daughter; my days as a boy and as a young man were spent in coal mining surroundings, and as a young man I worked in the coal mining company stores in Raleigh County and Fayette County, West Virginia. I lived at various times in Mercer and McDowell and Raleigh and

Fayette Counties—all of which were big coal producers—and my uncle, who raised me, worked in the mines of Mercer, McDowell and Raleigh counties. Therefore, I shall reflect in my remarks today, on the conditions under which the coal miners worked when I was a boy and which led to the unionization of the miners. I shall refer to the social conditions under which the coal miners labored to raise their families, and I shall also speak of the trials and turmoils that attended the coming of the union to the southern counties of my State. To fully comprehend the importance of the ability of workers to collectively bargain—in other words, to strike—and to belong to a union, no industry is more illustrative than the mining industry in West Virginia.

Geologists place the beginnings of the Coal Age at about 315 million years ago, at the start of what is known in geologic time as the Pennsylvanian period. This, together with the earlier Mississippian period, make up the Carboniferous Age. The first Coal Age is thought to have lasted approximately 45 million years. Almost all of the valuable coal seams were laid during the Pennsylvanian period. These deposits stretched from the Canadian maritime provinces south to Alabama, generally paralleling the Appalachian Mountain chain. West Virginia was blessed with a great concentration of this natural resource, and from the beginnings of coal mining in the early 1800's, the economy, welfare, and political life of West Virginia had been largely dependent upon this "black gold," which underlies a great portion of my State. Coal was not a very important resource in West Virginia until after the Civil War, when the advent of the railroads made the coal fields accessible and brought thousands of miners into the State.

Since the advent of coal mining, West Virginia has been fertile ground for outside exploitation, massive labor confrontations, union organizing, and a multitude of political intrigues. The coal fields have provided great wealth to individuals and to corporations—many or most of which, as I have stated, were outsiders—while many of the miners and their families have known equally great poverty. Great wealth for the outside interests; great poverty for the men who toiled in the mines to bring out the coal. West Virginians have seen their State's landscapes altered by underground mining and more recently by the impact of strip mining, and the State's economy has been buffeted by the up-and-down cycle brought on by vacillating prices and other economic factors, many or most of which were beyond the immediate control of the coal miners themselves.

As Stan Cohen states in his fascinating treatise, titled "King Coal, a Pictorial Heritage of West Virginia Coal Mining," coal was sighted as early as 1790 in the northern part of the State, which, at that time, was a part of the State of Virginia. As transpor-

tation methods improved, the thick Pittsburgh coal seam, prominent in northern West Virginia, assured the area of a steady growth in coal production as transportation methods improved. I quote from Mr. Cohen's work:

Mines were operating in the Fairmont region by 1850 for local consumption. When the Baltimore and Ohio Railroad reached Fairmont in 1853, markets opened up as far East as Baltimore. The coal fields around Wheeling, and the Northern Panhandle, were also mined prior to the Civil War; the coal was needed for a fledgling iron industry in that city that had begun before the War of 1812. The Baltimore and Ohio reached Wheeling in the early 1850's, providing access to eastern markets.

The northern coal fields assumed greater importance during the Civil War, when supplies from Virginia were cut off. The larger cities of the East needed a steady supply of coal for heating purposes and war-related industries. Union forces were able to keep the Baltimore and Ohio and the Norfolk and Western railroads open to Washington, D.C., and Baltimore, notwithstanding constant raids by the Confederates. The end of the war saw the expansion of coal mining in Marion, Taylor, Preston, Monongalia, Barbour, and Harrison Counties.

The coal fields in southern West Virginia—those in Logan, Mingo, Wyoming, Mercer, McDowell, Wayne, and Summers—had to wait for the coming of the railroads to that section in the late 19th century to realize their vast potential.

Mr. President, coal mining in southern West Virginia is a vast storehouse of history. It is a story of struggle, oftentimes violent struggle—a story of courageous men and women demanding and fighting for their rights, for their dignity, and for their freedom. As David Alan Corbin, relates in his work titled "The West Virginian Mine Wars":

Like the Civil Rights movement of the 1960's, the miners' organizing effort had good and bad characters. Each story involved brutality, destruction, and death. And both movements are stories of oppressed, exploited people fighting for dignity, self-respect, human rights, and freedom. Both are stories of courageous men and women doing heroic things under extraordinary circumstances against extraordinary foes.

Corbin refers to the Matewan massacre in 1920 as having parallels to the Old-West-style shootout on the main street of town. The killings of Sid Hatfield and Ed Chambers on the steps of the McDowell County courthouse in Welch was a gangland type "hit", and the ensuing march on Logan was Civil War.

And if ever my colleagues have the opportunity, I hope they will visit Matewan, in Mingo County, the southernmost part of West Virginia. McDowell County is an adjoining county. I lived in McDowell County as a little boy, and my coal miner dad worked in mines at Landgraaf.

There on the courthouse steps, ascending the hill leading to the McDowell County Courthouse in Welch, can still be seen the bullet holes. Sid Hatfield and his wife, Ed Chambers and his wife, were ascending the steps. Sid Hatfield and Ed Chambers were shot dead by the Baldwin-Felts gunmen.

Mr. President, the West Virginia mine wars involved nearly every form of violence. Automatic rifles, machine guns, shotguns, handguns, and grenades were utilized, and there was a train, "Bull Moose Special." It was fitted with guns and armor. There were passwords, spies, scouts, sentries, medical units, medics, and officers. It was a war fought also with legal artillery—injunctions, yellow-dog contracts, housing contracts and evictions, economic sanctions—as well as by jailings, beatings, and murders. The West Virginia mine wars have been the subject of several interesting historical studies, including Lon Savage's, "Thunder in the Mountains," Howard Lee's "Blood Letting in Appalachia," and David Corbin's work titled "Life, Work, and Rebellion in the Coal Fields."

I do not recommend watching movies except excellent ones and there are not many American movies that are excellent. But I do recommend, if my colleagues ever have the opportunity of doing so and they have not done so already, I recommend they see "Matewan."

The coal miners' struggle for unionization was the culmination of decades of exploitation and oppression, and it was fought for dignity, and political and social rights. Coal mining operations ran an authoritarian system, the heart of which was the coal company town. The coal companies, owned by outside interests, exercised enormous social control over the miners. The coal company town was really not a town in the usual sense of the word. But it was a complete, autonomous system. In addition to owning and controlling all the institutions in the town, coal company rule in southern West Virginia, according to David Corbin, and I can bear witness to the facts that he describes, because I grew up in those surroundings.

Coal company rule in southern West Virginia, included the company doctor who delivered the babies, the mines in which the children went to work, and the cemeteries where they eventually were buried.

I have helped to bury coal miners on those hills. It is an experience, carrying those heavy caskets along the hillsides and digging the graves, as well. Company rule also included the company police in the form of mine guards, who would toss the miners into the company jail—not into the county jail but the company jail—or administer the company beating when the miners attempted to organize into a union. It was a complete rule, and it was a ruthless rule in many instances. Consequently, when the miners went on strike for their union, they did so not for simple wage increases always, but, in many instances, for their very dignity and freedom.

For millions of centuries, the hills and low mountains that cover so much of West Virginia slumbered in solitude. Mountain people were hard working,

tough, clannish, and, while normally friendly, they looked upon strangers with suspicion. Life on the whole was simple.

In the early days of the mining industry, a miner learned how to mine by experience. He would work with another miner or with his father until he felt confident enough to work at the coal face alone. The early miner performed all mining tasks himself, including laying the track for the coal car, loading the car, and supporting the mine roof. As production increased and companies grew, a division of labor was instituted, with each miner having a specific task to perform. Young boys—12-year-olds, for example—often went into the mines with their fathers to learn the job. They were given odd jobs at first, such as door-tending, or "trapping," which consisted of sitting near a ventilation door and opening it—this is along the mine entrance. The mine perhaps had been driven a mile, two miles, or three miles or more into the bowels of the Earth, and there were large fans that would circulate the air through the entries. There were trap doors through which the motor, or earlier, the mules or ponies that pulled the mine cars, would travel. These boys would be employed to open the door and close the door after the cart or the mine car had passed through the door with its load of coal.

So these boys were given odd jobs at first, such as door-tending or "Trapping," which consisted of sitting near a ventilation door and opening it as the mule drivers, or "skinners," as they were sometimes called, passed through with their loads of coal.

In the days when my coal miner dad worked in the coal mines, the coal was dug and loaded by hand, and the miner's work area around him was referred to as his "place." That is why a few days ago, when speaking against this amendment, I referred to, on one occasion, the "coal miner's place." If he did not clean it up during the 9 or 10 or 12 hours, then someone else might take his job. The miners were told to clean up their "place," and there was always someone waiting on their job. That meant he had to shovel up the coal, the rock, the slate—whatever fell down when the dynamite went off—and clean it up, load it into the car. Many times the miner worked on his knees, loading that coal into the mining car.

Dynamite was used to bring down the coal, and the fallen coal was shoveled into one of the empty mine cars—a difficult job, especially in the low seams. There were some mines and some seams which enabled the miners to stand erect and work, but there were some seams that were so low, the miners had to work on their knees—they could not stand erect—with millions of tons of rock overhead, working in the darkness to bring out the coal. Especially in low seams, as I say, it was a difficult job and, in many instances, the miners worked in water holes.

While loading the coal, the miner had to remove the larger pieces of rock and

slate so that he would not be "docked" for sending out "dirty" coal. Lump coal sold at a premium price while pea-sized or slack coal sold for a lesser price. A miner hung a brass "check" on each car that he loaded in order to get proper credit for the coal that he dug.

My dad's check number, I recall, was 232. Each car of coal that he loaded, he attached his brass check with No. 232 on it, so that when the coal car was unloaded into the tipples and later into the railroad cars, he would get credit for having dug and loaded that carload of coal.

In the mid 1920's, a miner would sometimes load more than 10 tons of coal a day. Companies in those days would haul the coal to the surface using mules or ponies, until small electric locomotives were introduced.

One source of constant tension between miners and coal companies in those days was the matter of fair payment to the miner for the coal that he had dug and loaded. "Short weighing," practiced by some unscrupulous companies to cheat the miners, occurred when the company weighman would record a weight less than the actual amount of coal in the car. "Dockage," to which I referred a little earlier, was an arbitrary reduction in payment for impurities such as slate and rock loaded in the coal car. These practices became so commonplace that one of the first demands of the miners when the union was formed was for their own check-weighman to monitor the company check-weighman, because the miners felt that only with such a system would they be paid a fair amount for the coal that they had so arduously dug and loaded.

With the coming of hydraulically controlled machines, mining has become an automated industry, and highly skilled men and women operate the complicated mining machinery of today. The pick and shovel mining, which constituted the life and times of the coal miners of my dad's day, are gone forever.

So, Mr. President, the West Virginia mountains had stood in untouched solitude throughout the hundreds of millions or billions of years. With the coming of large coal mining operations, in my boyhood and early manhood years, coal mining camps were to be found all over the southern counties of West Virginia. Large mine-mouths gaped bleakly from the hillsides. You travel along and see these mine openings in the Earth—large mine entry openings. Gaunt tipples, miners' bathhouses, and other buildings stared down upon the mining community itself from the slopes of the mountains. Railroads sent their sidings in many directions, and long lines of squat mine cars ran along the narrow gauge tracks and disappeared around the curves of the hills.

When unionism invaded these peaceful valleys, it made itself familiar

often through bloody scenes. To the miner, his employment in the mines was his only way of making a living—he knew no other trade—and if a considerable number of mines closed down, whole mining communities sat around idle. Many times, I have looked into family cupboards of miners and they contained only a little food, perhaps for a single meager meal. I have seen the haunted look in the eyes of men who did not know how they were going to provide for the immediate wants of their children and wives.

Outside interests, as I have stated, had bought up the land in large quantities, and many corporations sprang into existence, some of them with the intention of mining the coal themselves, while others planned to lease their land to those who would do the mining. Some of the land was bought by railroad companies that wanted it for the coal that it held, as well as for rights of way. They used the coal to propel the large steam engines that pulled the long lines of coal cars over the hills and down the valleys. Manufacturing establishments in northern and eastern cities acquired some of it for their own future supplies of coal, and public utility corporations did the same thing.

The first railroads into the State were the Chesapeake and Ohio, the Baltimore and Ohio, the Norfolk and Western and the Virginia. Miners came into the West Virginia valleys from western and central and southern Europe, as well as from the southern cotton fields of the United States. Operators would advertise for workers to take mining jobs, and they came even from European countries and in the cotton fields of the South.

Welsh coal diggers came from the pits of Kidwelly; Englishmen came from Lancashire, and these mingled with Scotsmen and Hungarians and Czechoslovakians and Germans, Poles, and Austrians. There were large numbers of Italians. As many as 25 or 30 nationalities can still be found in the city of Weirton, in West Virginia's northern panhandle.

The typical coal mining community was not a town in the ordinary sense. The place where the town stood was the point at which a coal seam had been opened, buildings had been erected, and machinery had been installed. The dwellings, or shacks, clustered about the tippie or straggled along the bed of the creek, and there seemed to be always a creek in those coal mining communities. And these dwellings were occupied solely by the men who worked in the mines. Oh, there were some management personnel—the store manager, company doctor, principal of the nearby school. But other than that type of personnel, the houses were occupied by miners.

These communities were really not called towns. They were more often called "camps"—the mining camp down the way, or the Glen White mining camp, the Stotesbury mining camp,

or the Slab Fork mining camp, the Tams mining camp, or the mining camp at Helen, West Virginia.

No one owned his own house. He could not acquire title to the property. No one owned a grocery store or a garage or a haberdashery. There was no Main Street of small independent businesses in the mining camps. There was no body of elected councilmen to pass on repairs for the roads or sanitation problems. There was no family physician who built up a successful practice by competing with other physicians. The coal company owned all of the houses and rented them to the miners. It owned the company store. It owned the pool room. It owned the movie theater. It built the church. The company employed the physician and collected a small sum monthly from each miner to help pay the company doctor. The coal company controlled life and activities of the little community. It was responsible for the sanitation and sewage disposal. The company's ownership usually extended to the dirt roads that ran alongside the railroad tracks or through the middle of the mining camp along by the creek.

Semimonthly paydays occurred and miners were given statements showing how much they owed the company and how much the company owed them. Among the items charged against the miners in this account were the indebtedness incurred by the miners at the company store, rent for their house, electricity for their house, heating, meaning coal; the miners heated their houses with coal, and they bought this coal from the company for which they worked. They got it at a cheaper price, but they paid for their coal. And also included in this account was a monthly checkoff for doctor services or use of the hospitals. The hospitals usually were several miles away and located in the incorporated towns. There was a charge for use of the company washhouse in which to clean up after a day's work. The miner paid the same amount for doctor and hospital services whether there was an illness in his family or not. An additional sum would be paid for such services as occurred with childbirth.

I was employed by the coal mining community company store at Stotesbury. I first worked in a gas station pumping gas. We did not have service stations in those days. Those were gas stations. And then I was a produce salesman for the coal company, at the coal company store, and I was also a meat cutter. And when our first daughter was born, my wife and I had two rooms in one of those coal company houses. The company doctor attended my wife on that occasion. The doctor and I sat in the kitchen beside a wood-burning stove. My wife gave birth to our older daughter in the adjoining room. My wife's mother attended my wife.

The next morning, after the baby was born, the doctor was leaving the house. I said, "How much do I owe you, Doc-

tor?" He said, "\$15." So my wife and I still refer to our older daughter, Mona, as our "\$15 baby." But that is the way it was in those days.

The miners used scrip largely in making purchases at the company store. The scrip was in the form of small metal tokens rounded like coins, stamped in various denominations. The companies accepted this scrip in lieu of real money at the pool room, at the movie theater, and at the company store.

Some mining towns were unsightly, unhealthy, and poorly looked after. The surface privy was nearly everywhere in evidence and was a prevalent cause of soil pollution and its contents usually washed toward the bed of the creek. There was not a sidewalk in many of the mining communities. On the other hand, some of the mining communities were neat and attractive in appearance and well cared for. I can say that about the mining community in which I lived as a boy. Many coal mining companies offered prizes for the best gardens, and they tried in other ways to keep the town pleasant in appearance. It was a subservient existence—a civilization within a civilization. There was no escape from it.

One might leave this mining community, if he could get a job in another mining community, but he just moved from one mining community to another mining community, and it was all the same—a civilization within a civilization. There was no escape from it, and its paternalism touched the miners' lives at every point. Any collective voice among them was smothered.

The United Mine Workers of America came to southern West Virginia when I was in my teens. By belonging to a labor union strong enough to negotiate with the organized groups of coal operators—and the coal operators were organized—the miners were able to insist on better working conditions, and they were able to bring about higher wages and shorter hours of work. They were able to exert collective pressure for a greater degree of safety in the mines, and thus to reduce the number of fatalities, as well as the number of maimed and broken men. To miners who were pressed down by the pervading dependence of their existence in company towns, the opportunity afforded by unions for joining with their fellow miners in some kind of collective effort was a welcome escape.

From the cradle to the grave, the miners lived by the grace of the absentee coal owner, one of whose visible representatives was a deputy sheriff, who was often in the pay of the coal owner. Everything belonged to the coal owners, and as I have already stated, home ownership was not permitted. To quote David Corbin:

The lease of the Logan Mining Company reads that when the miner's employment ceases, "either for cause or without cause, the right of said employee and his family to

use and occupy premises shall simultaneously end and terminate."

Almost every coal operation had its armed guard—in many instances two or more guards. Mine guards were an institution all along the creeks in the nonunion sections of the State. As a rule, they were supplied by the Baldwin-Felts Detective Agency of Roanoke, Virginia and Bluefield, West Virginia. I again quote from David Corbin's work. David Corbin is writing about the mine guards, about the employees of the Baldwin-Felts Detective Agency:

It is said the total number in the mining regions of West Virginia reaches well up to 2500. Ordinarily they are recruited from the country towns of Virginia and West Virginia . . . and frequently have been the "bad men" of the towns from which they came. And these towns have produced some pretty hard characters. The ruffian of the West Virginia mining town would not take off his hat to the desperado of the wildest town of the wildest west.

These Baldwin guards who are engaged by the mining companies to do their "rough work" take the place of the Pinkertons who formerly were used for such work by the coal companies.

No class of men on Earth were more cordially hated by the miners than were those mine guards. If a worker became too inquisitive, if he showed too much independence or complained too much about his condition, Corbin states,

. . . he is beaten up some night as he passes under a coal tippie, but the man who does the beating has no feeling against him personally; it is simply a matter of business to him.

In reference to the mine guards, Corbin writes,

They are the Ishmaelites of the coal regions for their hands are supposed to be against every miner, and every miner's hand is raised against them. They go about in constant peril—they are paid to face danger and they face it all the time. But they are afraid, for they never know when they may get a charge of buckshot or a bullet from an old Springfield army rifle that will make a hole in a man's body big enough for you to put your fist in.

On May 19, 1920, several Baldwin-Felts agents with guns came to Mingo County to evict employees of the Stone Mountain Coal Company, who had become union members. An altercation arose between the Baldwin-Felts men and persons gathered around the little railroad station in Matewan—miners and citizens—the Mayor was shot to death, a battle ensued, seven Baldwin-Felts men were shot dead, along with two union miners, and, as I have already stated, the Mayor of Matewan.

When the UMWA began organizing in southern West Virginia, mine owners would discharge men as rapidly as they joined the union—a spy system furnished the information in many instances—and the discharged men were also dispossessed, without advance notice, from company-owned houses. As one coal miner was quoted in Dave Corbin's book,

I joined the union one morning in Williamson, and when I got back to the mine

in the afternoon, I was told to get my pay and get out of my house before supper.

County Sheriffs and their Deputies were often in the pay of the coal operators, and the State government itself was clearly in alliance with the employers against the mine strikers. Scores of union men were jailed, and Sid Hatfield and Ed Chambers, two union sympathizers, were shot dead by Baldwin-Felts Detectives on the courthouse steps at Welch, in McDowell County, on August 1, 1921. At Blair Mountain, in Logan County—I have crossed that mountain many times—a 3-day battle was fought. Quoting from a piece by James M. Cain, which appeared in the "Atlantic Monthly," October, 1922:

The operators hired four airplanes and bombed the miners. Both sides used machine guns; both sides had a number of men killed. Civil War had broken out afresh. It did not stop until 2,000 federal troops were sent in on September 3. This aroused the public again, but the thing was quickly forgotten, and except for a Senatorial investigation, nothing was done.

Corbin wrote:

Upon moving into a company town, a miner had to live in a company house and sign a housing contract—

I had to do that. My wife's father had to do that.

that the courts of West Virginia subsequently ruled created a condition not of landlord and tenant, but of "Master and Servant."

Consequently, the coal company was allowed to unreasonably search and seize a man's house without any notice.

If we rent a miner a home, it is incidental to his employment. And if a miner would undertake to keep anyone at that home that was undesirable or against the interest of the company, we will have him leave or have the miner removed.

On August 7, 1921, 6 days after the murder of Hatfield and Chambers on the steps of the McDowell County courthouse, 5,000 coal miners met in Charleston, the State capital. Meetings were held in Kanawha, Fayette, Raleigh, and Boone Counties to protest martial law in Mingo County and the Governor's refusal to lift it. There occurred an uprising of the southern West Virginia miners against the coal establishment. Exploitation, oppression, and injustice had created a common identity and solidarity among the miners, and their geographic mobility had turned the hundreds of seemingly isolated company towns into a single gigantic community.

Thousands of miners descended upon a place called Lens Creek, about 10 miles south of Charleston. Their announced intentions were to march through Logan County, hang the county sheriff, blow up the county courthouse on the way, and then to move on Mingo County, where they would overthrow martial law and liberate their union brothers from the county jail. In the process, they would abolish the mine guard system and unionize the remainder of southern West Virginia.

The marchers were going to fight for their union.

On August 26, the miners arrived at a 25-mile mountain ridge that surrounds Logan and Mingo Counties. Here they met an equally strong, determined and well entrenched army composed of deputy sheriffs of the two counties, State police, State militia, and Baldwin-Felts guards. I quote from Corbin's work once more:

The miners who participated in the events swore themselves to secrecy * * * the marcher used sentries, patrols, codes, and passwords to guard the secrets from spies and reporters. The secrecy was so tight that agents for the Department of Justice and the Bureau of Investigation, as well as reporters, though disguised as miners, were unable to attend the most important meetings.

About 4,000 miners constituted the original army that gathered at Lens Creek, but more miners joined the march after it was underway. * * * Ten days after the miners had assembled at Lens Creek, Governor Morgan reported that the "number of insurrectionaries are constantly growing." Although an army officer sent to the battle observed that it is "humanly impossible" to say how many miners participated, an estimate of between 15,000 and 20,000 is probably safe.

The marchers had their own doctors, nurses, and hospital facilities. They had sanitary facilities. The marchers were fed three meals a day. The marchers bought every loaf of bread, 1,200 dozen, in Charleston and transported the loaves to their campsites * * *. To guard against infiltrators and spies, the marchers used patrol systems and issued passes. Orders were given on papers that carried the union seal and had to be signed by a union official. The marchers used passwords and codes. To attend a meeting during a march, a miner had to give the password and his local union number to the posted sentries. Discovering the password, a reporter from the Washington Evening Star attempted to infiltrate a meeting by giving a fake local union number. As he approached the platform from which Keeney was about to talk, two miners grabbed him from behind and carried him toward the woods. A last minute shout to Keeney, whom he had interviewed before the march, saved the reporter * * *. Keeney instructed the miners merely to escort the reporter out of the meeting grounds.

The miners were prepared to fight; they had to be, for they not only sustained a week-long fight, but they also defeated Sheriff Chafin's army of over 2,000 men, who were equipped with machine guns and bombing planes. [Bill] Blizzard was probably the generalissimo of the march. Approximately 2,000 army veterans were the field commanders, and they instructed the other miners in military tactics. A former member of the National Rifle Team of the U.S. Marine Corp and a former Captain in the Italian Army gave shooting lessons. Several former officers, including an ex-Major drilled the miners. * * * After watching several ex-service-men drill the miners * * *, a reporter walked to another area and heard an ex-serviceman tell a squad of miners how to fight machine guns: "lie down, watch the bullets cut the trees, out flank'em, get the snipers. * * *" The local at Blair, having been given prior instructions, had dug trenches in preparation for the marchers. An advance patrol of 500 to 800 miners cut down the telephone and telegraph lines and cleared a 65-mile area of Baldwin-Felts guards. * * * The armed marchers were in complete control of the

area from South of Charleston to the mountain range surrounding Logan and Mingo Counties. * * * Company officials and their families fled the area.

Sentries were posted along the Blair Mountain ridge. Sharp shooters with telescopic rifles were stationed at strategic locations to "clean out Sheriff Chapin's machine gun nests." The battle raged for over a week. Both armies took prisoners, * * * and both sides killed. * * * The federal government moved to end the struggle that President Harding called a "Civil War". The U.S. War Department sent Brigadier General Henry Bandholtz to the battle front * * * and ordered the miners to disburse. On August 30, the President placed the entire state of West Virginia under marshal law and issued a proclamation instructing the miners to cease fighting and to return home.

By the morning of September 1, the miners had captured one-half of the 25-mile ridge and were ready to descend upon Logan and Mingo Counties. The President had already issued orders for 2500 federal troops, 14 bombing planes, gas and percussion bombs and machine guns to be sent into the area. The armed march and the Mingo County strike were doomed; Chafin, the Baldwin-Felts mine guard system, and the southern West Virginia coal establishment were saved.

The depression came, Franklin D. Roosevelt was elected President, the UMW organized miners in West Virginia, and the long struggle was ended. The coal miners had fought bloody battles, and they had won. The evictions stopped, the mine guards became a thing of the past, and collective bargaining brought better living conditions to the families of those who worked for King Coal. The coming of the miner's union also resulted, over a period time, in improved health and safety conditions in and around the mines.

Many terrible mining tragedies occurred during the early half of the 20th century, and it will be my purpose here to afford only a brief glimpse of some of these. My purpose is not to condemn or to blame those in charge of the industry, nor the State government inspectors who, at times, may have been lax or coerced politically and who may have looked the other way when dangerous situations prevailed, hoping that such conditions would go away. But in some such cases, the mine blew up and many men died.

From January 21, 1886, when the explosion occurred in the mine at Newburg, West Virginia, to November 20, 1968, at least 43 major mine blasts in West Virginia took place. There were even more lesser ones, for example, the explosion at McAlpin, West Virginia, a mining community adjoining the Statesbury community, where I lived as a boy and as a young man; where I married, where our first daughter was born, where I worked in the company store. The McAlpin explosion took place on Monday, October 22, 1928.

I can remember it as though it were yesterday.

It was a dust explosion, since the mine had never shown any methane gas reading. One of my classmates at Mark Twain School suffered the loss of a brother in that explosion. Sitting at

the Mark Twain School, where I was a student, one could look out the window across a little valley to the mountain on the other side of the Virginian and C&O Railroads and there on that mountain was the opening of the drift mine, owned by the McAlpin Coal Company.

When the blast went off, no word of mouth was needed to tell the people that something was wrong at the mine. The running and shouting of the men outside the mine was dreadful news to those in view. It happened about 2:30 in the afternoon on an overcast day, weather being almost always adverse when a mine disaster happened. There were 60 men inside the mine who were unhurt, because the blast was confined to a small area. It was decided that a miner had used a "dobie" shot which blew him several feet down the entry. The five other victims presumably died from afterdamp or asphyxiation from smoke and fumes. By 8:30 that evening, all bodies had been brought from the mine. I can recall being at the foot of the hill leading to the mine that evening, when miners' wives boiled coffee over fires built at the foot of the hillside and served it to the rescue men and to other workmen and onlookers. I shall never forget the tearful faces of women who were wives or mothers or sisters of the men who were in the explosion. Relatives at the scene asked to see the bodies that were brought to the outside of the mine to get a glimpse or to identify their kin. The weeping and wailing of wives and mothers and children were a sight that never leaves one's memory.

The calamity at Newburg in 1886 was West Virginia's initiation into the horrors of mine explosions. The explosion killed 39 miners in the twinkle of an eye on that cold afternoon on January 21, 1886, in this small community just 12 miles east of Grafton in Taylor County. Not a soul is alive today who remembers the Newburg mine disaster. However, the town of Newburg keeps its history well. The people are aware that, once upon a time long ago, 39 men and boys died horribly underground. A cemetery on the hill holds the remains of nearly all of them. The town no longer has a mine. The spot where the shaft was sunk is now a barren space. The old crumbling coke ovens are now buried in a jungle of undergrowth and big trees. Newburg was once an exciting town with its crack B&O passenger train with sleek pullmans, pulled by high-wheeler coal-burning engines en route from Baltimore to Cincinnati and points West. All stopped at Newburg. There were grist mills, good hardware stores, and numerous businesses. A bank stood on the corner, and nearby was a drugstore. Of course, today, the railroad station is no more. The bank is gone. And, as always, there were interesting stories to be told. Two men who died in the blast were married together on Christmas Eve, they lived under the same roof, and they died together in the explosion

28 days later, on January 21. The cemetery where many of the victims lie is still visible.

Men who volunteer to enter a blast-torn mine are a breed of men who stand alone—men who dare to go where an explosive element may regenerate and blow again or to enter where the deadly afterdamp or various gas combinations may destroy them. They hope that men alive may be huddled inside a barricaded room awaiting rescue, not death. Miners never hedge, but prepare, and then go inside if heat and smoke do not drive them back.

For many years, Mr. President, there was only charity—only charity—to assist families that were left destitute by the loss of the family provider. There was no Social Security. There were no welfare programs. There was no workers' compensation. Many years passed and many miners suffered before a system of compensation and Social Security was set up.

The most devastating mine explosion in West Virginia history occurred at Monongah, West Virginia. Those are the first eight letters in the name of the river, the Monongahela River. The town was named Monongah.

This devastating mine explosion took place on December 6, just a few days before Christmas, in 1907. Lacy A. Dillon, in his book "They Died in the Darkness," tells the awful story.

On Friday morning, December 6, 1907, the men and boys walked to the pits in a cold, drizzling rain. The barometer was low and the humidity high. . . . When 361 men entered the mine that December 6 morning, they took 361 reasons for an explosion by carrying 361 open-flame lights.

My dad worked in the mines. He used a cloth cap and affixed to that cloth cap was a carbide lamp. He would send me to the store to buy some carbide or a flint for his carbide lamp. And the carbide lamp furnished the light for the working place. It was an open flame. And so, 361 men walked into that mine on that morning with 361 carbide lamps, open-flame lights.

Every time the motor arm arced on the trolley wire, a chance for a blowup existed; as did countless other ways that today are prohibited by State and Federal laws. The method of forcing air into a mine, or sucking the air through a mine, as the case might be, was not so well tested in 1907. . . . The Monongah mine blew with a jar, an artillery-like report, a flame, and earth-shake, and billows of smoke. Concrete sidewalks buckled and broke, the streets opened in fissures, buildings shook, and some old weak ones collapsed. People rushed outside in horror and amazement, knowing what had happened, since mining towns near "hot" mines are always aware that the mines can explode. Soon, panic broke loose with people rushing downhill toward the mines, . . . that such a blast must have killed all men and boys inside, was felt by all. Those related to the men inside, especially the women, became near crazed. One woman pulled her hair out by the handful; another woman disfigured her face with her fingernails, screaming frantically in the meantime. The force of the explosion blew away the fan house, wrecked the fan's workings, destroyed the boiler house completely, . . . some of the buildings

near the drift mouth were blown across the Westfork River, landing in pieces on the far bank. In 1907, there were no organized and equipped rescue squads as came into use later. Rescue and recovery of bodies depended on volunteers. . . . Women, children, and other relatives grouped as near as possible to the pit-mouths hoping for a miracle. Some of the women had become stoically philosophical, showing much restraint, while others gave vent to their grief. . . .

Mechanics worked frantically to restore air into the mines . . . crews went inside hanging brattices . . . the men began finding the dead ponies and mules following the explosion, the coal company employed a troop of doctors from Fairmont to report to Monongah. They stood around bonfires all night waiting to administer to survivors. None ever came. They remained through Saturday, and by that time, it was known that the only big need for professionals was undertakers. Coffins by the carload were ordered from Pittsburgh, Pennsylvania and Zanesville, Ohio. They were nothing more than plain rectangular wooden boxes with no inside lining. Additional men were employed to tack cloth inside them to keep the body from the bare walls. By Tuesday night, 149 bodies had been recovered. The full crew of men were digging graves on the hillsides in Monongah. The town was overrun with curious spectators. When evening began to fall, everyone tried to leave at the same time and on the same street car. As soon as possible after the explosion, an appeal was sent out, first, to the people of West Virginia, and then to the nation, to come to the assistance of Monongah. Money, lots of it, was needed at once (in those days, as I stated, there was no compensation, no Social Security), as well as clothing, food, medicine. It was winter, and snow fell two days after the blast. The Fairmont Coal Company gave \$17,500 while Andrew Carnegie of Pittsburgh sent \$2,500. Other organizations and individuals all over the nation began to respond.

Over 250 women became widows, and 1,000 children became fatherless. A survey indicated that 64 widows were pregnant. The company cancelled all debts for the widows and other dependents at the company store. Credit was then allowed for all of them. Those who lived in the company houses were notified that no house rent would be collected so long as they remained single. By noon Monday, December 12, there had been recovered 297 bodies. The temporary morgue was working overtime. As soon as a body could be prepared it was taken to the home of the victim to await funeral services, for burial quickly was necessary. Extra ministers of different faiths came in to assist. On December 19, just 6 days before Christmas, superintendent W.C. Watson announced that 338 bodies had been brought from the mine. The blast mangled and burnt some of them beyond recognition and some were never identified.

Human interest stories, as I said a moment ago, always occur in times of tragedy, one pitiful case was when the corpse was brought home, seven days after the explosion, the widow gave birth to a child two hours later. Then there was a Mrs. Davies, who lived on the west side of Monongah, lost her husband in the explosion and his body was never found. She went down the hill each day the mines ran after the explosion and got a burlap sack of coal from the mine cars, carried her burden home up the mountainside and deposited it near her house. She never burned a lump of it or allowed anyone else to do so. When asked why she piled this unused coal daily, she stated that she had hopes of retrieving some of her lost husband's body. She was a young woman when the tragedy happened, and she lived to be an old lady. At

her death, her sons gave the coal to the churches of Monongah. The coal pile had grown to an enormous size.

Many of the widows were foreigners and unaccustomed to American ways. After the catastrophe, several of them were frustrated and wanted to return to their homelands. Money was given and arrangements made for them to go. Several widows were also in Europe when the mine blew. One boarding house in Monongah kept only miners, and all of them reported for work on that fateful morning. None of them came to supper that evening, leaving 17 empty chairs at the dining table. Their bodies lay somewhere under the mountain sprawled in total darkness, burned and mangled. The final count showed that 171 Italians, 52 Hungarians, 15 Austrians, 31 Russians, and 5 Turkish subjects were killed.

The last major mine explosion in West Virginia occurred at Farmington, in Marion County, on November 20, 1968, and perhaps some of my colleagues will remember having read about that catastrophe. The mine was owned and operated by the Consolidation Coal Company. After several days had passed, and repeated efforts had been made to reenter the mines and remove the bodies, the mine officials made their final decision. They concluded that the 78 men who remained in the mine were dead, and that the mine must be sealed. The officials sent word to the relatives of the entombed men and other concerned citizens to meet at the little Methodist Church. The people assembled in the evening, a somber time and in dreary weather. The lights inside dispelling the outside gloom, and the fact that all assembled were in the House of God, relieved some of the despair of man's inevitable fate.

The company official announced the decision to the weeping and praying people who felt that this announcement was coming. The official was humble and brotherly and his statements showed much compassion for the bereaved. The 78 humans, created in God's own image, lay inert and today they lie in the totally dark caverns of the Consol Mine to await the day when mankind will kindly bring their bodies or their skeletons to daylight.

Mr. President, these are but a few of the many tragic stories of sorrow and death that have occurred in the history of coal mining in West Virginia. It was not until the union came to West Virginia, that enlightened state and federal governments acted to legislate health and safety laws to protect the lives of the men who bring out the coal. It has been a long history—a long history—of struggle and deprivation, of poverty and want, of harassment, intimidation, and murder, and it has been a story of courage and determination. The coal miner is a breed almost to himself. He lives dangerously, and he has borne humbly the edict, pronounced by the Lord when Adam and Eve were driven from the Garden of

earthly paradise: "In the sweat of thy face shalt thou eat bread, til thou return unto the ground; for out of it wast thou taken: for dust thou art, and unto dust shalt thou return."

Mr. President, this short history of the introduction of collective bargaining in the coal mining towns of West Virginia is illustrative of many struggles waged by other working people throughout the United States. In those days about which I have spoken, unions and strikes were instrumental in winning minimum safety, health, and wage levels for workers. Management fought against the unions, and against any improvements in working conditions or benefits that cost them money and ate into their profits.

Today, however, unions are fighting a rearguard action. They are fighting to protect wages, safety and health benefits and pensions from cuts that owners and managers claim are necessary in order to be competitive. Unions have been willing to make concessions, many concessions, in order to keep the companies their members work for competitive and profitable. American productivity has been increasing. Today in West Virginia, we have roughly 20,000 coal miners. They produce the same amount of coal that was produced by 125,000 coal miners when I first came to the Congress 42 years ago. But the unions owe it to their members to protect them from deep cuts in wages and benefits, from cuts that push workers and their families to the poverty level. Unions also owe it to their members to protect the pensions that will allow union workers to maintain a reasonable standard of living into their old age.

This is important work. Many nations do not have unions, or they actively discourage workers from bargaining collectively. In the overview of the "1994 Report to Congress on Human Rights Practices," released in February, 1995, the Department of State notes that

[t]he universal right most pertinent to the workplace is freedom of association, which is the foundation on which workers can form and organize trade unions, bargain collectively, press grievances, and protect themselves from unsafe working conditions. Just as they did, Mr. President, in the mining communities of West Virginia when I was a boy and when my dad was a coal miner, when my wife's father was a coal miner, when my brother-in-law's father was a coal miner and was killed in a slate fall, when my brother-in-law was a coal miner, my brother-in-law who later died of pneumoconiosis, black lung.

The report goes on to say,

In many countries, workers have far to go in realizing their rights. Restrictions on workers range from outright state control of all forms of worker organization to webs of legislation whose complexity is meant to overwhelm and disarm workers . . . Trade unions are banned outright in a number of countries, including several in the Middle East, and in many more, there is little protection of worker efforts to organize and bargain collectively. Some protesting workers

have paid with their lives; others, most notably in China and Indonesia, have gone to jail simply for trying to inform fellow workers of their rights. We also see inadequate enforcement of labor legislation, especially with regard to health and safety in the workplace.

These, then, Mr. President, are the countries that U.S. businesses are trying to compete with. These are the kind of working conditions that American workers, through their unions, have fought so hard against.

If American workers lose their ability to strike—and I do not condone all strikes or all strikers; I have never condoned lawlessness in the course of a strike—never—but most of the strikes have been lawful strikes. Lawful—that is what we are talking about here today, in connection with this amendment and in connection with the President's order. And I say parenthetically that I am not enthusiastic about Executive Orders. It is my information that there have been over 14,000 Presidential Executive orders going back over the many decades, and I am doing a little research on that. I hope one day I will have a little more information than I now have in that regard.

But I have to oppose this amendment. How can anyone do otherwise coming from my background—my background—with flesh and blood ties with the men who bring out the coal?

If American workers lose their ability to strike and play their trump card against owners and management, many will not accede to reasonable concerns about reductions and working conditions, hours, wages or benefits, and American workers could return to the days of the coal miners before collective bargaining.

The miner's only capital, the miner's only capital are his hands, his back, his feet, and his salty sweat.

Furthermore in Canada, Japan, France, Germany, and other countries of Europe, the rights of employees to strike are protected, and the use of permanent replacement workers is not permitted. These restrictions apply to the use of permanent replacement workers during all legal strikes, not just workers involved with government contracts.

If the Senate upholds the amendment now before us, I think it sends a terrible signal. If this amendment is passed, management is given a green light to simply replace workers who do not accept whatever management decrees. It sends a red light to workers and unions to stop striking, no matter how unreasonable the cuts or conditions, and no matter how obdurate the management negotiators. Not all management is cold and heartless, not all by any means. But we do not want to go backward in time, and the coal miners do not rush to return from whence they came. If you strike, no one will support you, and management will just hire new workers, desperate for any job, no matter if it is unsafe, or for wages and benefits more suitable to a Third World country than to the United States.

The amendment before us, opponents will say, affects only the President's Executive order, which only affects Federal contracts in excess of \$100,000. That is true, but the message that the passage of this amendment sends, affects far more than the Executive order. It speaks as a matter of principle to the entire spectrum of labor relations and undermines the basic right of workers to organize, to bargain collectively, and to strike if necessity demands it.

Mr. President, I have seen what life in the United States can be like without that right, as I have recalled today, and I cannot support what this amendment would do. I urge the defeat of the cloture motion and this amendment.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ABRAHAM). The absence of a quorum having been noted, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

Mr. KEMPTHORNE. Mr. President, I submit a report of the committee of conference on the Unfunded Mandate Reform Act of 1995 and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The assistant legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of March 13, 1995.)

The PRESIDING OFFICER. There will be 3 hours debate equally divided on the conference report.

Mr. KEMPTHORNE. Mr. President, I ask for the yeas and nays on the vote on the conference report on S. 1.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KEMPTHORNE. It is my understanding that vote will occur tomorrow, immediately following the 10:30 cloture vote.

The PRESIDING OFFICER. The Senator is correct.

Mr. KEMPTHORNE. Mr. President, we have certainly come a long way since May 1993 when we first began this effort. Now, 22 months later—with Governors, mayors, county commissioners, tribal leaders, school board members, and business leaders throughout the country looking on—Congress is about to end the debate on mandate relief, and begin a new partnership with States, cities, counties, tribes, schools, and the private sector by voting on final passage of the conference report on S. 1 the Unfunded Mandates Reform Act of 1995.

This bill has been described as landmark legislation, as far-reaching and visionary. It is all of those. Ever since 1791 when the 10th amendment was first ratified the Federal Government has slowly eroded the power of the States. Today, with passage of S. 1, we begin to reverse that role. S. 1 is founded on the premise of responsibility and accountability. This will change the mind set of Washington, DC, from this point forward.

First, it requires the Federal Government to know and pay for the costs of mandates before imposing them on State, local, and tribal government.

Second, the Federal Government should know the costs and impacts of mandates before imposing them on the private sector.

S. 1 thoroughly reforms the process by which Congress and Federal agencies impose new mandates on the public and private sector. Congress must identify the costs of new mandates imposed on State and local governments and the private sector. Congress must pay the costs of the new mandates on State and local governments by either providing spending, increasing receipts or through appropriations. If a mandate is to be paid for with a future appropriation, the appropriation must be provided for the mandate to take effect. If subsequent appropriations are insufficient to pay for the mandates, the mandates will cease to be effective unless Congress provides otherwise by law within 90 days of the beginning of the fiscal year.

This process is enforced by a point of order. Legislation that does not meet these requirements can be ruled out of order, blocking further consideration in the House and Senate. Debate continues only if a majority of the House and Senate votes to do so. A rollcall