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Workmen's Compensation:
Mining Injuries in The Tri-State Mining District, 1930-1946

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Workmen's compensation is an evolved form of disability. It started in the 1920s and is still changing today. It started as just a dream for workers who had been injured and is now part of what is expected in jobs today. J.E. Halterman found this out when he went to work one day for the Missouri Pacific Railroad Company in 1930 in Coffeyville, Kansas. He left work missing the first three fingers on his right hand from working with a buzz saw. He sued the company for compensation of the loss of his fingers. During the trial it came out that the shield on the buzz saw was so defective and worn that it could not perform its job to protect the worker. He lost the fingers in the company's shop because of the company's negligence. Halterman was wearing his protective gear and should not have had to lose his fingers in order for the Missouri Pacific Railroad Company to replace and be aware of the dangers of this piece of equipment.¹ This and other stories helped shape the workmen's compensation statutes in each of the states that exist today.

Workmen's compensation history is one of fights in the judicial system and unfortunate accidents. The workers in the Tri-State Mining District between the years of 1930 to 1946 were no different from workers from all across the country. The Tri-State Mining District included southeastern Kansas, southwestern Missouri, and northeastern Oklahoma. It is interesting to see how the miners were compensated for being hurt while on duty at the mines. Compensation depended on the type of injury and how severe it was. It depended on whether or not it was a temporary injury or a permanent injury and where you were injured. It also depended on whether or not a person had children and a wife. Sometimes workmen's compensation also included occupational diseases like silicosis. It was these breakthroughs that led to the compensation that we have today. However, it is not enough to completely erase the loss of income in certain circumstances.

¹ "Three Fingers Worth \$47,000?" 1930. Box 163, Picher Collection, Pittsburg State University.

After workmen's compensation became a staple in the workforce, there were yearly amendments and court battles to make sure the workers receive what was theirs. It also shows how the compensation laws came into being and how they resemble what they do today. The journey was a long and complicated road that many people foraged in order to better protect people in the future.

In the beginning of workmen's compensation law started in the 1920s. This was when the state government started taking an active part in protecting worker's rights after they had been injured. The three states all had different laws and statutes that were effecting workers differently and how they went about claiming the compensation in the first place. The 1920s was also a time of social expression. Across the nation during the 1920s, women got the right to vote, prohibition was in full swing, flappers were the "it" girl. However, on October 29, 1929, the stock market crashed and plunged the United States economy into a depression that would last until World War II was over.

In the Tri-State Mining District there were problems in the mines. In Oklahoma there specific concerns about health regarding gases in new shafts. After a new shaft was open, if men worked more than two hours there was temporary blindness among other things. The major disease of the Tri-State Mining District was silicosis. Silicosis made miners predisposed to tuberculosis. Many people did not live in actually houses. Most lived in hurried place shacks with very little insulation, poor sanitation, and no running water. These conditions helped the disease spread from household to household.² Silicosis was a big problem in the Tri-State Mining District. Silicosis, for the worker was rooted in long hours, breathable toxins, and low wages. These things led to poor housing, healthcare, and clothing because they were unable to

² A.M. Gibson, *Wilderness Bonanza: The Tri-State District of Missouri, Kansas, and Oklahoma* (Norman, Oklahoma: University of Oklahoma Press, 1972), 179-95.

afford better. The insurance and mining companies made people think that it was the miners fault because of the way they and their families were living. During the 1930s, silicosis became widespread because of the work conditions.³

From 1915 to the Great Depression, federal agencies studied and documented the deteriorating health conditions of the community. Briefly, during the New Deal, workers' health emerged as a politically charged issue, and the United States Department of Labor actively intervened on the side of labor to undermine the hegemony of the mineowners.

After World War II, the region's economy collapsed and federal initiatives lapsed.⁴ There were competing lines of thought to why silicosis occurred but not a lot of people doing anything to help prevent or treat the disease.

It was during World War II that miners and other workers were either working in the mines or other fields or they were fighting overseas. In 1941, the Japanese bombed Pearl Harbor and the United States declared war. Soon the United States was at war with both Japan and Germany and industry began booming again because of war production. Therefore, the mining industry pickup because the War Department needed the raw materials that were available everywhere, including those in the Tri-State Mining District. The United States sent its men and boys over to far away countries to help the Allies fight against the Japanese and the Germans.

Eventually the war ended but not before the nation lost its president. The war ended in 1945 on both fronts and the United States transitioned into a peaceful time. It also helped Germany and other countries transition from war production to peace production. Women became more active in the workforce. Mining also managed to be important post- World War II,

³ Gerald Markowitz and David Rosner, "The Street of Walking Death: Silicosis, Health, and Labor in the Tri-State Region, 1900- 1950," *The Journal of American History* 77, no. 2 (Sept. 1990): 525-552.

⁴ *Ibid.*, 526

but became highly mechanized. It was through these times that helped shaped the workmen's compensation laws and statutes would become.

In the early days January of 1924 there were talks about how the insurance rates for workmen's compensation would go up in price. There was a note written by an assistant that, "Analysis of the 40% been also submitted to Ins. Carriers of NY, NJ and other states. Was recognized expense ratio to 1920. At that time, was reduced in many states from average of 40 to 38%." This was mentioning how the new rates were based on a compromise for 40 percent for expenses, which included everything except loss payments.⁵ From February to May of 1924, there was more discussion on insurance rates for workmen's compensation. There was a document that compared what each state had for compensation for workers. Missouri had an Employer's Liability State. This meant that there was no workmen's compensation act yet and mine accidents were dealt with by the employers. Kansas had a workmen's compensation law that covers both personal injuries as well as damages for death claims based on the earning capacity and life expectancy of the deceased. Oklahoma's workmen's compensation act includes all personal injury but not accidents that cause a death of employee in the mid 1920s.⁶

In 1927 A.T. St. Clair created a document that described the differences and similarities between Kansas, Missouri, and Oklahoma for his company Federal Mining & Smelting Company that described the workmen's compensation laws in each state. In this document Missouri administers its compensation through a commission of three members that are appointed by the governor, Kansas administers its compensation through a Public Service Commission of five members also appointed by the governor, and Oklahoma administers its

⁵ Hand written note on "Pushing Rate of Revision." January 17, 1924, Box 30, Picher Collection, Pittsburg State University.

⁶ "Statement to Increase the Compensation Insurance Rates in Oklahoma." Feb-May 1924, Box 30, Picher Collection, Pittsburg State University.

compensation through a State Industrial Commission made up of three members appointed by the governor. It is noted that Kansas has a fee to process the agreement and to have a hearing. It discusses the employments covered by the Workmen's Compensation Act. In Missouri, occupations that qualify for workmen's compensation include private employment that has more than ten regular people working there, but not including farms, domestic labor, casual labor, outworkers, employees covered by Federal laws, and employees that earn over \$3600 per year. In Kansas, it includes all hazardous employments, employments that more than five regular employees for more than one month, but not employments that are covered by Federal law. It does apply to mining and building and it does not matter whether or not there number of employees or the period of employment. In Oklahoma, it includes all hazardous employments that regularly employ two or more people.⁷

The document created by A.T. St. Clair research was very thorough. This document also showed how to file a claim, when a person could file a claim, and how long a person could wait to file a claim. It describes about how much money a person would be allowed to have depending on if the injury is temporary or permanent. In Missouri, for a temporary injury a person had sixty-six and two thirds of his average earnings and for a permanent injury it was the same rate as temporary injury but the time limit is for three hundred weeks and twenty-five percent of earnings for the rest of his life. In Kansas, for a temporary injury a person had up to sixty percent of his average earnings and for a permanent injury it is the same rate as temporary injury but with a time limit of eight years. In Oklahoma, the rate for a temporary and permanent injury was the same rate as Missouri with sixty-six and two thirds percent of earnings. However, both types of injuries have a time limit, for a temporary injury it is three hundred weeks and for a

⁷ A.T. St. Clair, *Comparative Laws of Missouri, Kansas and Oklahoma* (Baxter Springs, KS: August 1927), Box 163, Picher Collection, Pittsburg State University.

permanent injury it is five hundred weeks. This document details what kinds of injuries get compensation and for how much their injury is usually worth. It talks about the types of insurance that are allowed, how much injury by third party is, and how accident prevention by a company that can help them if an injured employee refuses to follow safety regulations.⁸

A report was released on January 20, 1931 that had the accident statistics from the years 1924 to 1930. It detailed the number of injuries, percent of injuries to the whole, and the different mine accident that occurred within the timeframe. It also included mill accidents and surfaces accidents that occurred in the between 1924 and 1930. It combines the years 1924 through 1928 together and has 1929 and 1930 set apart. In the years 1924 through 1928 there were 15827 mine accidents at 80.53 percent of accidents that occurred at the mine. Surface accidents included 1872 injuries and 9.53 percent of all accidents that occurred at the mine. In 1930 mine accidents went to 1498 which include 82.17 percent of all accidents and surface included 139 accidents which were 7.63 percent of the whole.⁹

Newspapers across the country brought together the workmen's compensation fight. What happened in one state affected the others. On February 18, 1930, this headline was printed "Court Reverses Mine Compensation Case." It involved the court case of E. Harris v The Commerce Mining & Royalty Company. The Oklahoma State Supreme Court found in favor of the company because E. Harris was still doing light work for the company therefore he was not entitled to the full amount of compensation.¹⁰ It was not very long until the next big compensation article came on March 1, 1930 and talked about "Anger of the compensation insurance carriers has resulted in the initiation of litigation that some experts predict, will either

⁸ *Ibid.*

⁹ Tri-State Zinc & Lead Ore Producers Association, *Accident Statistics, Year 1930* (Picher, OK: January 20, 1931), Box 30, Picher Collection, Pittsburg State University.

¹⁰ "Court Reverses Mine Compensation Case," February 18, 1930, Box 163, Picher Collection, Pittsburg State University.

destroy the workmen's compensation law in Oklahoma, or force the adoption of the state fund system." While there was no title, this was not all the article mentioned. It specifically referred to Judge Thomas H Doyle standing up for workers against the insurance companies. There was at least someone willing to help people out against the big companies that existed.¹¹

The workmen's compensation fight continued all through the 1930s. On April 7, 1930, the JNH published this article "Compensation Law Ruling By Supreme Court." Mr. George H. Wahling was a salesman for the Krenning-Schlapp Grocery Company. It was during one of his travels for the company that a car ran into the train causing an accident that killed him. His family sought compensation for his death because he would not have been on that train unless he was working. It was appealed several times before landing at the Missouri State Supreme Court division two. The court ruled that was no limit on death compensation to just \$6000. Also that the death of Mr. Wahling did not fall under the compensation insurance with the Metropolitan Causality Company, but did fall under the workmen's compensation because he was working for the company. This was a big step toward the workmen's compensation that we have today.¹² The next big court case for workmen's compensation came on May 20, 1930 in the case of Western Steel Erecting Company v R.C. Luckenbill, et al. case number 20920 heard by the Oklahoma State Supreme Court. The court upheld a lower court ruling of the original award made by the State to a man whose foot was crushed that caused both temporary and permanent partial disability. The State gave him compensation for both and the Western Steel Erecting Company did not agree with it.¹³

¹¹ "Anger of the Compensation Insurance Carriers," March 1, 1930, Box 163, Picher Collection, Pittsburg State University.

¹² "Compensation Law Ruling By Supreme Court," JNH, April 7, 1930, Box 163, Picher Collection, Pittsburg State University.

¹³ "Compensation Award By State Industrial Commission Upheld," USD, May 20, 1930, Box 163, Picher Collection, Pittsburg State University.

Mrs. F.L. Roblin wrote a break out article that appeared in the USD on September 26, 1930. It described the differences between an accident and willful misconduct. She showed that the Oklahoma State Supreme Court case of Wick v. Gunn stated that when a worker does not use safety appliances voluntarily and intentional, does not mean that the accident was done on purpose. A worker "is not guilty of willful misconduct unless he deliberately violates the rule with full knowledge of its intention and the accompanying dangers." It was this article that would be very important to both employees and employers in order to understand the law that was constantly changing.¹⁴ The next court case was in October 28, 1930 that was printed in the MNR. The article talked about how the Oklahoma Industrial Commission could not grant an award for total disability and give extra money. A child of a hurt or deceased parent wanted more money from the commission but was unable to get it. Unfortunately, that child had to lose both parents.¹⁵

The workmen's compensation fight did not stop in the newspapers at 1930 but went on to include 1931. On November 5, 1930 an article entitled "Disability Ruling Given in Oklahoma" was printed. It portrayed the Oklahoma State Supreme Court stated in the case of Federal Mining & Smelting Co. et al. v. Sam Warman et al. that the State Industrial Commission cannot give more compensation for disfigurement after they have already given the maximum compensation allowed.¹⁶ On March 7, 1931, a huge case was decided in Kansas. It was the case of Lloyd H. Hilton v The Sheridan Coal Company. Kansas State Supreme Court heard this case. It had been appealed from the Crawford District Court. Mr. Hilton had been injured and then had returned to

¹⁴ Mrs. F.L. Roblin, "Compensation for Accidents Due to Willful Misconduct," *USD*, September 26, 1930, Box 163, Picher Collection, Pittsburg State University.

¹⁵ "Court Denies Minor Extra Compensation," *MNR*, October 28, 1930, Box 163, Picher Collection, Pittsburg State University.

¹⁶ "Disability Ruling Given in Oklahoma," November 5, 1930, Box 163, Picher Collection, Pittsburg State University.

work after receiving some compensation. The defendant was told that if they did not fire Mr. Hilton, the parent company would pull their lease. The court found that the defendant must be presumed to have known that the theory underlying the entire jurisprudence of that State is, "that its people shall be free from vexatious oppressions and petty tyrannies such as its superintendent of mines practiced on this plaintiff, and it must have known that such a course of conduct to flout the declared legislative policy was likely to bring disagreeable consequences to those who would pursue it."¹⁷ In short, because the superintendent of mines made a threat to the company they should have been smart enough to know that firing Mr. Hilton would result in serious problems.¹⁸

Around this time a law was passed in Kansas so that compensation would cover the entire medical cost. This was printed on May 12, 1931. The article states "[t]he State Workmen's Compensation Commissioner, G. Clay Baker, has just announced his interpretation of the new amendment to the Kansas workmen's compensation law increasing allowances for medical, hospital and surgical treatment." It goes on to mention that cases that exceed \$100, they will be deemed extreme and be given up to the maximum of \$500.¹⁹ A little later on June 23, 1931, an article was printed that talked about how compensation for miners was ordered in Oklahoma. Governor William H Murray ordered the Attorney General, J. Berry King, to make all coal mine operators in Pittsburg County who are not complying with the State workmen's compensation law to do so at once to make sure that everyone is protected.²⁰

¹⁷ "Employee Is Granted Recovery For Discharge After Injury," March 7, 1931, Box 163, Picher Collection, Pittsburg State University.

¹⁸ *Ibid.*

¹⁹ "Compensation Law in Kansas Covers Entire Medical Cost," May 12, 1931, Box 163, Picher Collection, Pittsburg State University.

²⁰ "Compensation For Miners Is Ordered in Oklahoma," June 23, 1931, Box 163, Picher Collection, Pittsburg State University.

On May 19, 1933, the Tri-State Zinc and Lead Ore Producers Association wanted to change part of the workmen's compensation act. They wanted to change three sections of the act that would limit death compensation, hearings would not be able to be appealed in the court system, and that there is a certain amount of time to file a compensation claim. This document was passed by both the State House of Representatives and the State Senate. It was signed by Governor William H Murray on May 3, 1933.²¹

After World War II in June of 1946 there were some changes in workmen's compensation. In Kansas and Missouri there was a limit on how much money widows and children were allowed for death compensation. Oklahoma and Missouri had a permanent injuries maximum percent of wages of sixty-six and two thirds of workmen's wages. Kansas only had a maximum percent of wages of sixty of their wages. There were also time limits but they were different for each state. All three states had temporary injuries plans with a maximum percent that was the same as the permanent injuries. This area also had time limits that were different for each state. Only Missouri had an occupational disease workmen's compensation plan.²²

On December 13, 1946, a letter from the Association Industries of Oklahoma to Mr. F. F. Netzeband talks about occupational disease coverage that was being discussed in the state legislature and they wanted to get together to talk about what was good and what was bad.²³ A few years later Mr. F.F. Netzeband wrote a letter to Mr. Hugh Wright on July 24, 1956, that has Mr. Netzeband asking Mr. Wright for information of insurance companies that provide a digest for each state that have workmen's compensation coverage.²⁴

²¹ Oklahoma State Senate, Jennings and Briggs, Bill no. 161, Box 30, Picher Collection, Pittsburg State University.

²² Department of Labor, *Workmen's Compensation Chart*, Washington: Government Printing Office, June 1, 1946, Box 105, Picher Collection, Pittsburg State University.

²³ Association of Industries of Oklahoma, December 13, 1946, Letter to Mr. F.F. Netzeband, Box 105, Picher Collection, Pittsburg State University.

²⁴ Mr. F.F. Netzeband, July 24, 1956, Letter to Mr. Hugh Wright, Box 105, Picher Collection, Pittsburg State University.

The Tri-State Mining District workmen's compensation took a long time to come into effect in order to protect everyone. A lot of adjustments to the workmen's compensation act came during the time from 1930 to 1946. The injuries and deaths that occurred help shape the law and make it the best for the future workers of the United States. It was these little fights that made sure that state governments passed workmen's compensation laws as sometimes a punishment to the companies but other times to make the mining companies operate more safely. Both of these reasons are why the workmen's compensation statutes are an important part of history.

Bibliography

Primary Sources

“Compensation Award By State Industrial Commission Upheld,” *USD[US Daily]*, May 20, 1930. Box 163, Picher Collection, Pittsburg State University.

This article is about the Oklahoma State Supreme Court decision to uphold an award for an employee whose foot was crushed and had been awarded compensation for it.

“Compensation for Miners Is Ordered in Oklahoma,” June 23, 1931. Box 163, Picher Collection, Pittsburg State University.

This was an Oklahoma policy that made sure that all miners were covered with insurance. The governor of the state ordered it.

“Compensation Law in Kansas Covers Entire Medical Cost,” May 12, 1931. Box 163, Picher Collection, Pittsburg State University.

The Kansas legislature allowed for many if not all medical cost to be covered by workmen’s compensation.

“Compensation Law Ruling by Supreme Court,” *JNH*, April 7, 1930. Box 163, Picher Collection, Pittsburg State University.

This was a Missouri State Supreme Court case. It dealt with the limit of death benefits for workmen’s compensation.

“Court Denies Minor Extra Compensation,” *MNR*, October 28, 1930. Box 163, Picher Collection, Pittsburg State University.

A minor in Oklahoma wanted extra compensation after both of his parents had passed away. The court however could not grant his request.

“Court Reverses Mine Compensation Case,” February 18, 1930. Box 163, Picher Collection, Pittsburg State University.

The Oklahoma State Supreme Court reversed a decision of a lower court in favor of a company.

“Disability Ruling Given in Oklahoma,” November 5, 1930. Box 163, Picher Collection, Pittsburg State University.

This was an Oklahoma State Supreme Court case that decided that disfigurement could not be taken into account when figuring disability.

"Empolye Is Granted Recovery For Discharge After Injury," March 7, 1931. Box 163, Picher Collection, Pittsburg State University.

This article was about a Kansas Supreme Court case that decided that a person cannot be fired after receiving workmen's compensation.

Labor Relations. Box 105. Picher Collection. Pittsburg State University Library.

This box dealt specifically with labor relations with the federal government. This is where I got the letters and the Department of Labor chart.

Mrs. F.L. Roblin, "Compensation for Accidents due to Willful Misconduct," *USD [US Daily]*, September 26, 1930. Box 163, Picher Collection, Pittsburg State University.

Mrs. Roblin specifically mentions an Oklahoma State Supreme Court case that defines the differences of accidents and willful misconduct.

"Three Fingers Worth \$47,000?" 1930. Box 163, Picher Collection, Pittsburg State University.

A man received \$47,000 after having three fingers cut off after a railroad company's negligence.

Tri-State Zinc. Box 30 Picher Collection. Pittsburg State University.

This contained the accident statistics, the comparison of the compensation laws, notes and a change in compensation in Oklahoma.

Untitled, March 1, 1930. Box 163, Picher Collection, Pittsburg State University.

Anger at insurance companies because some experts believe that more litigation will follow and a judge is standing up for the workers.

Secondary Sources

Derickson, Alan. "'On the Dump Heap': Employee Medical Screening in the Tri-State Zinc-Lead Industry." *The Business History Review* 62, no 4 (Winter 1988): 656-677.

This describes how mines dealt with the occupational disease of silicosis from the time of Calvin Coolidge's administration. It included a large amount of background information some of which was helpful. It also mentions that workers were fired for having silicosis.

Gibson, Arrell M. "A Social History of the Tri-State District." *Chronicles of Oklahoma* 37, no. 2 (1959): 182-95.

This describes how mining camps turned into towns and then faded away again. It talks about how the mining towns spent more money on education than the states did. It also talks about daily life.

-----, "Early Mining Camps in Northeastern Oklahoma." *Chronicles of Oklahoma* 34, no. 2 (1956): 193-202.

This shows about the about the large amount of alcohol consumed in the early mining camps. It also describes about how there were environmental problems in some mines and how the mining camps developed into towns.

-----, *Wilderness Bonanza: The Tri-State District of Missouri, Kansas, and Oklahoma*. Norman, OK: University of Oklahoma, 1972.

This chapter mentions everything that could go on in a mining town like silicosis, tuberculosis and sexual transmitted diseases. It mentions that type of treatment that they used. It also shows about mining claims and marital status affecting jobs.

Markowitz, Gerald, and David Rosner. "'The Street of Walking Death': Silicosis, Health, and Labor in the Tri-State Region, 1900-1950." *The Journal of American History* 77, no. 2 (Sep., 1990): 525-552.

This is about workers who were punished for taking medical leave. It also talks about how people died fairly quickly.