

# History of Child Labor Regulation in the U.S.A.

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## Child Labor in United States: A Story of “Progress?”

- The history of child labor regulation in the U.S. has often been told as a narrative of progress.
- That story goes something like this...
- A long time ago, in a time before PROGRESS, in America’s factories, coal mines, cotton mills, tenements, and other places of employment, America’s children & youth toiled away for meager wages instead of attending school.

**CHILD LABOR  
IS A  
NATIONAL MENACE**



**THE CHILD LABOR CHAIN**



**SHALL WE LET INDUSTRY  
SHACKLE THE NATION**

However, the American public realized this situation was not okay.

Reflecting the National Conscience, which always does the “right thing,” the American public came together to ABOLISH child labor from our midst.





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This narrative of progress most usually concludes with the passage of the 1938 Fair Labor Standards Act, signed into law by President Franklin Delano Roosevelt.

This law gave us our first federal child labor laws to be upheld by the U.S. Supreme Court in 1941.

**And that's how child labor was abolished in the U.S.A.**

**~ The End ??**



## ➤ So, what really happened?

### KEY FACTS:

- The history of child labor regulation in the U.S. was a contentious battle that lasted for more than 100 years.
- Yes, there was a movement to end child labor. However, there was also an opposition to that movement.
- This opposition was, in its own right, a social movement.
- Yes, federal regulation was secured in 1938, but there was bitterness among the opposition that remained.
- Fundamental disagreements about free market capitalism, labor, the role of government in American life, and the private family (especially parental rights) remained unresolved.

## When did the battle over child labor begin?

- Although children have always worked, the movement to abolish child labor did not begin until the decades after the Civil War (1870s – 1900)
- During that period, both the North and South experienced rapid industrialization.
- Coal mining and textile production became major industries as did petroleum, steel, glass, electricity, and many others.
- As the economic landscape was transformed, the labor force that made industry possible was also transformed.
- A vastly expanded working class in America became a new reality. This new working class included millions of rural Americans in search of jobs AND millions of newly arrived immigrants.

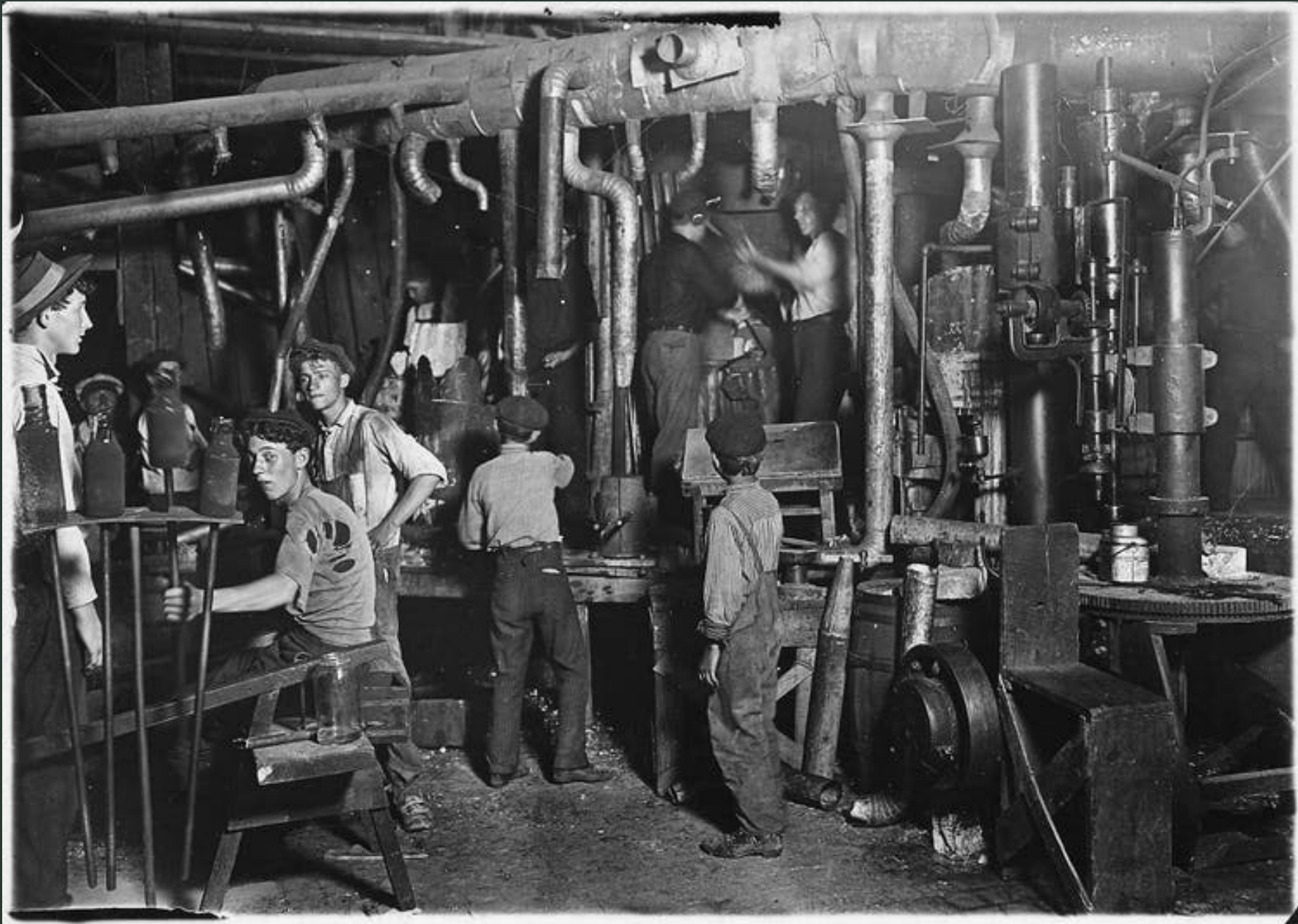
## ▸ How widespread was child labor?

- The number of children under the age of 15 who worked in industrial jobs for wages climbed from 1.5 million in 1890 to 1.75 million in 1900.
- By 1910, more than 2 million American children younger than 15 were employed.
- Often, these children worked in dangerous conditions that were hazardous to their health — and did so for extremely low wages.

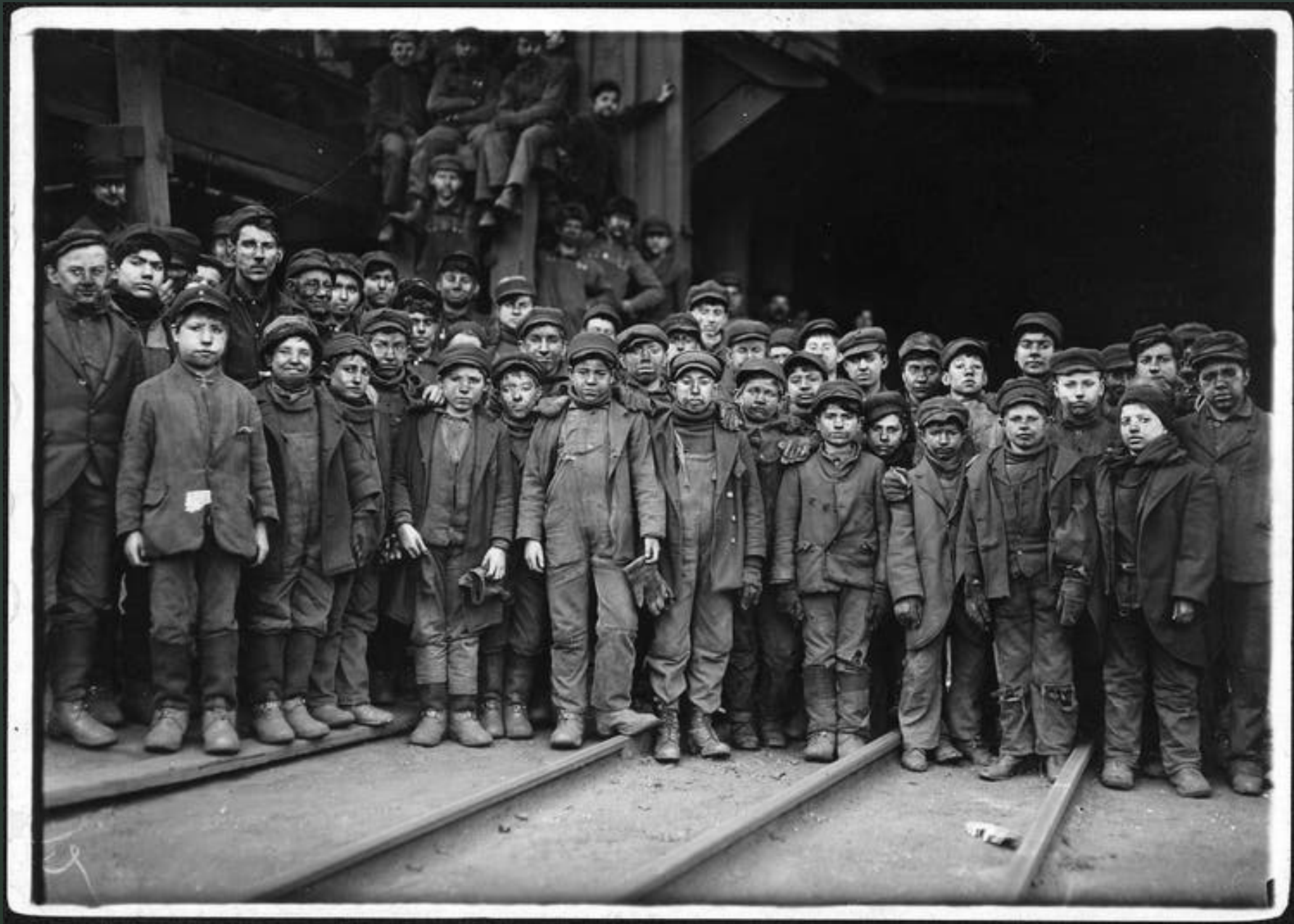


Immigrant mother and her children working in a New York City Tenement, 1911



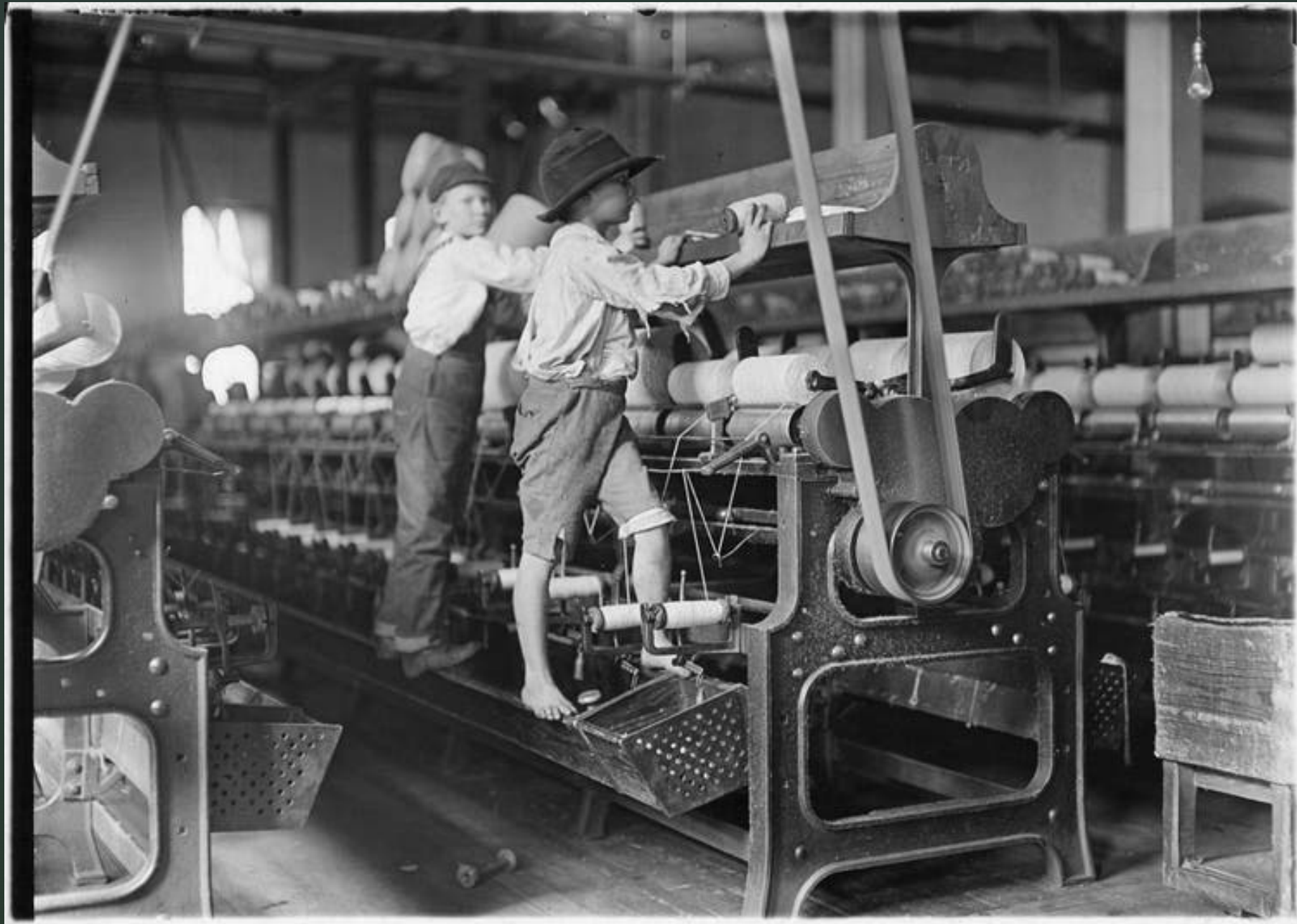


Boys between 9 and 16 working in an Indiana Glass Works factory, 1908



“Breaker boys” between the ages of 8 and 12 working in Pennsylvania Coal Mine, 1911





Young boy “doffers” (spindle) working in a Macon, Georgia cotton mill, 1909

## Was Child Labor Regulated Before 1938?

- The short answer is: no, not really.
- While some Northern states such as Massachusetts had child labor laws on the books, those measures only regulated employment.
- An example would be a state law that limited the hours children could work to 10 hours daily.
- The 1900 census found that more than 1 in 5 children under the age of 15 were working in gainful employment. Reformers believed the real rate was even higher.
- As industry expanded, these numbers kept growing.



## ▸ Child Labor in Southern Textile Mills



Girl “spinners” in a Cotton Mill in Newton, North Carolina, 1903.

-- While there were some meager state laws to protect children in the North, the South had **NO regulations.**

-- Businesses began moving production to Southern states like North Carolina, South Carolina, Georgia and Alabama to take advantage of their **lax regulations.**

-- Cotton milling quickly became one of the nation’s **most child-labor-intensive industries.**

-- By 1900, a **quarter of the South’s nearly 100,000 textile workers** were under 16.

## ▸ The Movement to Abolish Child Labor

- Since the 1870s, reform-minded individuals had worked at the state level to improve the situation in particular locales.
- Who were the reformers? Why did they get involved?
- Reformers were largely based in Northern cities. They included educators and education advocates; religious leaders and ministers worried about the immorality of child labor; educated women (usually involved in suffrage movement); imperialists worried about the strength of the U.S. nation; advocates for immigrants and their treatment in American society; and labor union activists worried about child labor driving down wages and decreasing bargaining power. Advocates for play/leisure; healthcare professionals; and social welfare state proponents also became involved.



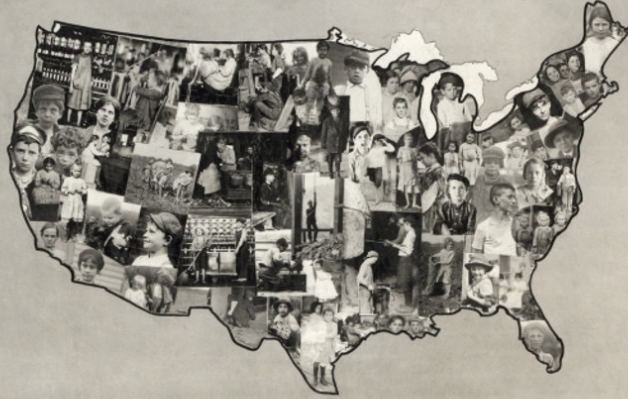
## ▶ The Movement Went “National” in 1904

- By 1904, these various individuals came together to form the National Child Labor Committee. They decided a national solution to the child labor problem was necessary.
- The goals of the NCLC were two-fold: 1.) to secure a federal law to abolish oppressive child labor; 2.) to establish free, compulsory education for all children.
- Their first attempt at a federal child labor law was in 1906. Southern industrialists fought back. Intoning the bitterness over the Civil War, they argued that child labor reform was “aggressive Northern interference.”
- They also reached out to Southern mill families to get their support, building grassroots support for a counter-reform movement.
- Southern opponents defeated the first proposed federal law in 1906.

**THE NATIONAL CHILD LABOR  
COMMITTEE**

**WHY?**

**TWO MILLION CHILD WORKERS  
UNDER SIXTEEN YEARS TODAY**



**WE WANT THEM TO BE  
NORMAL MEN AND WOMEN**

**YOU WANT THIS TOO**

**JOIN**

**The National Child Labor  
Committee**

**WHAT ARE WE  
GOING TO DO ABOUT IT**  
TRY TO PROTECT CHILDHOOD



**THROUGH MOTHERS' PENSIONS**

**NEEDY PARENTS  
AND  
CHILDREN ARE  
CARED FOR**



**THROUGH CHILD LABOR LAWS**



**THROUGH COMPULSORY EDUCATION**

**THROUGH BETTER**

**HOMES**

**HEALTH**

**PLAY**



**THROUGH WORK PERMITS**



**VOCATIONAL GUIDANCE**

**AND**



**THROUGH  
INSPECTION  
AND**



**CONTINUATION SCHOOLS**



# EVERYBODY PAYS BUT FEW PROFIT BY CHILD LABOR



Not only the child but the parent,  
the humane employer, and Society  
in general pay tribute to

**THE CHILD EMPLOYER**  
**HE INJURES YOU AND ME**  
**BECAUSE**

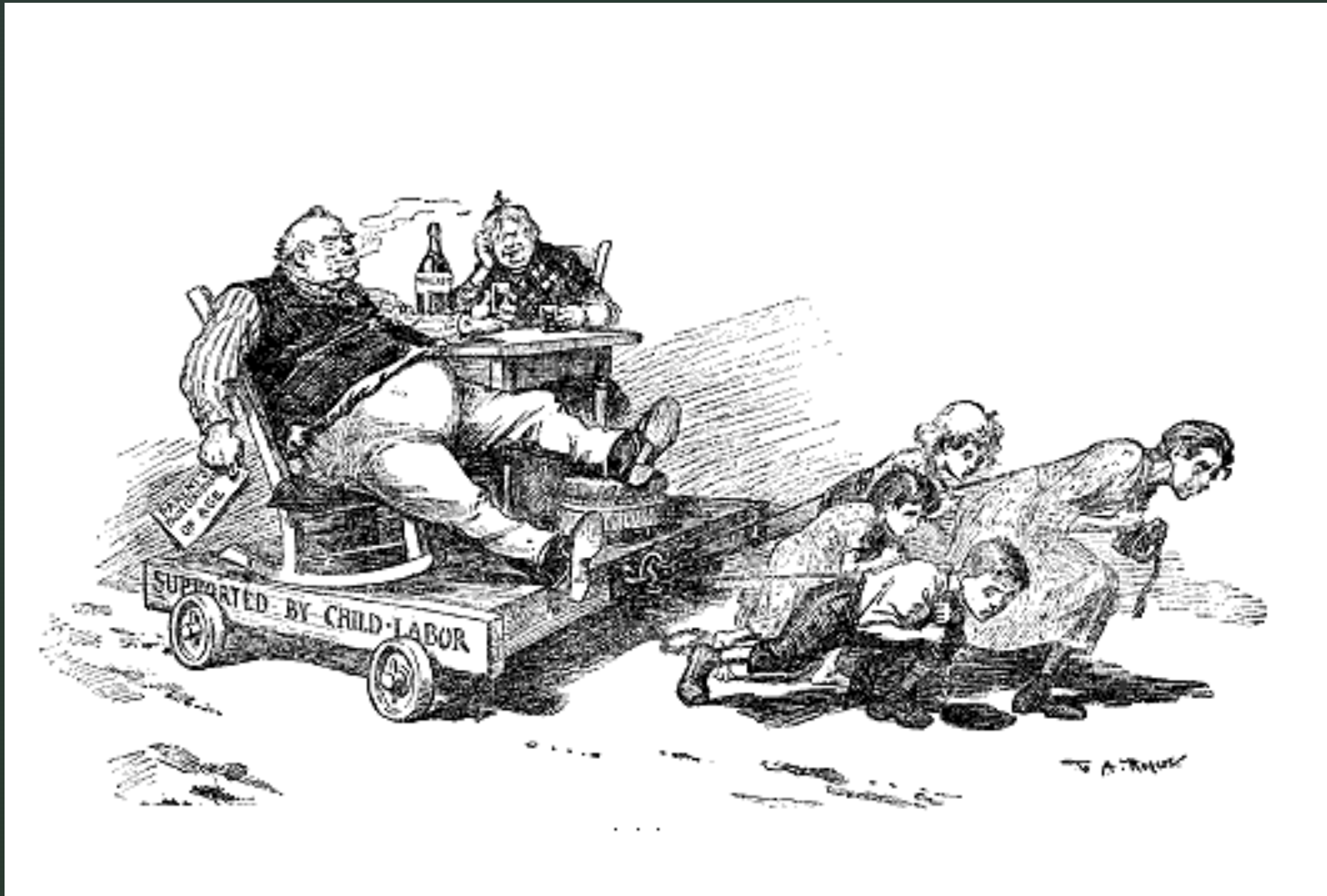
By forcing wages down he ruins health  
and souls of future generations  
and thus

**HE WEAKENS THE NATION!**



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Reformers took their battle to the public  
in a national campaign...



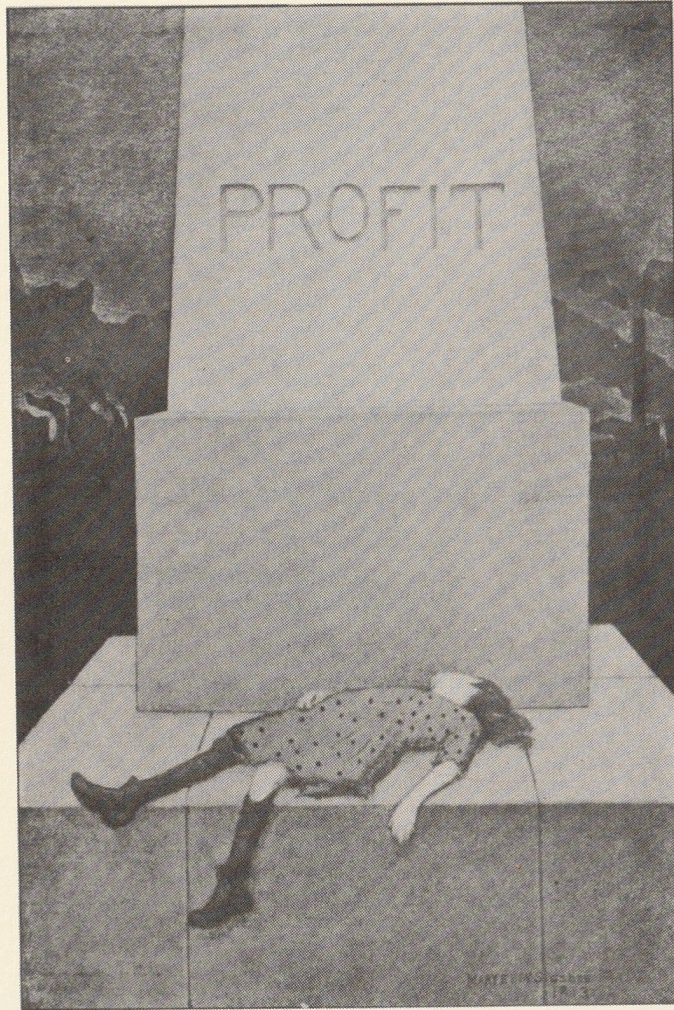
Depicting  
a greedy,  
sinful  
capitalist  
society  
gone  
horribly  
wrong...





Images like these were distributed to the American public in newspapers, magazines, and posters after the first federal law was defeated in 1906 and continued until the 1910s when another attempt at a federal law was made.





CHILDHOOD IS SACRIFICED DAILY THAT PROFIT MAY FLOW  
FROM EVERY TURN OF A MILL-WHEEL

Reformers continued to target the “worst perpetrators of child labor” in the Southern textile mills.

“Childhood is sacrificed daily so that profit may flow from every turn of a mill-wheel.”



## ▀ Southern Industrialists Keep Organizing Against Reform....

- In 1916, the NCLC finally secure the first federal child labor law. Named the “Keating-Owen Act,” the new law prohibited shipping products made with child labor across state lines.
- However, a North Carolina mill worker, Roland Dagenhart, challenged the measure in court on the grounds that it *violated his rights as a parent to have his sons employed*.
- The case wound up before the Supreme Court, which ruled in Dagenhart’s favor. (*Hammer v. Dagenhart, 1918*)
- Reformers were back to the drawing board.

## Reformers Tried (and Failed) Again

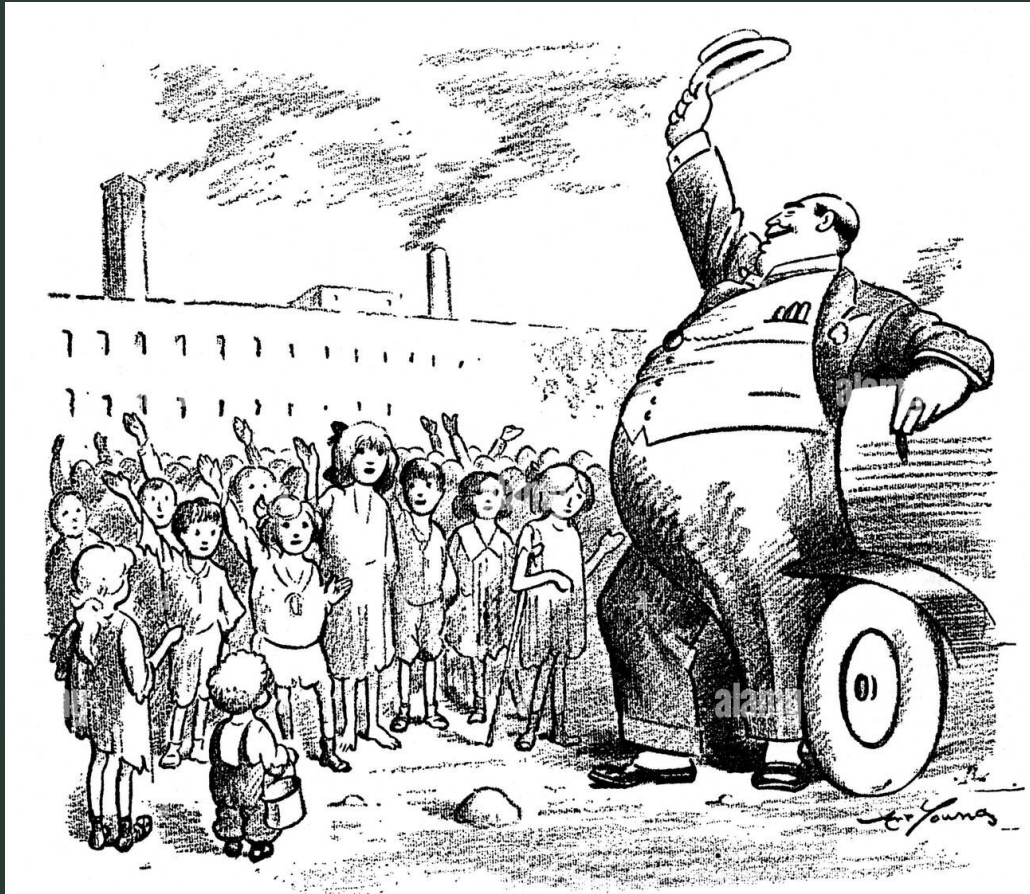
- Reformers would try again, this time using the federal taxing power to tax the products of child labor.
- Known as the “Child Labor Tax Law,” this law was also challenged in court by a Southern mill worker.
- In a decision known as *Baily v. Drexel Furniture Co.*, the Supreme Court struck down that law as unconstitutional in 1922.
- Reformers had to go back to the drawing board once again.

## ▀ The Final Showdown

- Fed up with the Supreme Court, reformers tried amending the U.S. Constitution.
- Many observers wrongly predicted that a **Child Labor Amendment** would become the 20th amendment.
- Southern industrialists saw a huge opening to solidify their cultural influence by launching a full-blown **culture war** against the Amendment.
- They recruited Southern mill families, Midwestern farm families, urban Catholics, & many others with a message about a **government power grab** to thwart parental authority. **Free markets** were good and healthy. So was the **moral value of labor** for young people.



# Child Labor Amendment Defeated



*Liberator*

THE BOSS: "Now, children, all together, three cheers for the Supreme Court!"

- The Amendment was a dead letter by 1925.
- Opponents had managed to secure a huge victory in the midst of the Progressive Era.
- They had also managed to develop their own cultural messaging. Instead of just court battles, this new battle was deeply personal and cultural. It was a recipe that worked.



# The Great Depression changed the equation (at least temporarily)

- It took the Great Depression to finally secure a federal child labor law that stuck.
- Most Americans could agree that all available jobs in the nation should go to adult workers rather than children.
- President FDR's New Deal included the first federal child labor law not to be overturned by the Supreme Court.
- This 1938 law included provisions banning child labor under age 14 in most industries while exempting “children under 16 employed in agriculture” and “children working for their parents” in most occupations.

## Were Reformers Happy with the FLSA?

- The short answer is, no.
- For reformers tired of losing court battles, it was more of an eleventh-hour consolation prize.
- Publicly, reformers called it a victory, but they expressed their disappointment privately.
- The U.S. Children's Bureau estimated that the new law would touch "only one-fourth of child labor in the United States."
- One reformer, Grace Abbott, was devastated about it, calling it a "mines and factories bill" that did not protect all children in all parts of the country.

## ▸ The Battle Raged On...

- Reformers tried to revive the Child Labor Amendment after 1938, but they were met with an **emboldened opposition** now angry about the FLSA.
- The same industry groups that had fought reformers every step of the way were now bitter about the passage of the FLSA.
- Although a **legal victory** had been secured, **underlying disagreements** about capitalism, the federal government, labor, and parental rights were never resolved...



## ▸ Echoes of the Past

- Attempts to roll back child labor protections that we are seeing today at the state level in the U.S. are reviving this older battle.
- The business community is once again leading efforts to undermine labor protections for children.
- They are using familiar arguments such as the moral value of labor for young people, parental rights, the virtues of free market capitalism, and plenty of anti-government rhetoric to justify loosening child labor laws.



How Will Our Story End?



# To learn more about the history of the battle over child labor in the U.S.A.



## UPON THE ALTAR OF WORK

CHILD LABOR AND THE RISE OF A NEW  
AMERICAN SECTIONALISM

B E T S Y W O O D



Check out my book:

UPON THE ALTAR OF  
WORK, published in 2020 by  
the University of Illinois  
Press.

Thank you!

*Dr. Betsy Wood*

