

Evolution of Child Labour and the Early Attempts of its Abolition in the USA (1901-1921)

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Abstract :

The purpose of this article is to debate the attempts to abolish child labour in the USA in the first quarter of the 20th century. The research methodology in this article is based on comparing and contrasting the legislation passed at the State or Federal levels to abolish child labour during the period between 1901 and 1921 known as the Progressive Era. Their failing attempts were not in vain since they provided the basis for future legislation to abolish child labour.

Key Words: Child labour / Abolition / Legislation / Progressive Era/ The USA

Introduction

Late in the 18th century and early in the 19th century, an immense amount of socioeconomic and cultural change, called the Industrial Revolution, sprung up firstly in the United Kingdom, then extended throughout Europe, North America, and eventually, reached the whole world. This phenomenon transformed people's daily lives, which were based on agrarian handicrafts, into a novel one dominated by industry through introducing machines driven by new sources of power specifically, water and steam power, which consequently increased the amount of production. With this in mind and as a background to the topic, this first part is going to deal with the impact of technological advancements on the American society. This will also tend to expose the effects of the Industrial Revolution vis-à-vis working children, which led to a sharp increase in the number of children in factories, mines, and other fields. Therefore, attention will be drawn on the conditions and the circumstances under which children were exploited during this era.

1- America's Evolution from an Agricultural Society into an Industrial State

As the Civil War was over, the United States came out as a rural nation, with three main cities, Philadelphia, New York, and Boston, having a population of over 25,000 (Tim McNeese, 2000). During the post-independence era, most Americans were agrarians; they remained so for another decade. Indeed, they were living only on exporting food and raw materials to other countries. In return, they imported the needed merchandises. In fact, individual workers performed the manufacture of goods on a limited scale. However, that was not until America's first industrial factory was opened. With that, the Industrial Revolution was embraced and numerous factories and mills were founded throughout the nation.

In 1789, the Industrial Revolution was carried across the Atlantic Ocean to America by Samuel Slater, an English mechanic, who memorized the details of English cotton spinning machines for the reason that it was prohibited to smuggle machinery plans out of England. Indeed, Slater managed to set up the first beneficial cotton spinning mill at Pawtucket, Rhode Island, by the assistance of a businessman named Moses Brown. Unquestionably, Slater was a crucial contributor to the foundation of the American Industrial Revolution. Certainly, his invention led to an explosion in the number of textile factories. Consequently, that profoundly transfigured the American society through moving the industry from homes and small shops to factories and mills (Bryn O' Callaghan, 1990).

During the late 19th century and the early 20th century, all the facets of the American society were changed decisively due to the rise of the Industrial Revolution. Indubitably, the nation's terrific industrial and financial escalation did not occur in a vacuum; instead, it stemmed from the available wealth natural resources. As a case in point, the nation's coal, iron ore, gold, silver, oil, cooper and other precious minerals were fundamentally crucial late in the 19th century, supplying industries with the needed raw materials in the expansion of production.

Moreover, the intensification of the Industrial Revolution was also in a good part fostered by America's vast expanse of fertile and unsettled tracts of land with a network of water-ways as rivers, as well as the gigantic forests that supplied timber that citizens required to burn for fuel to run factories, and also for building their homes, furniture, and other basic necessities. Thus, all these elements of sources of energy were considered to be the ingredients for the impetus of the Industrial Revolution.

The 1900's were not only the epoch of industrial development in the United States, but were also the age of growing population, urbanization and immigration. Indeed, the 1870's witnessed the rise of the nation's population to about 36 million people. However, by 1900 that number rose to over 80 million people. During this machine era, millions of families migrated from rural areas to cities seeking for better life. That led to expansion of the nation's urban areas by fivefold from the 1860's to the 1900's. Additionally, the statistics estimated by the 1890 that about 35% of the Americans were living in the cities because of the breakthroughs of this era. As well, from 1856 to 1918, an unprecedented overflow of European immigrants, of about 27.5 million, came to the United States chasing new opportunities. These new arrivals supplied the needed labour base for the acceleration of production in industry as well as agriculture.

During this period of rapid economic expansion and soaring prosperity, impressive technological enhancements upgraded the nation's production. As a case in point, Eli Whitney, a crucial contributor to America's manufacturing network, invented the cotton gin in 1793, a cotton cleaning device. The latter led to extraordinary amplifies in cotton yields. In actual fact, in 1801 the United States could produce about 100,000 bales of cotton; however that amount increased to approximately 171.000 bales in 1810, then soared to around 731.000 bales in 1830, 2,133,000 bales in 1850, and about 5.5 million bales in 1860 (James Stuart Olson, 2002). Not only did cotton production grow, but also the manufacture of many other merchandises redoubled, attributable to the innovative technologies. For example, early in 1820's, the sickle was supplanted by the cradle for harvesting grain. Likewise, beginning in the 1830's, farmers started using the cast-iron plow instead of the old wooden plow.

More importantly, during this era, the improvements and expansion of the transportation, as roads and rail networks in America, facilitated creating a novel environment offering new opportunities by which farmers could transcend a local, subsistence economy that was only for surviving, and come up with massed-produced products. Indeed, on account of the technological developments, people were able to be transported and also goods could be delivered cheaply and more effortlessly from one place to another. Evolving from horse to carriage, and canals, to railways; which then expanded tremendously during this epoch of industrialization.

Moreover, the business landscape of the United States was commonly altered by the railroad industry. As early as the 1850's, an ever-growing system of railroads had set up lines that let people as well as goods to be transported back and forth

between Great Lakes region and the East coast. Conclusively, the nation's raw materials were connected to factories and markets through railroads. Because of that, the railroads took on supreme importance in mounting trade as well as production. Eventually, America's economy was catapulted through the Industrial Revolution to the forefront of the world's commerce.

2- The Technological Development and its Impact on the Extension of Child Labour

During the nation's transformation from an artisan society into a modern industrial state, the work-force has been greatly altered. Dreaming of a better life, vast numbers of rural families left their farms and small towns and relocated to cities where they would be able to secure jobs in factories. The latter were arranged for mass production and featured by sharp hierarchy, mainly dependent on unskilled workers and low wages. Nonetheless, most of the migrant families, who were drawn off their small farms into factories were disillusioned since they found out that reality was not indeed as bright as they dreamt.

Actually, during this era of advancement, the available jobs needed long hours but provided only slender remuneration; the matter that compelled every able family member to work merely to maintain the family above the poverty line. In that, children, as soon as they had the ability to work, were supposed to provide an economic benefit to their poor families. Undeniably, many pitiable families depended on their offspring's work; they urgently needed the extra income their children could earn to survive. Certainly, the transformation into the factory system greatly encouraged the industrialists to hire children in the industrial occupations. With this in mind, soon after the civil war, the South was fully engaged with the reconstruction of its industries. That was mainly because of the catastrophic human and material losses, concerning the great number of men, who had perished in the war, and the damaged economy. However, to rebuild the country, a mass hand labour was profoundly needed. In fact, this was another *raison d'être* that motivated the employers to integrate children in factories. Moreover, children were extremely preferred for their nimbleness, quickness, and above all because many families did not care about their children's formal education. As a case in point, a South Carolina cotton manufacturer asserted:

"We cannot possibly gravitate from agriculturalism to industrialism without the employment of minors. Take a family on the farm who is living in absolute poverty. If the family moves to the cotton-mill town and you say that the father only can work, he cannot make enough to support the family" (Marvine J. Levine, 2003)

With the technological innovation, the number of poor increased to a great extent. Many people, specifically women and children, were impoverished, and in a menace of becoming a burden on society. Therefore, many efforts were made to provide labour for this category in order to reduce the responsibility for caring them. In 1770, Mr. William Molineux of Boston was assisted by the legislature in his plan for "manufacturing young children into wearing apparel, and employing females of about 8 years old and upwards in earning their own support" (Edith

Aboth, 1870). Unanimously, Molineux's approach was approved because due to his efforts, girls would not be only helpful to the community but rather, they would be capable in assisting their poor families in getting a source of revenue. Likewise, in 1789, the idea of employing young children was mostly achieved in "the First Cotton Factory" at Beverly, Massachusetts, where "employment would be afford to a great number of women and children, many of whom will be otherwise useless if not burdensome to society". Indeed, industry was not only useful but it was also praised since it provided children with great chances of employment so that, they might participate positively in their society.

Above all, in the pre-industrial times, children had always worked alongside their families either in farming or practicing other crafts. However, with the technological expansion and the substantial number of immigrants coming to the United States, those poor children followed their parents into industrial work. Eventually, the employment of children became overpoweringly visible through the nation. Indeed, during this developmental era, the premature labour was a widespread practice considered as an alternative source of low-wage labour.

As domestic industries began to boost up, children were expected to be employed in different manufactures. Indeed, New York's governor stated in a report that, in his region "every home swarms with children, who are set to spin and card." Moreover, the New York Linen in 1789, "Manufactory" announced that "the Directors are disposed to take young boys as apprentices to the linen and cotton branches", and also informed parents to provide function for their offspring (Edith Aboth, 1870). Indeed, during this era, it was extensively observed that working children as well as women was a source of wealth for the employers and eased the men from their burden.

Furthermore, this labour-force was greatly preferable for the employers since it would provide mass labour at little cost. With this in mind, it was supposed to be beneficial for the factory owners to hire young children at cheap price because young workers were to be given less payment, rather than adults, who were to be paid expensively. Also, through employing young brood, there would be an intensive production since children could work for long hours. Above all, employers would face no labour union problems with working childreunlike adults, who raised many labour unions asking for high wages and better working conditions. However, young children were even not aware of the importance of a labour union. That's why, most of the employers preferred using children rather than adults. Indeed, employing youngsters would bring incredible profits for the factory owners at low cost.

More importantly, as the employment of children continued to increase, a very large proportion of the total number of employees was mainly formed by working children. Late in the nineteenth century, a French traveler wrote that he found, "manufactures are much boasted of because children are employed therein from their most tender age"(Edith Aboth, 1870). Undeniably, the 1900 statistics showed that more than 1.750.000 children as young as 10 to 16 years old were decisively employed in the United States for a salary (Hugh D. Hindman, 2002).

Eventually, by the integration of children in manufactures, the agricultural field was left undisturbed since “if women, children, horses, water and fire, all work at manufactures and perform the fourth fifth of the labour hence man would not be drawn from the agriculture”. In that, with the Industrial Revolution outset, man would not be obliged to quit the farms to run factories since the latter did not require adult strength, or able bodied men to be operated. Therefore, Smith Wilkinson from Pomfret, Connecticut, wrote in a petition:

“In collecting our help, we are obliged to employ poor families, and generally those having the greatest number of children; and the company’s real estate investments are explained as an attempt “ to give the men employment on the lands while the children are employed in factory” (Edith Aboth, 1870, p.30).

3- The Working Fields of Children during the Industrial Revolution

Generally, no country has developed to be an industrialized nation without the integration of children in manufacturing industries. Definitely, with the innovation of technology and the opening up of many new and great possibilities for production, children’s work became vital to the nation’s economic growth. At that time, the employment of children took various forms as youngsters could be found in all the facets of work including textile factories, coalmines, agriculture and other different fields.

3-1 Working Children in the Textile Factories

Before the machine era, young children had been occupied in the cotton household industry. Nevertheless, during the early years of industrialization, this respect continued to increase dramatically. Actually, the employment of children was regarded as the source of making economic miracles. The overlying *raison d’être* of employing young children was the cheapness of their labour.

Indisputably, the exploitation of young children in factories was pointed out as an advantage to the nation’s economy because those young workers had a profound role in manipulating the new machinery fruitfully. As a case in point, two water looms could be run successfully by a girl of fourteen years old after only two weeks of instruction. On the one hand, a weaver of about fifteen years old could be able to run two steam looms, and bring about 7 pieces of 9/8th shirting in a week, whereas, a professional weaver, of about 25 to 30 years old, was supposed to weave only two pieces per a week. (Elizabeth Lewis Otey, 1910)

Additionally, since machinery was so easy to be operated, and the virtue of employment was strongly believed, children were greatly encouraged to work in the mills. Certainly, the public supposed that through the work, children would gain good moral training and also learn valuable experiences in economy. Moreover, it was claimed by the factory and mill owners that if children did not work, the industries would go bankrupt, and also crime, wickedness and pauperism would increase in the society. Therefore, in 1790, the Father of American Manufactures,

Samuel Slater integrated 9 children, of about seven and twelve years old, in performing different jobs in his cotton mill at Pawcket since their hands and fragile bodies could control machines without any difficulty. As a case in point, Smith Wilkinson made an account of Slater's factory, in which he said: "I was then in my tenth year and went to work for him tending the breaker."

At the cotton mills, children were subjected to various occupations. As spinners, little girls' task was to tie threads manually together that had snapped on the bobbins. Moreover, as doffers, young children had to remove the full bobbins and replace them with empty one. For example, Harrison Robinson, the author of *Loom and Spindle*, was employed as a doffer at the age of 10 years old in the Lowell mills. Additionally, young males also toiled as bobbin boys. Their mission was harder chiefly by caring full boxes of bobbins from the preparation rooms upstairs to the mule spinning rooms.

At that time, several announcements were made in the newspaper for children to work in the cotton mills. As a case in point, an advertisement was published by an establishment in Bethlehem, Connecticut, for boys and girls from the age of 10 to 14. Similarly, the same state required a number of boys from 8 to 18 years old. In that, Baltimore's Federal Gazette for January 4th, 1808, announced the following notification of the Baltimore Cotton Manufactory:

"This manufactory will go into operation in all this month, where a number of boys and girls, from eight to twelve years of age are wanted, to whom constant wages employment and encouraging wages will be given." Elizabeth Lewis Otey, 1910, p.50

As the nineteenth century advanced, youngsters became indispensable in the textile industry's workforce; they were widely commended in the mills for being small, light, and had nimble fingers. Indeed, children as young as 10 years old constituted 50% of the country's textile employees. In view of that, the first Secretary of Treasury, Alexander Hamilton declared, "children are rendered more useful by manufacturing establishments than otherwise would be." (Marvin J. Levine, 2003). In 1816, the Committee on Manufactures reported vaguely 24.000 boys under the age of 17 and about 66.000 women and girls out of an estimated number of 100.000 cotton factory workers were employed. Again, young boys and girls formed 43% of the total number of labourers in Massachusetts, 55% in Rhode Island, and 47% in Connecticut, as illustrated in the following table:

NUMBER OF MEN, WOMEN, BOYS AND GIRLS EMPLOYED IN TEXTILE MILLS IN MASSACHUSETTS, RHODE ISLAND, AND CONNECTICUT, 1820.

State.	Number of operatives employed.				Percentage of boys and girls of total operatives.
	Total.	Men.	Women.	Boys and girls.	
Massachusetts.....	2,713	636	910	1,167	43
Rhode Island.....	2,704	475	731	1,498	55
Connecticut.....	1,872	527	458	887	47

Source: Report on Condition of Woman and Child Wage-earners in the United States,(1910) US Government Printing Office, p.55

3-2 Working Children in the Pennsylvania Anthracite Mines, Breaker Boys, Nippers, and Spraggers

At the beginning of the nineteenth century, the extraction of hard coal, known as the anthracite coal, was the prominent industry throughout Pennsylvania. At that time, coal was highly demanded as fuel to many industrial machines. For that reason, the mine owners sought to find other sources for redoubling the coal production. With this in mind, youngsters were hired in the anthracite mining, since they would be paid less than adult.

Out of all the working children in the United States, the minors, who were employed in Pennsylvania's anthracite mines, took the public most concern. Once industrialization took hold, mainly by 1866, a great number of young boys were integrated in coalmining. Later, in 1877, the journalist Phoebe Gibson admitted that he found boys as young as 6 years old around Scranton collecting slate in the coal mines. As early as the 1880's, approximately 20.000 boys younger than 16 were employed in coal industry (Alan Derickson, Black Lung, 1998). Moreover, in 1902, a Methodist minister in the Nine Patch of Avoca, Pennsylvania, James More, asserted that "I have seen boys going to the breaker that did not seem really able to carry their dinner pail."(Alan Derickson, Black Lung, 1998). Meanwhile, these young miners toiled in a variety of occupations, as breaker boys, nippers, and spraggers.

Breakers were the young boys who worked in the coal breakers. The latter were the most noticeable gloomy structures in Pennsylvania, where the coal was broken and extracted. According to the 1885 Law, the breaker boys of at least 12 years old had to work in the aboveground, whereas, the underground breakers were required to be at least of 14 years old. However, due to poverty, parents in many cases had to fake their children's birth certificate by changing date of birth merely to secure jobs in the mines for their offspring, who were as young as 5 or 6 years old. The underground breakers' task was mainly to shatter the rock that came out of the mines' walls into a more convenient size. However, outside the mines and as soon as coal was poured out of the chutes, the aboveground breakers had to pick out slate and other impurities as sulfur balls, and then, dropped them into the rock box below.

Additionally, as soon as the boys were twelve years old, they would be moved down into the mines. There, they would work as nippers, known as door tenders or door boys; these were the youngest underground miners. Their mission was mainly to open the mines' heavy wooden doors when a coal car came in, and make sure that the door was tightly closed after the car passed through. However, if there were no cars, boys would sit on their benches and wait in the dark.

Moreover, inside the anthracite mine, there were also spraggers. These were specifically the fastest and most nimble boys. Their work was to control the speed of the mine cars while they run down the slant. Commonly, the spraggers toiled in twosome. Every single boy carried 20 or 30 long pieces of wood called sprags.

When the coal cars run down the slope, these young boys tried to stop them as running alongside the cars and throwing the sprags into the car's wheels. To put it differently, these boys were employed as brakes, by stopping the wheels and slowing the cars' rapidity. In general, the employment of young children was greatly widespread in the coal mining industry.

3-3 Kids at Farms, Canneries, and City Streets

Worthy to be mentioned, working children were not only confined to the textile factories and coal mines, but they were also engaged in many other occupations. As a case in point, young children were at a constant presence on the agricultural fields, canneries, and city streets.

Initially, most working children were found in the agricultural sector. As early as the 1900's, youngsters laboured in farm work when many crops were still planted and harvested manually. Some young kids worked alongside their parents either on the family's small holding or on a landlord's estate. Poor families needed their children to work; therefore, many kids commenced working at a very tender age. Emphatically, Children made significant contributions to the agricultural workforce. In 1900, the special report on Occupations of the Twelfth Census illustrated that out of 1.750.178 children from 10 to 15 years old of age at work, 1.054.446 children were agricultural workers. Indeed, they formed about 62% of the total number of all child workers (Elizabeth Lewis Otey, 1910).

Subsequently, other children of an even younger age have worked together with their parents in the canning sheds. The latter were poor places, where workers, by using sharp knives, had to husk corn, snip off the beans' ends, and peel fruits and vegetables. Along the Gulf Coast, shellfish canneries employed children as young as four and five years old mainly to shuck oysters and peel shrimp. These workers were not paid by the hour, but instead by the pot of seafood shelled. Early in the 20th century, these canneries were obviously recognized as factories; the only difference lied in the working hours. In 1889, there were about thirty-six canneries in Baltimore; each one employed 362 women and children, 19% of whom were below 18 years old. Indeed, children made a great proportion of personnel in rural canneries.

Eventually, as the nation continued to develop, working children were found everywhere in America's cities, standing on hard pavements and roadways. Most Youngsters came from destitute backgrounds, and worked mainly to help a widowed mother or support an ailing parent. Many others were living rough, without a roof over their heads, and lived on street or in collective houses; for example, the ones controlled by the Children's Aid Society¹ in New York City. During all seasons, these young kids used to sell newspapers, shine shoes, run errands, deliver packages, and telegraphs. They also had to haul firewood, coal and ice only to earn a living. Also, they worked in sweatshops, which were working

¹ Children's Aid Society was established in 1853 by Charles Loring Brace. This society sought to provide foster care, medical and mental health services for children.

environments featured by excessive hours, low wages, and precarious or harmful working circumstances.

In addition, other children were working in business for themselves. They peddled flowers, shoelaces, ribbons and candy from boxes on street corners. Besides, young bootblacks were greatly seen in train stations as well as city parks carrying shoeshine kits that they had made at home. As well, newsboys and newsgirls used to call for their papers from the street corners, shouting “Extra! Extra! Read all about it.” At the beginning of the 20th century, laws restricted the age of a newsboy to at least 12 years old; however, many of whom were as young as 5 years old. (Catherin Reef, 2007)

4- The Working Conditions

Moving from the fields of working children to the conditions under which youngsters laboured. As the 19th century advanced, thousands of young children were forced to work under circumstances that were increasingly abysmal. Undeniably, these innocent creatures endured unsympathetic types of treatment, lack of protection, health problems, and above all low payment.

In most cases, boys and girls, who had worked in the American factories, were exposed to harsh forms of pain infliction, and their protection was often ignored because employers treated them brutally. As a case in point, among the frequent forms of punishment for being tardy was through tying a heavy weight to the worker’s neck and obliging him to walk between the factory’s ranges for about an hour; subsequently, this child would be a model for the other workers in order not to make the same mistake. Moreover, from time to time, boys were dragged bare from their beds and made a beeline to the factories, taking their rag to be worn there. This behavior was intended to make sure that children would be on time. In other cases, young children were beaten severely for not working well or even talking to each other during the working time. As a case in point, at a factory in Rhode Island, children were whipped ruthlessly by an instrument made of a leather belt, eighteen inches long, and with tacks at the end.

Certainly, working children in the cotton mills of Alabama, Georgia, and the Carolinas, witnessed extremely deplorable conditions. These young children, frequently, worked in sweltering heat in summer and in bitter chilly at winter. Furthermore, some tasks obliged children to be barefoot, mainly to stand on the top of the machines without falling because they were too short to reach them from the floor. This attitude was very perilous since children would slip and lose a finger or foot. Additionally, little girls were constantly compelled to cut their hair short to be kept from industrial accident; as they would be scalped when their hair got caught or entangled in the whirring machinery.

More interestingly, in the spinning mills, young children could not remove their eyes from the spinning threads for even a single minute resulting in dangerous illnesses as nerve strain and eyestrain. For example, a girl, who worked as a spinner all the night shift, at a textile mill in North Carolina, said: “My eyes hurt always

from watching the threads at night. Sometimes the threads seem to be cutting into my eyes.” (Carol Saller, 1998). Indeed, working at factories always left children tired and wounded. In the various factories, the sound of machines was so noisy; thus, workers usually suffered hearing problems or even hearing loss. In addition to the dusty atmosphere that was composed by the particles of fibers and resulting in chronic illnesses and lung diseases as bronchitis and tuberculosis. More importantly, children’s eyesight also suffered from the lack of proper lighting.

Certainly, these young children were expected to work for long hours, usually from the sun rise to the sun set. In other words, children labored from 12 to 14 hours a day, six days a week. For example, in the textile mills, the waking bell would be rung early in the morning at about 5 o’clock; however, by 6 o’clock, the factory doors would be closed. Later, at 8 am, there was a break for the breakfast for only fifteen minutes, and by the midday, children would have another rest of half an hour for lunch. After that, they would keep working until the sun set.

More importantly, working conditions in the coalmines were just as hazardous as in the textile mills. In fact, Breaker boys worked under merciless conditions in the mines. In this task, young workers faced both physical and also health danger. As a case in point, to exemplify this peril the photographer Lewis Hine said:

“Fingers are calloused and cut by the coal and slate, the noise and monotony are deadening; and worse still, grave danger from the machinery to those boys who persist in playing about the breaker, and even for those at their regular work. While I was in the Pennsylvania anthracite region, two breaker boys of 15 years, while at work as was signed to them, fell or were carried by the coal down in car below. One was badly burned and the other was smothered to death.” Evin Hillstrom, Laurie Collier Hillstrom, 2006, p. 132)

Moreover, these young children were frequently subjected to large quantities of coal dust, as they went down in the mines to sort out debris from coal, resulting in fatal illnesses as chronic throat trouble, black lung and other respiratory diseases. Additionally, young miners were not allowed to wear gloves while working because the employers feared that they would slow down the quickness of the boy’s hands. Therefore, the boys’ fingers were mostly cracked, bloody, wounded badly and swollen from sorting. Inside the mines, of course, situations were extremely appalling; Homer Greene admitted that the boys “must breathe an atmosphere thick with the dust of coal, so thick that one can barely see across the screen room.” (Alan Derickson, 1998). Besides, venomous gases, mainly methane, which was out spontaneously by the process of mining, were always found in the underground. Indeed, a mix of gases like methane and carbon monoxide, generally, caused explosions that exterminated many miners. Also, in many cases, the mining tunnels collapsed; therefore, workers were either paralyzed or crushed and packed down to death.

Generally, doctors discovered through examining young miners that they were malnourished, underweight, sleep deprived, and bent spines mainly due to carrying coal on their backs. As an illustration of the case, Ruth Holland said:

“ In a little room in this black shed, a room not twenty feet square forty boys are picking their lives away. The floor of the room is an inclined plan, and a stream of coal pours constantly in. they worked here, in this little black hole all day and every day trying to keep cool in summer, trying to keep warm in winter, picking away among the black coals, bending over till their little spines are curved, never saying a word all the life long day. These little fellows go to work in this cold dreamy room at 7 o'clock in the morning and work till it is too dark to see any longer. For this they get one dollar a wee, not three boys in this roomful could read or write.” (Ruth Holland, 1970, p. 5)

More importantly, street boys were also working under awful conditions. These young children worked for long hours in every week, and in all kinds of weather. Some of them worked during the day, whereas, others worked at night - alone in the very dark giant streets. Commonly, as they exposed to extreme cold in winter, these offspring suffered from chronic respiratory infections as tuberculosis. Above all, some delivery boys and newsboys were found even frozen to death in the carts, where they used to sleep. Also, as working on the street corners, many children came into contact with criminals and prostitutes and eventually contributed to felony and delinquency.

Certainly, young children were employed under unimaginable dreadful working circumstances from which they had suffered for a long period. Due to that, children were deprived from their rights. Indeed, most of them were illiterate; they could not even read or write since they were robbed of their educational right. In 1885, an estimated census in New Jersey showed that out of 343,897 working children of school age, 89,254 did not go to school. (Catherine Reef, 2007) Certainly, most of them did not attend school because they were too busy working excessive hours in factories and mines. Moreover, these young children did not live their real childhood, playing and singing, but in fact, they were treated as adults since they assumed responsibility from a very younger age.

5- Early Attempts to Regulate Child Labour

Legislation regulating child labour was first passed in the industrialised cities such as Massachusetts, New York, and Illinois. Laws to regulate child labour had been enacted only in seven states before 1880, (Joseph G. Rayback, 1966), but without enforcing provisions. They were mostly enacted to appease the growing condemnation of child labour. In 1836, Massachusetts' State Legislature passed a law to regulate the work of children for the purpose to secure their literacy. It prohibited the employment of children under 14, who hadn't received at least three months of schooling in the previous year.² It was the first law of its kind in the USA that set a penalty of \$50 for any violation of its provisions. The penalty was

²“*Report on the Condition of Woman and Child Wage-Earners in the United States,*” (1910), 61st Congress 2nd Session, Senate Document N° 654. Prepared by Elizabeth Lewis Otey. Washington Government Printing Office, p. 73

used in the budget of the common town schools, where the offending factory was located.

It was not until 1851 that legislation to forbid the employment of children under 12 was passed in Rhode Island. Ohio followed in 1852 with legislation that banned the work of children under 14. Later in 1856, a bill was passed in Massachusetts' Legislature to set a 10-hour work for minors in textile factories and other incorporated establishments. Since then, several states adopted laws that regulated the work of children under 12 to no more than 10 hours a-day. The most effective law concerning child labour was again passed in Massachusetts in 1874 that set a 10-hour work for minors under 18 in manufacturing establishments. Child labour continued to gain popularity for its abolition as sweatshops more and more employed children in industries such as garment and textile.

As in Massachusetts, New York State's interest in children regarded their education. In 1832, the Superintendent of Schools drew the attention of the State Legislature on the education of children in a report on child labour in which he explained: "*in many of these establishments, children are employed at a very early age ... the necessities or cupidity of parents and guardians will, in too many cases overcome their obligations to their children and to society and induce them entirely to neglect their education.*" However, all attempts to introduce legislation to regulate child labour failed. The State of New York never enacted a law that forbade the work of children under a specific age nor limited their working hours in manufacturing establishments. (Joseph G. Rayback, 1966)

The industrialisation of the USA and its adverse effects spurred religious and secular groups and individuals like the Progressives that shared the belief that the country was badly managed and was changing to the worst. Each religious or secular group had its view on how to reform the country and solve its socio-economic and political problems. The Progressive Era witnessed the formation of a relatively united front to eradicate social evils like child labour among others.

5-1 Attempts to Abolish Child Labour during the Presidency of Theodore Roosevelt (1901-1909)

The campaign to abolish child labour during the Progressive Era started with exposing it as immoral and outrageous by Muckraker journalists. John Spargo was the first to expose the evils of child labour in his book *The Bitter Cry of Children* (1905), in which he describes the miserable conditions of working children in the coalmines. Spargo showed how children of twelve years of age were legally employed in the coalmines, and how the conditions were often exceedingly hard and dangerous, which he himself experienced saying that after just thirty minutes in the mine he was bleeding, bruised, and covered with coal dust. His book was very similar in many respects to Upton Sinclair's *The Jungle* in the sense that it exposed the problem of working children. It was *The Jungle* that had immediate reaction and indignation from the general public, the authorities, and the existing social associations.

Progressive women activists such as Florence Kelley and Mary Harris also called 'Mother' Jones, who fought for social reforms and the abolition of child labour in factories, gained in intensity during the Progressive Era. Florence Kelley led the battle against child labour by organising marches and boycotts of goods produced by children. In 1903, 'Mother' Jones led a group of working children on a march to President Theodore Roosevelt's mansion asking him to ban child labour, but he refused to meet with them.

In the domain of protective laws, President Roosevelt concentrated on the compensation of injured workers³ and to a certain extent, at least in official declarations, the regulation of child labour in a way to preserve children's health. Although there was a strong conviction that the Federal Government had to take measures to protect children, child labour was still left to be regulated by the states. President Roosevelt's intention was to leave the child labour issue until most of the states regulate it in a way that would give the Federal Government the legal basis to abolish it. The fact that the states did not budge in this perspective gave impetus to associations and individuals to take action to push the states to legislate in favour of abolishing child labour.

Nevertheless, the campaigners against child labour could manage to set rules for child work to be followed by the employers. Congress passed the *Child Labor Law of the District of Columbia* in 1908, which President Theodore Roosevelt signed into law to prohibit the employment of children under 14 neither during school hours nor before 6 a.m. and after 7 p.m. in any factory, workshop, telegraph office, restaurant, hotel, apartment house, saloon, pool or billiard room, bowling alley, or in the transportation or distribution or transmission of merchandise or messages.⁴ Since this law was limited to the District of Columbia, it provided for the appointment of just two inspectors, who should enforce its terms without mentioning appropriation for their payment. The provisions of *Child Labor Law of the District of Columbia* show evidence of the laxity of the Federal Government to pass consistent and enforceable laws to abolish child labour.

5-2 President Howard Taft's Child Welfare Measures (1909-1913)

The activities of the opponents of child labour led to its regulation only in nine (9) states in 1913, which passed laws setting the minimum age of fourteen (14) for factory work during the Presidency of Howard Taft. The latter gave the Progressives the assurance that more social reforms could be realised since he

³It was not until the Presidency of Theodore Roosevelt that the protection and compensation of workers in case of injuries or death. In 1908, Congress passed the *Federal Employers Liability Act (FELA)* for the railway workers as the first law for the protection and compensation of workers in hazardous work places.

⁴"*Child Labor Law (District of Columbia)*," (May 28, 1908), ch. 209, 35 Stat. 420.

pledged to continue the work of T. Roosevelt. He supported measures that safeguarded the health of working women and children.

As regards the issue of child health care, President Taft took some measures based on those undertaken by his predecessor. Under the sponsorship of Senator William E. Borah, Congress passed the *Children's Bureau Act* in 1912.⁵ This Act passed in the House of Representatives with 177 votes to 17 and in Senate with a vote of 54 to 20. On April 9, 1912, President Taft signed it into law as part of the Department of Commerce. The Children's Bureau (CB) was authorised to employ 16 persons with a first-year budget of \$25,640. (Kristolindenmeyer, 1997)

The creation of the Children's Bureau was the fruit of the laborious and incessant work of the National Child Labour Committee that lobbied for the introduction of eight bills in the House of Representatives and three in Senate between 1906 and 1912. Although all these bills were defeated, they served as a means to develop a more positive acceptance of the necessity for a new federal agency for the welfare of children. It is also of great importance to stress the fact that the signing of the *Children's Bureau Act* in 1912 culminated a grassroots process started in 1903 by two social reformers namely Lillian Wald of New York's Henry Street Settlement House, and Florence Kelly of the National Consumers League. The Children's Bureau had power only to investigate conditions and report "*upon all matters pertaining to the welfare of children and child life among all classes of our people.*"⁶ However, it did not have the power, to make regulations that should be obeyed by the employers of children. In this instance, *Section 1* of this Act stipulates that:

"The said bureau shall investigate and report to [the Department of Commerce and Labor] upon all matters pertaining to the welfare of children and child life among all classes of our people, and shall especially investigate the questions of infant mortality, the birth-rate, orphanage, juvenile courts, desertion, dangerous occupations, accidents and diseases of children, employment, legislation affecting children in the several states and territories."
"The Children's Bureau Act," (April 9, 1912), op. cit., Section 2

For the management of the Children's Bureau, President Taft appointed Julia Lathrop at its head on April 15, 1912. She was the highest ranking woman in the US Government at that time. The investigations of the CB provided a national focus for child welfare and designed the model upon which future child welfare policies should develop throughout the 20th century.

⁵ "*The Children's Bureau,*" (*April 1912*). ch. 73, sec. 1, 37 stat. 799

⁶ "*The Children's Bureau Act,*" (*April 9, 1912*), op. cit., Section 2

However, the CB faced some powerful critics in its first years in operation from different institutions and interest groups that had close interference with issues related to children. From an economic standpoint, the manufacturing interests feared that the Bureau would push for the elimination of child labour. Fiscal conservatives also contended that the Bureau's prerogatives would duplicate or interfere with the work already under the jurisdiction of other federal agencies, such as the US Public Health Service and the Bureau of Education. On the other hand, the Catholic Church warned that the Children's Bureau might interfere with parochial education, promote birth control, or interfere with parental authority.

Lathrop tried to quiet criticism by setting the objectives of the Children's Bureau. The latter aimed at promoting the middle-class family, in which the father worked as the sole breadwinner, the mother served full-time as a housewife, and the children attended school. In this nuclear family, the children were well-fed and cared for, had a secure future, and laboured only at household chores. Initially, Lathrop avoided the issue of child labour and instead chose to focus the efforts of the CB on lowering the nation's high infant mortality rate. She also denied any connection of the Bureau to the controversial birth control movement. Women, like Lathrop, from their positions in government and elsewhere worked for the promotion of women protective laws, which served as a legal basis to stop their exploitation.

These measures attempted to provide relief for the deprived categories in society mainly the aged, women, and children. They were local in scope and lacked appropriate funding, which prevented a large number of these categories to benefit from adequate relief. However, they raised a general public concern on these issues because every citizen was personally concerned. The Federal Government, during Taft's Presidency, was more inclined to treat issues related to women and children from a moral perspective when these constituted inter-state affairs.

Practically, President Taft remained faithful to the dictates of the Constitution as regards the prerogative of the states over the Federal Government concerning the treatment of social problems. He also still believed that social problems were the concern of the States unless they constituted an interstate matter. The reforms, undertaken by the Federal Government during his presidency, contributed positively in the welfare of the public. Social welfare policy did not stop by the end of Taft's Presidential term, but was continued by President Wilson, who introduced social reforms that surpassed those realised by his predecessors.

5-3 The Keaton-Owen Act (1916) and President Wilson's Attempt to Abolish Child Labour

President Woodrow Wilson did not mention any social reforms in his 'New Freedom' program because he believed that once the economy was reformed and oriented to work for the benefit of society and that political power was given back to the people, the social problems could be solved gradually. Therefore, he

concentrated on the economic and political issues that the Federal Government had authority on. He expressed this point of view in his book *New Freedom* (1913) saying:

Then we shall have a clear air in which we shall see our way to each kind of social betterment. When we have freed our government, when we have restored freedom of enterprise, when we have broken up the partnerships between money and power which now block us at every turn, then we shall see our way to accomplish all the handsome things which platforms promise in vain if they do not start at the point where stand the gates of liberty. (Woodrow Wilson, 1913, p.31)

In practice, he was caught in a dilemma over whether to conform to the Constitution whereby social matters (family, health, education...etc) were within the jurisdiction of the states, or to extend the role of the President according to the Progressive ideals to deal with social issues. He became more and more inclined to make the Federal Government go beyond what the Constitution dictated.

Further success of the campaigners against child labour came when President Wilson proposed the *Keaton-Owen Child Labour Act* that Congress passed in 1916 to regulate child labour at the federal level. It was enacted by the US Sixty-fourth (64th) Congress to address child labour by prohibiting the sale of child-manufactured goods in interstate commerce. It was named for its sponsors Edward Keating and Robert Latham Owen, and passed the House of Representatives with a vote of 337 to 46 and received Senate approval with a vote of 50 to 12. President Wilson, who had lobbied heavily for its passage, signed it into law on September 1, 1916.

In its original version, ***The Keaton-Owen Act (1916)*** was composed of seven sections that can be classified into three main themes: prohibition, enforcement of the prohibition, and the penalties for the violation of the Act. The prohibition of child labour is set in *Section 1* in the form of maintaining a ban on the delivery or shipment of any product or article or commodity in the United States produced by children under the age of 16, who were employed or permitted to work more than eight hours in any day, or more than six days in any week. This ban included those products from mines, quarries, mills, canneries, workshops, factories, or manufacturing establishments.

The enforcement of *Section 1* is expressed in *Sections 2, 3, and 4*. *Section 2* gives authority to the Attorney General, the Secretary of Commerce, and the Secretary of Labour to constitute a board for the purpose of publishing uniform rules and regulations that should help in the carrying out of the provisions of this Act. *Section 3* enforces *Section 1* by giving authority to the Secretary of Labour or

any person that he authorises to enter and inspect at any time the places enumerated above. In addition, *Section 4* stipulates that it was the duty of the District Attorney to start prosecution after the submission of a report with satisfactory evidence of any violation of this Act by the Secretary of Labour or any state factory or mining or quarry inspector, commissioner of labour, state medical inspector or school-attendance officer, or any other person.

However, *Section 4* excludes the prohibition of the products manufactured by children in the canning factories. The latter were officially spared from being prosecuted under this Act by the State Agricultural Departments. The development of modern industries created thousands of positions, which children could readily fill to perform simple machinery operations in shrimps canning factories, for example. The child of twelve or fourteen in these industries proved to be as useful as an adult if not better. (Benjamin Parke De Witt, 1915)

The third theme is about the punishments reserved to those who violated *the Keating-Owen Act*. The latter stipulates that any person that violated any of the provisions of *Section 1* or refused or obstructed entry of inspectors authorised by *Section 3* would be punished for each offense prior to conviction by a fine of not more than \$200, and punished for each offense subsequent to conviction by a fine not more than \$1,000 and not less than \$100, or by imprisonment for not more than three months, or by both punishments. "*Keating-Owen Child Labor Act*," (September 1, 1916) Section 3.

This Act also made it clear that the prosecuted person was not found in violation of *Section 1* if he proved that the products had been produced thirty days before his factory was subject to inspection. *Section 6* was aimed at defining the words used in this Act so as its provisions would not be wrongly construed. Finally, *Section 7* specifies that the *Keaton-Owen Child Labour Act (1916)* had to take effect from and after one year from the date of its passage in Congress. However, the *Keaton-Owen Child Labour Act (1916)* was defeated on June 3, 1918, when the Supreme Court decided against it as being unconstitutional in the case of *Hammer v. Dagenhart*.

Roland Dagenhart, who worked with his two sons in a cotton mill in Charlotte, North Carolina, sued the United States arguing that the *Keaton-Owen Act* was unconstitutional because it prevented his children to work in their mill. The District Court ruled the statute unconstitutional, which pushed the United States Attorney W.C. Hammer to appeal to the Supreme Court. The final decision of the United States Supreme Court defeated the power of Congress to enact child labour laws.

The Supreme Court decided that the regulation of child labour was purely a state affair because the manufactured products by children might never enter interstate commerce, and therefore, were beyond Congress jurisdiction. Justice William R. Day delivered the final decision saying: "... we hold that this law

*(Keaton-Owen Act) exceeds the constitutional authority of Congress. It follows that the decree of the District Court must be Affirmed.”*⁷

Although the Supreme Court acknowledged that child labour was a social evil, it stood against any attempt to abolish it through federal legislation. Justice William R. Day based his decision on the fact that any attempt to provide relief or eliminate this ‘evil’ should come from the states and not from the Federal Government. He argued that the passing of a child labour law would destroy the US federal system because Congress lacked power to regulate the conduct of local manufacturing enterprises.

Conclusion

The presentation of the policies of the three progressive presidents shows that each of them viewed child labour with different considerations. President Roosevelt was an eminent politician that regarded child labour under the political constraints of the time. He gave more importance to introducing compensation laws and settling economic matters than abolishing child labour. Since compensation laws were a novelty, it took him great efforts to make the employers in the industrial sectors accept them. He left the child labour issue for the states to regulate it.

President Howard Taft’s stand point vis-à-vis child labour shows that he was not inclined to abolish it through federal legislation. He also viewed the child labour issue from a jurist perspective, maintaining that it was under the prerogative of the states. President Taft’s contribution in the struggle against child labour was the creation of the Children’s Bureau in 1912, which gave great support to the cause by enabling the opponents to child labour work within the framework of a federal and governmental institution.

On the other hand, President Wilson was the only one that introduced legislation to abolish child labour. *The Keaton-Owen Act* (1916) was the culmination of the efforts of the campaigners against child labour. But again, the laws of the United States were not ready to cope with the exigencies of a new era. The Supreme Court defeated the Act because it was unconstitutional stressing further the prerogative of the states in regulating social and family matters over the Federal Government. It is worth noting that meaningful federal legislation was not enacted until 1938 with the passage of the *Fair Labour Standards Act* (FLSA).⁸

during Franklin D. Roosevelt’s Presidency as part of his New Deal program for economic recovery from the adverse effects of the Depression of 1929. The circumstances and exigencies of the time and the political abilities and economic strategies of the President contributed enormously in the abolition of child labour through the enactment of a federal piece of legislation. The FLSA set guidelines for age, hours, types of jobs and working conditions for young workers. At first, it was

⁷ *Hammer v. Dagenhart*. 247 U.S. 251 (1918). US Supreme Court N° 704. Argued April 15, 16, 1918, Decided June 3, 1918.

⁸ “*Fair Labor Standards Act*,” (June 25, 1938), ch. 676, §1, 52 Stat. 1060

challenged before the Supreme Court, but the latter upheld the constitutionality of the FLSA when it reversed its opinion in 1941 in *U.S.v. Darby*.⁹

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