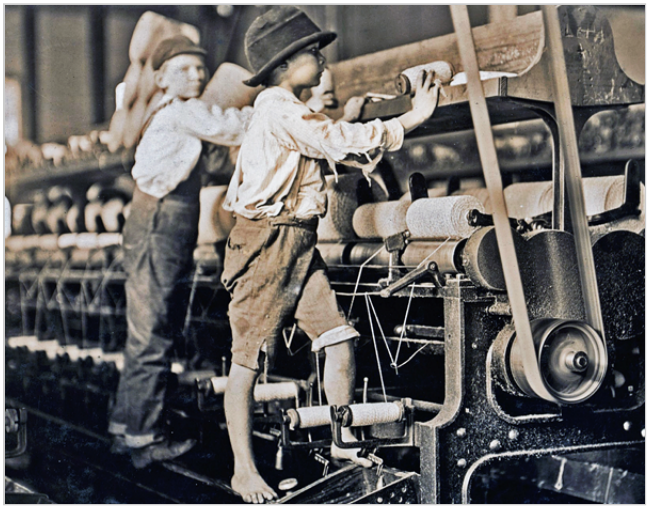
Monthly Labor Review
January 2017

History of child labor in the United States—part 2: the reform movement

As progressive child labor reformers gained traction during the last quarter of the 19th century, efforts expanded at the state level to outlaw the employment of small children. The move toward state-level reforms proved challenging. Many states, particularly in the South, resisted the effort. Frequently, child labor law opponents denied the problem existed and aggressively extolled the virtues of children in the workplace. This foiled the goal of achieving uniform laws across the country through state action. The failures at the state level caused many reformers by the early 1900s to believe that a federal law might be the best option. The limited role of the federal government under the Constitution, however, made such a prospect difficult. Many constitutional experts, Congressmen, and Presidents believed such a law was unconstitutional. In the face of widespread public support for curtailing child labor, a law based on the Commerce Clause of the Constitution—giving Congress the authority to regulate commerce between states or with foreign nations—was passed in 1916. This article concentrates on the reform movement up through the passage of that law.



Michael Schuman
schuman.michael@bls.gov

Michael Schuman is a supervisory contract specialist in the Office of Administration, U.S. Bureau of Labor Statistics.

> I am glad to see there is going to be a meeting here for child labor. I am really tired of seeing so many big children ten years old playing in the streets.[1]—*Prominent lady citizen*

> Don't take these boys away from us! We have just bought these uniforms, and they were made to order.[2]—*Shopkeeper in Cleveland, Ohio*

There is a street in Lawrence, MA, named Camella Teoli Way. To know the story of how that street came to be named is to know the story of a struggle. The struggle of Camella Teoli is one of a young Italian immigrant who started work in a mill and ultimately spoke before Congress.[3] Teoli's struggle is a battle against child labor.[4]

The public story of Camella Teoli begins and ends with the 14-year-old's testimony to Congress in March 1912. There, in front of an audience including Helen Taft, the wife of President William Howard Taft, Teoli told her story.[5] Teoli was an employee of the American Woolen Company in Lawrence, MA. As a result of a new state law, the

maximum working hours in the mill were reduced from 56 to 54 per week for women and children.[6] Mill owners sped up the machines in order to make up for the shorter workweek.[7] In protest over the faster rate of production and the commensurate reduction in pay, mill workers—adults and children—walked out on strike. Violence between strikers, replacement workers, police, and soldiers grew as the strike, which became known as the Lawrence Textile Strike, went on. To create publicity for their cause and to ensure the safety of their children, many strikers sent their children out of town. While the children were accepted with open arms in cities like New York, embarrassed Lawrence officials demanded parents keep their children in Lawrence. When the next group of children prepared to depart the train station, they were met by police and soldiers. The police refused to let them board the trains and launched an attack on the group. A 7-year-old was given a black eye when she was picked up and thrown into a paddy wagon by police. Another witness testified to children being thrown around like rags. Citizens across the country were horrified by the events.[8]

As a result of the outcry over the confrontation in Lawrence, a federal investigation into the strike began at once. A delegation of adult and child strikers was sent to Washington, DC. President Taft asked to see the children. The strikers testified before a House of Representatives committee looking into the events.[9] While the testimony focused on the origins of the strike and subsequent violence, the most lasting impression was made by Camella Teoli.

Teoli explained to the committee that over a year earlier, a man came up to the house and spoke to her father. She had been attending school and the man asked her father why she didn't work. Her father explained that he was unsure whether she was 13 or 14 years old. The man replied that for $4 he could get papers similar to those from

the “old country” that said she was 14. Her father paid the $4 and she was sent off to work.[10] A mere 2 weeks into her time at the mill, however, things went terribly wrong. As she told the committee, one day, near the end of her shift, her hair became entangled in a machine and a portion of her scalp had been torn off. She spent 7 months in the hospital and was still undergoing medical treatment. Her father was arrested for falsifying her age. The mill, though, was likely clear from liability because Camella was illegally working as an underage minor.[11]

The story of Camella Teoli drew widespread attention throughout the country. The presence of the First Lady Helen Taft at the hearing helped heighten awareness of the issue. The hearing, though, was not a turning point in the movement against child labor. No seminal event changed public perceptions nor turned the tide against the use of children as laborers. Rather, the struggle was long, with many victories and failures along the way. Teoli’s story of injury, false documents, and parental and mill-owner apathy is emblematic of the larger fight against child labor.

The initial move against sending children out of the home to labor on their own has its origins well before Camella Teoli and the Lawrence Textile Strike. In England at the turn of the 19th century, the movement toward child labor legislation was the hard work of a few reformers. They, like the later reformers in the United States, faced obstacles. Manufacturers claimed that if child labor were eliminated, they would be bankrupted. Mr. Justice Grose, an early English child labor reform advocate, answered these charges when he remarked, in 1801 upon sentencing a man for overworking his young apprentices, “If the manufacturers insist that without these children they could not advantageously follow their trade, he should say that trade must not for the sake of filthy lucre, be followed, but at once, for the sake of society, be abandoned.”[12]

Child labor was not abandoned expeditiously in the United States, either. A lengthy movement first needed to take place. Rather than being based on a desire to eliminate the poor conditions children toiled in, the movement was initially fueled by concerns over the lack of education the toiling children received. The New England breed of Puritanism believed both in a strong work ethic and that salvation was achieved through a good understanding of the Bible. The latter belief, of course, required that children be able to read. Secularists similarly valued education as a fundamental necessity to achieve an educated citizenry; to Secularists, education was fundamental to democracy.[13]

A focus on these issues led the Connecticut legislature to pass a law in 1813 requiring that children working in factories be educated in reading, writing, and arithmetic.[14] Despite facing arguments that such laws were contrary to the parents’ right to raise their children as they pleased, by 1850, three more states passed similar laws.[15]

An 1836 National Trades’ Union convention was the first body to call for a minimum age for factory workers.[16] In response to the increasing call for legislative intervention, Massachusetts in 1842 limited the workday for children under age 12 to 10 hours. Connecticut acted similarly, but applied the law to children under age 14.[17] By the end of the 1840s, every New England state had a child labor law.[18] These states included age limits ranging from 9 to 14. These regulations, however, were fairly limited.[19] Generally, these laws and those passed in the following decades had little impact on the practice of child labor. Many of the laws contained exceptions that allowed younger children to work with parental consent, and some allowed the hour limitations to be exceeded if the additional work was voluntary.[20] Furthermore, while it may seem strange now, well into the early 20th century it was not uncommon for children to be unaware of their own ages.[21] This was particularly true in rural Southern areas[22] and among immigrants.[23] Without any structured sort of records, the best and sometimes only

documentary evidence might be a notation of the birth in the family Bible.[24] This lack of documentary evidence made requiring proof of age for employment difficult.[25]

While throughout most of the 19th century child welfare organizations were primarily concerned with the problem of idle and vagrant children,[26] things changed toward the end of that century. Data from the 1870 census concerning the number of child laborers spurred the first widespread recognition of the problem.[27]

The public was starting to become aware of the conditions under which children labored, and politicians slowly began to take notice. In 1872, the Prohibition Party became the first political party to include in its national platform a provision that condemned the use of children in industry.[28] This point of view, though, was not a widespread one. Two years later, in 1874, at least 20 people, most young girls, some as young as 5, were killed in a fire at the Granite Mill in Fall River, MA.[29] Young girls were burned alive, suffocated, or killed in a futile attempt to jump to safety. The story of the fire made headlines across the country. Surprisingly, the story of why there were so many children in the mill did not. Rather, editorials generally focused on a call for greater fire-safety measures in order to prevent future disasters. While the *Chicago Tribune* lamented the fact that so many children had to toil in such conditions, the paper proposed making the workplace more secure for children as the solution. One Massachusetts resident, however, wondered why the mill was filled with children. His solution: “Take the children out of the mills.”[30]

Between 1885 and 1889, stories like this led 10 states to pass minimum age laws, while 6 set maximum working hours for children.[31]Despite these new laws in some states, the number of child workers in the United States continued to increase.[32] In 1890, more than 18 percent of children ages 10 to 15 were employed.[33] Although by 1900 laws in the North curtailed child labor to an extent, the practice of child labor was widespread in the South.[34] Primarily as a result of efforts in the North, enrollment of children across the country in secondary schools increased 150 percent from 1890 to 1900. During this same period, the population increased only 21 percent.[35] Compulsory education laws were widely enacted outside of the South during the post–Civil War period.[36]

Early 20th century reform efforts

The start of the 20th century was the time when reform efforts became widespread.[37] From 1902 to 1906, national magazines published 69 articles under the heading of “child labor,” while only a handful were penned in the previous 5-year period.[38] Although reformers in some cases admitted there was a need for child labor, they hoped that even the South was becoming well-developed enough to remove its children from the factories. Reformers posited that the long hours of premature toil and the deprivation of education caused a litany of health problems.[39] As Stephen B. Wood pointed out, the reformers’ assumptions began the process by which the public changed from viewing child labor as a “beneficent social institution” to viewing it as an institution with the stigma of being “an unrighteous and harmful consequence of industrial capitalism, destructive to the child and community.”[40] Despite this gradual change in the public at large, the reformers, in seeking change, were opposed by parents, industry, and, in some cases, even the children themselves.

The first noted proponent of child labor legislation in the South was Edgar Gardner Murphy, an Arkansas clergyman.[41] He founded the National Child Labor Committee (NCLC) in 1904 and attempted to organize support for child labor restrictions among mill operators. The year prior, Murphy gave what was later widely referred to as “the greatest speech against child labor ever” to the National Conference of Charities and Correction. In the speech, he called for a “crusade” to obtain uniform legislation against the evil of child labor. Because of the varying

conditions among the states, he did not call for a federal law. He believed such a law would be “inadequate if not unfortunate.” Instead, he sought to establish the NCLC as a nationwide organization that would support state-based efforts to pass legislation.[42] The NCLC, as one of its initial efforts, drew up a model child labor bill copying the best features found in progressive states. The bill contained a minimum working age of 14 for manufacturing and 16 for mining. Furthermore, it specified a maximum workday of 8 hours, required proof of age, and outlawed night work.[43]

While the movement against child labor was still in its infancy, by 1903 the NCLC was not alone in the fight. During a strike at a Kensington, PA, mill, at least 10,000 children left work. Mary Harris “Mother” Jones took up their cause and drew publicity to the plight of working children. She assembled a group of young toilers for a public demonstration. In doing so, she chose children “with their fingers off, and hands crushed and maimed.” Not stopping with a mere static display, she took the children on a march to the Oyster Bay, NY, retreat of President Theodore Roosevelt. Roosevelt, however, refused to meet with them.[44] His response was issued through Assistant Secretary to the President B.F. Barnes. Barnes explained that “the children had the President’s heartfelt

sympathy . . . but under the Constitution, Congress had no power to act. . . . The states alone have the power to deal with this subject."[45]

Despite Roosevelt's refusal to meet with the children, the procession of 200 youngsters from Pennsylvania to New York drew attention from onlookers and brought publicity to their issue.[46] President Roosevelt even raised the issue of child labor in his 1901 and 1904–08 State of the Union addresses to Congress. He ordered the Department of Commerce and Labor to pay particular attention "to the conditions of child labor and child-labor legislation in several states." He did this with an eye toward setting up nationwide rules to be passed at the state level.[47] A federal law, however, was still out of the question for Roosevelt.

The NCLC continued its work at the state level. To highlight the focus on child welfare, reformers spread stories of the horrors of child labor. This meant not only portraying scenes of little children working in dangerous situations, as NCLC photographer Lewis Hines did, but also portraying greedy mill owners and parents in a negative light. Most stories concentrated on the greedy parents. The reformers spread tales of fathers who were too drunk and too lazy to work that they pushed their own children into labor.[48] Mothers, too, were portrayed negatively. The *New York Observer* noted that children's wages helped "to deck out with a little more finery the gaunt figure of a neglectful mother."[49] A riot nearly broke out at a New York cannery when the owner attempted to exclude young children from employment. "[He was] besieged by angry Italian women, one of whom bit his finger 'right through.'"[50]

Parents who were ignorant of the damage that child labor did to their children often insisted that their children go to work.[51] The Wisconsin Child Labor Committee reached a similar conclusion that "the violation of the child labor laws, both in letter and spirit, seems to us to increasingly come rather from the side of the parent and child than from the side of the employer."[52] In Mississippi, NCLC investigators found an "unnatural class of parents who had become accustomed to subsist[ing] by their children's labor."[53] One Italian father in Chicago remarked in grief upon the tragic death of his 12-year-old girl that "in two years she could have supported me, and now I shall have to work five or six years" until his next eldest was old enough to provide him support.[54] Parents also competed with their children for jobs, thereby lowering the wages they each received.[55] In the textile industry, for example, while grown men earned $6 to $7 a week, children could be hired for only $2 a week.[56]

Many parents actively aided their children in thwarting the child labor laws that did exist. An investigation into one Pennsylvania mining town is illustrative. According to the superintendent of schools, between 175 and 200 boys under age 16 were employed in the mines. He found that children who had presented certificates from doctors certifying they were unable to attend school because of a physical handicap were instead toiling away in the coal mine. In some cases, he observed children so small that they couldn't carry their father's dinner pail without it dragging on the ground at work in the mines. Since miners were paid per carload of coal, any additional hands that could help load coal meant an increase in pay. In many cases, mine supervisors did not ask for a certificate stating the age of the child, particularly if they felt sorry for the family.[57]

Reformers recounted numerous horrifying stories that showcased the impact of labor on small children. When children under age 16 worked in the mines, one study found that they were three times more likely to die than were adults. About 75 percent of slate pickers who were killed were children under 16.[58] One boy had his leg so badly crushed while he was helping his father load a coal car that he had to spend a year in the hospital.[59] "Breaker boys" (workers who separated impurities from coal by hand) were frequently hit on the head or shoulder by the "breaker boss" if they were not working fast enough.[60] One boy touchingly recounted his attitude toward facing the day at the mine this way: "I'll always think of my poor blind father and my mother at home, and I won't never play with the boys at all, and then the cracker boss won't have to beat me like he does the others."[61] This boy was 9 years old. While stories like these provoked outrage in many quarters, in the coal-producing regions there was no

such concern. The view that “the little devils like it,” as one coal boss put it, seemed to be the prevailing sentiment. Child labor wasn’t discussed in these regions because it wasn’t seen as an issue.[62]

Conditions at glass manufacturers were no better than in the mines. The higher temperatures combined with the fumes may have caused one worker to remark, “I would rather send my boys straight to hell than send them by way of the glass house.”[63] Adding to the dangerous conditions was the fact that much of the work was done at night when children normally would be asleep. Night work was preferred by one manager who explained that at night the boys were too afraid to run away.[64] Some owners surrounded their factories with barbed wire; at least one of the reasons for this practice seems to have been a desire to keep their workers inside.[65]

Children were also being harmed mentally through their lack of opportunities for schooling. Symbolic of this was a petition organized by mill operators that was brought to the South Carolina legislature. The petition in opposition to child labor reforms was signed by 3,000 mill employees and stated, “We are not overworked, and are satisfied, and only ask to be let alone.” An examination of the signatures indicated that 100 of the children were incapable of signing their own name and could only mark the petition with an “X.”[66]

When mill owners did agree that some had gone too far in their employment of small children, they believed it was best left to the mills themselves to resolve. The extent of child labor, in many cases, depended on the attitudes of the supervisor and ownership. While some employers relied heavily on children, others in close proximity to the children-employing mills did not.[67] One study of Alabama mills found that those whose owners lived in northern states employed twice the number of children as did the other mills in Alabama.[68] Some businesses found it beneficial to eliminate child laborers altogether. Speaking at a NCLC convention, a Connecticut manufacturer spoke of removing 400 child workers from his operations. He found that by not employing children under age 16, he had to pay a little more in wages, but the increased rate of productivity and the reduced rate of accidents more than made up for this.[69] Consistent with this finding, one 1906 survey found that 63 percent of employers thought children were not of value to their industry; only 20 percent said they wished to employ children.[70] However, regardless of their views on employing children, mill and factory owners were generally opposed to government regulation of child labor. This view was characterized by one Raleigh employer who remarked, “We think if possible all the mills should run not over eleven hours a day and avoid, if possible, taking children under twelve or thirteen years, but we deem legislation on this subject bad policy; let the employer and the employee settle these things, this is a free country for all.”[71] Southern states generally adhered to this antiregulation view. No states had fewer restrictions on child labor than Alabama, Georgia, North Carolina, and South Carolina.[72] Georgia had no age limit at all and instead relied upon voluntary agreements among mill owners to regulate child labor.[73] The others had a 12-year age limit, although South Carolina and Alabama allowed exceptions for orphans and children whose parents were too sick to work.[74]

The first major legislative battle in these states took place in 1905 in North Carolina. The bill sought to raise the minimum working age for girls and illiterate children from 12 to 14. The bill would also prohibit night work for children under 14.[75] While initially this bill appeared likely to pass on the basis of widespread support from the state’s elected leaders, it was defeated after significant lobbying by cotton mill operatives—75 percent of spinners in the state were under 14.[76] The Cotton Manufacturers’ Association president declared that if a minimum-age law passed specifying 14 as the minimum age, every mill in the state would close.[77] After an organized campaign of opposition, the measure failed to receive a single vote in the North Carolina legislature.[78]

The mill owners blamed the “outside agitators” of the NCLC for stirring up antichild labor sentiments. The mill owners alleged that the NCLC was a Northern-backed group whose aim was the destruction of the Southern way of life, despite the fact that only a small percentage of the funding donated to the NCLC was from the North. The NCLC was more closely aligned with the interests of labor unions than it was with the North. The American Federation of Labor recognized that as long as child labor was widespread in the South, the Federation would never be able to increase wages for union workers there.[79] Poorly educated child laborers tended to become poorly educated adults who often were docile employees unlikely to demand higher wages or get involved in union organizing.[80] As a result, unions put their might behind the antichild labor cause, and some manufacturers put their efforts behind defeating the twin enemies of unionism and child labor reform.

1906: a historic year

The year 1906 was a historic year in the fight against child labor. That year, a federal child labor bill was introduced in Congress by Republican Senator Albert J. Beveridge of Indiana. His bill sought to outlaw the transport in interstate commerce of any articles mined or manufactured by children under 14 years of age under the authority of the Constitution’s Commerce Clause.[81] In a speech in support of the bill, Beveridge declared, “We cannot permit any man or corporation to stunt the bodies, minds, and souls of American children. We cannot thus wreck the future of the American Republic.”[82] He took special aim at conditions in the South. “I come to the section of the country where this evil is greatest and most shameful and where it is practiced upon the purest American strain that exists in this country—the children in the southern cotton mills,” he said.

Highlighting the need for federal intervention, Senator Beveridge noted that “Even if in one or a dozen states good child labor laws were still executed, the business man in the good state would be at a disadvantage to the business man in the bad state.”[83] Consequently, states frequently were unwilling to take such advances alone for fear of giving another state an advantage.[84] Additionally, in border areas, children could seek employment in a neighboring state and return home after their shift.[85] Such situations also gave businesses in a state with the more restrictive child labor laws an incentive to violate them in order to compete with neighboring businesses in states where child labor was legal. This situation, for example, occurred in the glass industry. While Ohio had banned boys under age 16 from the glass industry, West Virginia and Pennsylvania had no such restrictions.[86] The fact that Pennsylvania, with its mine industry and weak child labor laws, had a workforce participation rate for 12-year-olds that was nearly 5 times that of the neighboring states of New York and Ohio highlighted the need for a federal law that restricted child labor, Senator Beveridge argued.[87]

The introduction of a child labor bill at the national level brought heightened attention to the topic. This led to a number of articles in newspapers and magazines on what previously was a seldom-covered topic.[88] Civic groups also began to pay attention in greater numbers. The Consumers’ League of the State of New York, for instance, prepared a syllabus of study for women’s clubs and reading circles titled “Our working children” to highlight interest in school attendance and child labor.[89] The Consumers’ Leagues of Detroit and Cincinnati sought information on child labor law violations and started a publicity campaign in favor of early Christmas shopping.[90] Shopping earlier in the year lessened the need for merchants to hire additional child toilers in order to cope with the last-minute Christmas rush.[91] The Cleveland Consumers’ League embarked on a campaign to have citizens report child labor violations to the city solicitor.[92] These campaigns do not appear to have had much success. For example, Judge Kempner of Brooklyn, NY, quickly dismissed just such a prosecution brought for violation of the hours law. In

dismissing the case, the judge told the inspector that he should “wink” at such violations during the holiday season.[93]

Few organizations openly and directly defended the toil of children in the factory. While Florence Kelley remarked that no delegation of manufacturers goes to the legislature to say, “Yes, there is child labor, and it is a good thing for the children and the republic,”[94] the National Association of Manufacturers (NAM) in fact did so. The chairman of the association lashed out against labor unions, which he saw as behind the move for federal legislation. He remarked, “This labor union plot against the advancement and the happiness of the American boy . . . is also a ploy against industrial expansion and prosperity of the country.” Believing that most children were destined for factory work, he thought the ban on child labor would deprive children of the chance to develop “good industrial habits.”[95] Echoing these sentiments, another opponent of reform remarked, “I say it is a tragic thing to contemplate if the Federal Government closes the doors of the factories and you send that little child back, empty handed; that brave little boy that was looking forward to get money for his mother for something to eat.”[96]

Sentiments like these highlighted the heated debate that began on both sides of the issue when the Beveridge bill was introduced. The bill also caused further internal debate inside the NCLC over the prospect of federal action. After internal discussion about the Beveridge bill’s constitutionality, the NCLC agreed to support the bill but did not abandon the NCLC’s state-by-state reform efforts. The measure, though, faced an uncertain future in both the House and Senate. Furthermore, President Roosevelt opposed the bill. While in a March 1908 message to Congress he declared, “Child labor should be prohibited throughout the nation,” he doubted that the bill was constitutional. Rather than suggesting a uniform federal law, Roosevelt still believed that “each state must ultimately settle this question in its own way.” Instead of asking Congress to pass the Beveridge bill, Roosevelt asked Congress to appropriate funds for the Bureau of Labor to provide more information to help the states by conducting a study on the conditions of working women and children in the country.[97] Congress eventually authorized $300,000 for this undertaking.[98]

While action against child labor was now focused at the federal level, some substantive progress during this period could be seen at the state level. For example, Alabama established a minimum working age of 12 and did away with previous exemptions that allowed 10-year-olds to toil. South Carolina also adopted a system of factory inspection. However, by 1910, only four Southern states and the District of Columbia had a minimum working age of 14.[99] To the extent Southern states had passed child labor laws, apparently some did so in an attempt to discourage future federal intervention.[100]

The NCLC continued to attempt to work at the state level for reform, but its efforts were met with mixed success. Among children 10-to-15 years old, 18 percent of children nationwide were employed in 1910, a percentage unchanged over the previous 20 years.[101] That year at the NCLC convention in Boston, many state organizations spoke of problems encountered organizing and passing bills at the state level. Reports given by the states helped show that the differences among states in the percentage of children in the labor force were widening.[102] The Nebraska report lamented that, despite its public outreach, its meetings were “apparently regarded much in the nature of church gatherings—belonging to a certain few.”[103] The report from North Carolina was even more downbeat. The state reported that it had no way to enforce the present child labor law, which was a “very poor one in many ways.” As an organization, the NCLC reported that its committee “does very little” and that each committee member finances himself and “devotes very little time to the work.”[104]

1912: stasis

From a nationwide perspective, by 1912, progress in passing laws at the state level to curtail child labor was minimal. Every state had a child labor law on the books, but no state had adopted the NCLC's 1910 model law and only four states had put in place the committee's original 1904 outline. Eight states permitted children under 14 to engage in industrial work.[105]

Even when laws were in place, enforcement was uneven and generally lax. Around this time, Bureau of Labor Statistics investigators found that "age-limit laws in effect at the time . . . were openly and freely violated in every state visited."[106] Maine, for instance, had one factory inspector for the entire state as of 1910.[107] In many states, open violations of the laws took place with the knowledge of the public.[108] While the public, in some instances, mobilized in support of child labor laws, enforcement was frequently far from the mind of the public. Philosopher and muckraker Alfred Hodder summed up the sentiment as follows: "Public opinion demands passage of laws; and the laws once passed, public opinion demands their violation; and it enforces both at the polls."[109] Such nonenforcement frequently forced even reputable firms to feel the need to violate the law to compete economically.[110]

If the laws were to be successful on a wider scale, they needed public support and effective enforcement and could not operate in isolation. Successful child labor laws worked in conjunction with compulsory education laws.[111] A child in school would at least not be working at gainful employment while in the classroom. By the early 1900s, only around 80 percent of 14-year-olds attended school.[112] The New York chapter of the NCLC found that "school authorities are able to do more through their ability to hold children back from work than a whole army of inspectors."[113] Many enlightened mill owners supported these laws. These mill owners expressed concern that if child labor laws alone were passed without compulsory school attendance, children would engage in loafing.[114]

In states with more developed education systems, some success was achieved at least up until the children reached the age they could legally be employed. Illinois, for instance, had its factory inspectors and truant officers work together after child labor and compulsory educational laws were passed in tandem in 1903.[115] Although the law kept children in school reliably until age 14, within a month of turning that age, 20 percent of children were sent to work, with 20 percent more being sent within 4 months.[116] Working at a young age seemed to be supported by many parents. A West Virginia study of 150 families who kept their children home found that approximately one-half found work to be more important than school.[117] One mill recruitment flyer highlighted the realities. It noted a "poor man" could send his child to a school where he or she could become a teacher and earn $35 per month during the school term. However, it noted, "if he or she learned to be a good weaver," the mill offered "$40 per month for the year."[118] Working-class families in the early 20th century simply didn't have the luxury of disregarding these facts.

When polled, many children echoed the sentiments of their parents that they generally preferred work to school. A 1909 survey of 500 children in multiple Chicago factories found children had numerous reasons why they preferred work in the factory. While many concentrated on the negative aspects of school and discussed their dislike of learning, others highlighted the positive aspect of employment. Some children referenced the fact they could get paid in the factory. One child expressed that the employer "give[s] your mother yer[sic] pay envelop[sic]," while another mentioned, "You can buy shoes for the baby."[119] For most children and their parents, these tangible benefits of work outweighed the supposed long-term benefits of education.

Breakthrough

While there was no watershed event in the fight to reform child labor in the United States, the closest the movement may have come to such a moment was in 1912. In the wake of the public outcry, as discussed earlier, over Camella Teoli's testimony and the Lawrence mill strike,[120] President Taft signed a bill establishing the Children's Bureau. Although the agency had no administrative or legal powers, by collecting research data it was able to present a clearer picture of the conditions children faced. During this time, the public appeared to have become more supportive of a federal role in the reform efforts as well.[121]

However, the newly elected President, Woodrow Wilson, expressed little sympathy for the cause; like his predecessors in the White House, he held that such laws at the federal level were unconstitutional.[122] His position apparently had not changed since he wrote the following in 1908:

> The proposed federal legislation . . . affords a striking example of a tendency to carry out Congressional power over interstate commerce beyond the utmost boundaries of reasonable and honest inference. If the power to regulate commerce between the states can be stretched to include regulation of labor in mills and factories, it can be made to embrace every particular of industrial organization and action of the country.[123]

While Wilson was not yet a supporter of federal legislation, he eventually saw the political necessity of supporting it in light of the changing public perceptions of child labor. Despite his reservations, Wilson and the NCLC continued to work with the Congress to draft a new bill the NCLC could support. The NCLC ended up endorsing an extensive bill that banned children under age 14 from factories, workshops, and canneries and children under 16 from mines and quarries. It also prohibited children under 16 from working more than 8 hours a day and between the hours of 7 p.m. and 7 a.m. However, since several states already had more stringent laws on the books, the bill was not a drastic measure.[124] In February 1914, the NCLC leadership met with President Wilson. Wilson reiterated his belief that such an act would be unconstitutional but agreed that he would not speak out against it.[125] With this assurance, a bill was introduced by two Democrats, Representative A. Mitchell Palmer of Pennsylvania in the

House and Robert L. Owen of Oklahoma in the Senate.[126] There was little opposition to the Palmer-Owen measure.[127]

The most sustained attack against the bill came from David Clark of North Carolina, the editor of the *Southern Textile Bulletin*. He argued that no child's health had ever been harmed by working in a mill and that the bill was a plot by Northerners to control the South. The NCLC, he alleged, had used dishonest "sensationalist publicity" to gain public support for the legislation.[128]The prochild labor movement added its own spin. The *Manufacturers' Record* attempted to create an idyllic picture of mill life. It reported that mill employers witnessed "the emancipation of pale-faced children gaining the appearance of robust health" once the child entered the mill. One reformer gave unwitting support to the idea that the mill life was an improvement, remarking "that to most of these unfortunate people, factory life is a distinct improvement over the log cabin, salt pork, and peach brandy, white-trash and Georgia-cracker type of life from which many of them were sifted out when the mills came."[129]

Despite Clark's opposition, the bill easily passed the House 233 to 43, with only the delegations in North Carolina, South Carolina, Georgia, and Mississippi in opposition. Their vote was primarily based on organized opposition from the Executive Committee of Southern Cotton Manufacturers, a group organized by David Clark. Congressman Palmer appeared to be correct when he declared that the country was "for it, as it is for very few things in either branch of Congress today."[130] However, because of a procedural objection by Senator Lee Overman of North Carolina, the bill was not brought up in the Senate prior to the close of the session.[131]

The fleeting triumph of reform

The bill was reintroduced in the House and Senate in 1916. This time, it was sponsored by Colorado Democrat Edward Keating in the House and Robert Owen again in the Senate. As happened the previous year, the bill received widespread support. The only opposition on the record this time came from an attorney for the NAM. Arguments were raised that the legislation would deprive children of the ability to learn needed skills, did not provide school for the soon-to-be-idle children, robbed widows of a source of financial support, overrode the inherent right of everyone to work, and trampled the rights of the states to decide such matters.[132] Despite this list of objections, the bill easily passed the House 343 to 46.[133]

In the Senate, the drama over passage was greater than in the House, and the Senate passage was the subject of political intrigue. Democrats were concerned about the lack of social reforms that had been achieved under the Wilson administration. President Wilson was lobbied by his longtime friend Alexander McKelway of the NCLC to support the federal bill despite Wilson's previous objections. McKelway outlined to Wilson the political peril his opposition would put him in—the Republicans would be in support of the bill. If Wilson opposed it, they would have the high ground on this popular issue. Wilson's argument that the bill was unconstitutional was also expected to be undermined by an endorsement of the bill by former Supreme Court Chief Justice Charles Evans Hughes. Wilson concluded that politically he had to support the bill and rallied his fellow Democrats in the Senate to pass it.[134] Wilson then told them that he would only accept the re-nomination for President if he received assurance from Democratic Senators that the bill would be passed during the current session.[135] He informed the Senators, "I am encouraged to believe that the situation had changed considerably." Indeed, it had.[136]

After some debate in the Senate on the constitutionality of the law, it passed 52 to 12.[137] Those in opposition were 10 Southern Democratic and the 2 Republican Senators from Pennsylvania, a state with more child toilers than all of the Southern states combined.[138] President Wilson signed the Keating–Owen bill into law on September 1,

1916. The next day he accepted the nomination of his party and referenced his achievement in securing "the emancipation of the children of the nation by releasing them from hurtful labor."[139]

Despite the significant achievement of the legislation, the law only affected the estimated 150,000 children working in mines, quarries, canneries, mills, and factories as well as in other businesses engaged in interstate commerce. The law left unaffected the estimated 1,850,000 children working in home-based businesses, the streets, and the fields.[140]

Although the Keating–Owen Child Labor Act of 1916 was not perfect, it was a milestone in the fight against child labor. Reformers had overcome many challenges to eventually pass a law that, while limited in scope, was the first nationwide victory in the battle against child labor. Child labor had officially become an issue of concern to the federal government. Hence, the law was a resounding victory for child-labor reformers.

Moving toward the Fair Labor Standards Act and beyond

The Keating–Owen Act was struck down by the Supreme Court in 1918. Congress, in 1919, attempted to use its taxing power to achieve the same goal by passing a 10-percent tax on the businesses that hired children. That law, too, was struck down by the Supreme Court. As a result, some children, particularly those in the states with the weakest legal protections, continued to work. Frustrated reformers and legislators sought to outlaw child labor through a constitutional amendment. This, too, failed. An attempt by President Franklin Roosevelt to eliminate child labor via executive action through the National Industrial Recovery Act also was defeated when that law was found unconstitutional. It was not until 1938 that Congress finally passed a child labor law (Fair Labor Standards Act, or FLSA) that would later be upheld by the Court.

The FLSA included child labor provisions modeled on the Keating–Owen Act, established the first federal minimum wage ($0.25 per hour), limited the workweek to 44 hours, and created the Department of Labor's Wage and Hour Division (WHD) to enforce the law.[141] President Roosevelt had sought inclusion of the child labor provisions in this legislation to increase the political appeal of the bill. As one lawmaker remarked, these provisions allowed President Roosevelt to say, "When you vote against this bill you are voting against the prohibition of child labor."[142] The FLSA forbade the shipment of goods in interstate commerce when child labor had been employed in their production within 30 days prior to shipment. The law restricted legal child labor to those ages 16 and over except for hazardous occupations. These occupations had a minimum age of 18. These minimums were increases over the previous unsuccessful federal child labor laws that both contained limits of 14 years of age generally and 16 years of age for hazardous work. At the time the FLSA passed, only 11 states had a 16-year age limit.[143] In addition, the law outlawed children under 16 from engaging in industrial homework.[144]

The impact of the FLSA on child labor was not widespread. Children working in jobs such as those on farms or at bowling alleys or working as delivery and messenger service providers were outside the reach of the law.[145] As a result, the law covered only around 6 percent of the 850,000 children working in 1938. By the time the FLSA was passed, child labor had already been declining. The causes of this decline go beyond the passage of state child labor and compulsory education laws. As author Viviana Zelizer points out in her book *Pricing the Priceless Child*, the improving standard of living in the country caused parents to change how they viewed their children. Parents could now afford to send their children to school rather than finding it necessary to send them into the workplace.[146] She finds that, by the first two decades of the 20th century, people expected that a man would be able to provide for his family without the need to have his wife and children work.[147] Professor Paul Osterman

claims that children were also pushed out of the labor market by a new wave of immigrants. This increasing supply of workers, combined with the declining demand for unskilled labor because of technological advances, decreased the need to employ children.[148] Complex machines in the workplace frequently required greater skills than children could master in order to operate them.[149]

Child labor grew for a time during World War II. In the face of increased wartime production needs and labor shortages, President Roosevelt declared that “grown” boys and girls should be employed where “reasonable.” While at the start of the 1940s, 1 million children under 18 were gainfully employed, the number peaked at nearly 3 million in 1944.[150] These increases were made possible by the rolling back of child labor protections at both the state and federal level. Many states reduced their minimum age requirements temporarily. At the federal level, the Secretary of Labor revised an antichild labor clause that had been included in government contracts since World War I, thereby allowing girls 16-to-18 years old to work on World War II contracts.[151] Furthermore, the Secretary also granted temporary exemptions to allow 14- and 15-year-olds to work outside of school hours.[152] Despite the relaxation of some of the FLSA provisions during the war, the enforcement mechanisms that were quickly established by the Department of Labor following the passage of the act remained in place. In the first 5 years following passage of the FLSA, 4,334 establishments were found in violation.[153] However, this increase in child labor was a temporary wartime phenomenon.

Afterword

Today, child labor like that seen during World War II and in the decades leading up to the passage of the FLSA no longer exists. Although children under 16 have been excluded from BLS labor force data since 1967, Professor Hugh D. Hindman notes that the BLS National Longitudinal Study (NLS) has long been recognized as the best source of quantitative data regarding youth employment. NLS data show that 52 percent of 12- and 13-year-olds in its 1997 cohort had paid work experience. This toil is of a far different nature than in the period leading up to the FLSA. The work performed at these ages was found to be freelance in nature. Babysitting and yardwork accounted for more than 70 percent of the work they performed.[154] For 14- and 15-year-olds, the dominant form of work remains freelancing. In only 23 percent of cases, these children were employees with identifiable employers. When children do work, it is most commonly when school is out of session. Children have largely shifted to the service industries. They are seldom found in the manufacturing and mill operations that gave rise to the movement against child labor.[155] This is not to say the problem of child labor has vanished. It is estimated that, in any given week, 153,600 children are employed at an activity in violation of the FLSA or state law. The most common violations entail working excessive hours or engaging in a hazardous occupation before the age of 18.[156]

Despite the relatively limited scope of the first federal child labor law (FLSA), historian Paul R. Benson, Jr. in 1970 noted that the Supreme Court’s *Darby* decision (the decision that upheld the FLSA) was “one of the half-dozen most important cases in the whole 180-year history of American constitutional law.”[157] The decision answered the long-contested question of the role of the federal government regarding child labor and the role of the federal government in interstate commerce in general. For the child labor movement, the *Darby* decision was a monumental victory. Although the scope of the law was limited, it gave the Department of Labor a role in the regulation of child labor that has expanded and that the Department of Labor continues to exercise to this day.

SUGGESTED CITATION

Michael Schuman, "History of child labor in the United States—part 2: the reform movement," *Monthly Labor Review,* U.S. Bureau of Labor Statistics, January 2017, https://doi.org/10.21916/mlr.2017.2.

NOTES

[1] Charles W. Dabney, “Child labor and the public schools,” in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 110.

[2] Star Cadwallader, “Enforcement of child labor legislation,” in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 133.

[3] The Congressional Record refers to her as “Camella,” which is consistent with the naming of the street in her name; however, her grandson, in his 2012 book, states her name was “Carmela.” For more on this topic, see Frank Palumbo Jr., *Through Carmela’s eyes: the life story of Carmela Teoli* (Bloomington, IN: AuthorHouse, 2012).

[4] Susan Campbell Bartoletti, *Kids on strike!* (Boston: Houghton Mifflin, 1999), p. 159.

[5] Bartoletti, *Kids on strike!*, p. 156.

[6] Ibid., p. 159.

[7] Ibid.

[8] Ibid., pp. 168–171.

[9] Ibid., pp. 174–175.

[10] Ibid., p. 154.

[11] Hearings on the strike at Lawrence, Massachusetts, House document no. 671, 62nd Cong., March 2, 1912, p. 428.

[12] A.J. McKelway, “The child labor problem—a study in degeneracy,” *The Annals of the American Academy of Political and Social Science*, vol. 27, no. 2, March 1906, p. 58.

[13] Walter I. Trattner, *Crusade for the children: a history of the National Child Labor Committee and child labor reform in America* (Chicago: Quadrangle Books, 1970), pp. 28–29.

[14] Ibid., p. 29.

[15] Ibid.

[16] Ibid., p. 30.

[17] Ibid.

[18] Jeremy P. Felt, *Hostages of fortune: child labor reform in New York State* (Syracuse, NY: Syracuse University Press, 1965), p. 1.

[19] Trattner, *Crusade for the children*, p. 30.

[20] Ibid., pp. 30–31.

[21] James D. Schmidt, *Industrial violence and the legal origins of child labor* (Cambridge: Cambridge University Press, 2010), p. 170.

[22] Ibid.

[23] Viviana A. Zelizer, *Pricing the priceless child: the changing social value of children* (Princeton, NJ: Princeton University Press, 1994), p. 76.

[24] Schmidt, *Industrial violence*, p. 172.

[25] Trattner, *Crusade for the children*, p. 31.

[26] Zelizer, *Pricing the priceless child*, p. 61.

[27] Trattner, *Crusade for the children*, p. 30.

[28] Ibid., p. 32.

[29] The total killed varies depending on the source, but seems to have been at least 20 people with some sources giving a much higher total.

[30] Marjorie E. Wood, "Emancipating the child laborer: children, freedom, and the moral boundaries of the market in the United States, 1853–1938" (Ph.D. diss., University of Chicago, 2011), p. 115.

[31] Trattner, *Crusade for the children*, p. 35.

[32] Ibid.

[33] Ibid., p. 36.

[34] Ibid., p. 39.

[35] William C. Hanson, "The health of young persons in Massachusetts factories" (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[36] Selwyn K. Troen, "The discovery of the adolescent by American educational reformers, 1900–1920: an economic perspective," in Lawrence Stone, ed., *Schooling and society* (Baltimore: Johns Hopkins University Press, 1976), pp. 239–249.

[37] Trattner, *Crusade for the children*, p. 45.

[38] Ibid., p. 48.

[39] Ibid., p. 48–49.

[40] Stephen B. Wood, *Constitutional politics in the Progressive Era: child labor and the law* (Chicago: University of Chicago Press, 1968), p. 6.

[41] Trattner, *Crusade for the children*, p. 50.

[42] Ibid., p.55–56.

[43] Ibid., p. 70.

[44] Hugh D. Hindman, *Child labor: an American history* (Armonk, New York: M.E. Sharp, 2002), p. 25.

[45] Juliet Haines Mofford, *Child labor in America* (Carlisle, MA: Discovery Enterprises, 1997), p. 42.

[46] Hindman, *Child labor*, p. 25.

[47] Ibid., p. 76.

[48] Schmidt, *Industrial violence*, p. 42.

[49] Ibid., p. 56.

[50] Zelizer, *Pricing the priceless child*, p. 69.

[51] Trattner, *Crusade for the children*, p. 100.

[52] Wisconsin Child Labor Committee, "Report of the Wisconsin Child Labor Committee," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 157.

[53] Hindman, *Child labor*, p. 174.

[54] Jane Addams, "Child labor and pauperism," in Johnsen, *Selected articles on child labor* (New York: H. W. Wilson Company, 1925), pp. 58–59.

[55] Scott Nearing, “Social cost of child Labor,” in Johnsen, *Selected articles on child labor* (New York: H. W. Wilson Company, 1925), p. 65.

[56] Hindman, *Child labor*, p. 27.

[57] Owen Lovejoy, “Child labor in the soft coal mines,” in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 26.

[58] Owen Lovejoy, “Child labor in the anthracite coal industry,” in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 46.

[59] Trattner, *Crusade for the children*, p. 72.

[60] Ibid., p. 73.

[61] Hindman, *Child labor*, p. 90.

[62] Ibid., p. 91.

[63] Trattner, *Crusade for the children*, p. 78.

[64] Hindman, *Child labor*, p. 132.

[65] Harriet Van Der Vaart, “Children in the glass works of Illinois,” in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 78.

[66] Trattner, *Crusade for the children*, p. 83.

[67] Lovejoy, “Child labor in the soft coal mines,” p. 29.

[68] Ian Millhiser, *Injustices: the Supreme Court’s history of comforting the comfortable and afflicting the afflicted* (New York: Nations Books, 2015), p. 71.

[69] Charles F. Smith, “False economic ideas” (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[70] General Court of the Commonwealth of Massachusetts, Committee on Labor, “The eight-hour day and prohibition of nightwork,” February 1910.

[71] Trattner, *Crusade for the children*, p. 84.

[72] Ibid., p. 80.

[73] Shelley Sallee, The whiteness of child labor reform in the New South (Athens, GA: University of Georgia Press, 2004), p. 88–89.

[74] “Child labor laws of the states,” *FUEL: A Weekly Journal of Coal, Coke & Kindred Industries*, vol. VIII, no. 19, 1907, pp. 638–639.

[75] Trattner, *Crusade for the children*, p. 82.

[76] Ibid., p. 41.

[77] Ibid.

[78] Ibid., p. 83.

[79] Sallee, *The whiteness of child labor reform*, p. 2.

[80] Wood, *Constitutional politics*, p. 51.

[81] The Commerce Clause of the Constitution gives Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.” The precise scope of this clause had been subject to much debate and various Supreme

Court interpretations throughout the history of the United States. For more on this topic, see Dan T. Coenen, *Constitutional law: the Commerce Clause* (New York: Foundation Press, 2004).

[82] Trattner, *Crusade for the children*, p. 87.

[83] Albert J. Beveridge, "Child labor and the nation," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 118.

[84] Wood, *Constitutional politics*, p. 26.

[85] Wallace E. Miller, "The child labor situation in Ohio and border states," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 73.

[86] Samuel McCune Lindsay, "Unequal laws an impediment to child labor legislation" (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[87] Fred S. Hall "Child labor statistics" (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[88] Arthur T. Vance, "The value of publicity in reform," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 88.

[89] Consumers League of New York, "Report of the Consumers' League of the State of New York," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 168.

[90] National Consumers' League, "Report of the National Consumers' League," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 179.

[91] Ibid.

[92] Consumers' League of Cleveland Ohio, "Report from Child Labor Committee of the Consumers' League of Cleveland, Ohio," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 175.

[93] Felt, *Hostages of fortune*, p. 86.

[94] Florence Kelley, "Obstacles to the enforcement of child labor legislation," in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 52.

[95] Chaim M. Rosenberg, *Child labor in America: a history* (Jefferson, NC: McFarland & Company Inc., 2013), p. 183.

[96] Zelizer, *Pricing the priceless child*, p. 95.

[97] Trattner, *Crusade for the children*, p. 89.

[98] Ibid.

[99] Trattner, *Crusade for the children*, p. 99.

[100] Hindman, *Child labor*, p. 70.

[101] Trattner, *Crusade for the children*, p. 107.

[102] Ibid., 107.

[103] Nebraska Child Labor Committee (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[104] North Carolina Child Labor Committee (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[105] Kriste Lindenmeyer, *A right to childhood: the U.S. Children's Bureau and child welfare, 1912–46* (Chicago: University of Illinois Press, 1997), p. 114.

[106] Ibid., p. 113.

[107] John Golden, “Children in the textile industry” (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[108] A.J. McKelway, “The awakening of the South against child labor,” in National Child Labor Committee, *Child Labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 14.

[109] Felt, *Hostages of fortune*, p. 26.

[110] E.J. Watson, “Enforcement of child labor laws” (lecture, annual meeting of the National Child Labor Committee, Boston, January 13–16, 1910).

[111] Edgar T. Davies, “The enforcement of child labor legislation in Illinois,” in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 96.

[112] Samuel McCune Lindsay, “Child labor and the public schools,” in National Child Labor Committee, *Child labor and the republic* (New York: American Academy of Political and Social Science, 1907), p. 106.

[113] Felt, *Hostages of fortune*, p. 86.

[114] Hindman, *Child labor*, p. 178.

[115] Davies, “The enforcement of child labor legislation in Illinois,” p. 96.

[116] Ibid., p. 101.

[117] Charles E. Gibbons, “Extent and control of rural child labor,” in Johnsen, *Selected articles on child labor* (New York: H. W. Wilson Company, 1925), p. 106.

[118] Sallee, *The whiteness of child labor reform*, p. 40.

[119] Helen M. Todd, “Why children work,” in Johnsen, *Selected articles on child labor* (New York: H. W. Wilson Company, 1925), p. 143.

[120] Mofford, *Child labor in America*, p. 12.

[121] Sidney Milkis, panelist, “Theodore Roosevelt and Jane Addams,” American History TV, *C-SPAN,* October 27, 2012, http://www.c-span.org/video/?309332-2/theodore-roosevelt-jane-addams.

[122] Trattner, *Crusade for the children*, p. 121.

[123] Ibid., p. 122.

[124] Ibid., p. 124.

[125] Ibid., p. 125.

[126] Ibid., p. 124.

[127] Ibid., p. 125.

[128] Ibid., p. 126.

[129] Sallee, *The whiteness of child labor reform*, p. 97.

[130] Trattner, *Crusade for the children*, p. 126.

[131] Ibid., p. 127.

[132] Ibid., p. 128.

[133] Ibid.

[134] Ibid., p. 130.

[135] Trattner, *Crusade for the children*, pp. 129–130.

[136] Ibid.

[137] According to author Stephen B. Wood on p. 77 in his book, *Constitutional politics in the Progressive era*, the fact that approximately a third of the Senate did not vote could be explained by the fact that the outcome was nearly certain and the vote took place late at night near the end of the term.

[138] Trattner, *Crusade for the children*, p. 131.

[139] Ibid., p. 130.

[140] Ibid., p. 132.

[141] The Department of Labor Children's Bureau was initially given responsibility for the child labor provisions in cooperation with the Wage and Hour Division (WHD). Today the WHD is responsible for enforcing these provisions. The Children's Bureau currently is part of the Department of Health and Human Services and focuses on issues related to child welfare.

[142] Trattner, *Crusade for the children*, p. 203.

[143] Ibid., p. 206.

[144] Hindman, *Child labor,* p. 211.

[145] Trattner, *Crusade for the children*, p. 207.

[146] Zelizer, *Pricing the priceless child*, pp. 62–63.

[147] Ibid.

[148] Ibid.

[149] Rosenberg, *Child labor in America*, p. 194.

[150] Lindenmeyer, *A right to childhood*, pp. 230–231.

[151] Ibid., pp. 232–233.

[152] Ibid., p. 232.

[153] Ibid., p. 233.

[154] Hindman, *Child labor,* pp. 295–297.

[155] Ibid., p. 296–297.

[156] Ibid., p. 298.

[157] William E. Leuchtenburg, *The Supreme Court reborn: the Constitutional revolution in the age of Roosevelt* (New York: Oxford University Press, 1995), p. 225.

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