

Draft--work-in-progress--

For the APSA Learning and Teaching Conference, Alexandria, Virginia—February 7-9, 2025

Conceiving Poverty and Child Labor

in late Nineteenth and Early Twentieth Century New York City and the Nation

--pre-New Deal and Great Society approaches—

-- What role: Individual Responsibility, Associational Responses (private organizations), State Government or Federal Government?--

Role-Playing Game / Workshop¹

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- **Class size:** I have conducted this role-playing game/workshop in classes of about 30 students. This allows four or five students to work together in six small groups.
- **Number of classes:** 2 or 3 class sessions.
 - First class: Students break into small groups and read through their “role” (see below), discuss it, and ask me questions about it.
 - Second class: Each small group presents their assigned approach to the class (and to the “NYC Commission”); they answer questions from fellow students and from the “Commission.”
 - Third class: Students have the opportunity to ask those with other perspectives questions—and to challenge other groups’ views.
- **Additional Resources:** This game/workshop takes place in the context of a course in which we have been focusing on issues in political-economy and public policy, history and practice.

¹ Compare: Amanda Rosen, *Teaching Political Science: A Practical Guide for Instructors* (Palgrave Macmillan, 2024), Appendix A. In Amanda Rosen’s book “The Assignment” asks students to “imagine yourself as a think tank consultant and write a briefing paper for your chosen organization’s board of directors.” In the game I present in this paper, students are asked to imagine themselves as a member of a group that will present one of six perspectives to a fictional “The New York City Commission on Poverty and Youth” in first decade of the twentieth century. See also, Mark C. Carnes, *Minds on Fire: How Role-Immersion Games Transform College* (Harvard University Press, 2014).



Introduction

This role-playing game might be used in a Political Science “public policy” course, or the like.

Today my students commonly conceive of the U.S. federal government as the locus of action in addressing issues of political economy and social problems.

A goal of this game/workshop is to have students think outside that box—to have students think about non-governmental roles in conceiving and addressing poverty by taking up one of six different turn-of-the-twentieth century perspectives. To give a quick taste of one of those perspectives: Josephine Shaw Lowell’s *The Charity Organization Society*. The COS urged that charity be delivered to the “deserving poor,” but it sought to avoid doing harm by giving “alms” to people that the COS and its members judged to be “undeserving”—among the “undeserving,” according to the COS, were people unwilling to work, to act responsibly, to avoid alcoholism, or to engage in behaviors COS’s “friendly visitors” considered “undeserving” of the Society’s aid. (At times, COS “friendly visitors” offered the unemployed a “voucher” that allowed men to work in a wood cutting yard, and women to work in a laundry. The “voucher” was a “chit”—that the COS had pre-paid to the woodyard and the laundry; so that the person would get paid for their time-worked.

This role-playing workshop asks students to consider some of the dynamic and thought-provoking responses in pre-New Deal (pre-Great Society) United States to the shaping of public policies. That is, five of the six approaches explored in this game/workshop are non-federal government approaches. The approaches place the locus of responsibility on either individuals, associational groups, or at the state level.

Indeed, as the historian Eric Foner notes, “Before the 1930s, national political debate often revolved around the question of *whether* the federal government should intervene in the economy. After the New Deal, debate rested on *how* it should intervene.” [See: Eric Foner, *Give Me Liberty: An American History* (Norton, 2005), 829. And, of the New Deal’s in contradiction to Italian and other fascisms: see, Ira Katznelson’s: “Even though the New Deal shimmied up, tantalizingly so, to the dictatorships, it did in the end keep faith with liberal democracy”; *Fear Itself*, 18.]

Why are people poor? What can be done to protect children who are growing up in impoverished households?

—were central questions in Progressive Era New York City and across the country (as they are today).

In this role-playing game/workshop you and your group will be assigned a particular perspective and asked to develop arguments championing that perspective. Of course—as is the case with those who have had experience in high school or college-level debate—you may personally find the perspective you are asked to argue to be precisely the opposite of your own view on the subject. The goal is to build-out elements in the debate so that we can gain insight into the public policy challenges surrounding poverty in turn-of-the-twentieth century New York City. The summary of your groups’ perspective is fairly brief. It relies on quotations from primary documents. If you find the perspective you have been assigned to be in need of further explication, ask me and I can help build out the perspective.

Please Read the *New York Times* article from January 12, 1903 titled “Child Labor Evil”—this article is *on the last page* of this document.

Background:

New York City

At the turn of the twentieth century New York City had evolved from its early seventeenth century beginnings as a Dutch harbor-colony into an international center of finance, commerce, manufacture, and culture--competing on the world stage with London, Paris, and Berlin.

The Brooklyn Bridge was completed in 1883. The Statue of Liberty, arrived from Paris, was installed in 1886. The Washington Arch at Washington Square Park went up in 1889. Carnegie Hall opened in 1893. The first subway line opened in 1904. And, the city rose vertically: the 1902 21-story steel-framed Flatiron Building was eclipsed in 1913 by the 60-story Woolworth Building.

Henry Frick, Henry Phipps, the Vanderbilts, and Andrew Carnegie built mansions along Fifth Avenue. While, at the same time, many New Yorkers lived in squalor. Tens of thousands of New Yorkers lived in ill-lighted, overcrowded tenements, many without running water, flush toilets, or electricity.

New York City was, in these years, the world's largest port, and served as the point of entry for many of the nation's eighteen million immigrants in the quarter century before the First World War. By 1910, **87 percent** of the 4,767,000 people in Greater New York were immigrants or the children of immigrants.

In today's Gotham there are few factories, but in the early 1900s there were 30,000 manufacturers in the City, employing more than 600,000 workers, and New York City ranked first in the nation's industrial output.

The Lower East Side, around Rivington Street, was an immigrant hub, its immigrant population in the late 1880s and early 1890s mainly Germans, Poles, Russian Jews, and Rumanians. A young woman, Helen Moore, a volunteer among the poor, wrote in 1893 of "fermenting garbage in the gutter and the smell of stale beer" and "a long panorama of heart-rending sights":

"Every window opens into a room crowded with scantily-clothed, dull-faced men and women sewing upon heavy woollen coats and trousers. They pant for air,

the perspiration that drops from their foreheads is like life-blood, but they toil on steadily, wearily.... From a political, sanitary, and educational point of view it [the Tenth Ward] is the worst ward in the city, and social statistics offer no parallel in any city."

The Lower East Side was, the urban historian Kenneth T. Jackson notes, "the most crowded neighborhood in the world."

In the late 1800s and in the opening years of the twentieth century, New York had no blanket-coverage local, state, or federal welfare programs:

--No welfare checks for poor families with dependent children

--No Food Stamps (or other food support for the food insecure)

--No social security for the elderly or handicapped

--No system of workmen's compensation

--no Medicare, no Medicaid.

It had only private charity—often from churches and synagogues--and some municipal sponsored free coal for heat. (Federal veterans' pensions did supply aid for that fraction of the population who had served the Union army in the Civil War, but most of the city did not qualify.) In the long tradition of private or county-sponsored relief, places of confinement, such as prisons, orphanages, asylums, and almshouses sheltered those in need and in distress.

Poverty in the City

In 1910 in New York City, tens of thousands of children labored for pennies an hour in many the c. 12,000 tenement sweatshops licensed by the state.

"Our little kindergarten children at Greenwich House (located near Greenwich Village in lower Manhattan)," Mary Simkhovitch, the settlement's founder and head resident, wrote, "go home from school to help make artificial flowers and as late as eleven o'clock at night we have found their baby fingers still fashioning the gay petals."

Around the country, "Boys of 10 years were common in the blinding dust of coal breakers, picking slate with torn and bleeding fingers, or sweltering all night in the glare of the white-hot furnace of the glasshouse; the incarceration of little 10-year-old girls in the dust-laden cotton mills of the South or the silk mills of Pennsylvania for 12 hours a day was looked upon with approval or indifference; tobacco and cigarette factories, canneries, sweatshops, the street trades, and the night messenger service all took unchallenged too from schoolhouse, playground, or cradle."

In 1904 Columbia University professor Henry Seager wrote, "It might be thought that considerations of common humanity would lead employers of children to fix hours and other conditions of employment that would not be injurious to them." "Unfortunately," "this is not the case," he wrote. It was a "cruelty," he said, "not only of employers, but even of [the children's] own parents."

Corruption

New York City's government was corrupt. Tammany Hall battled with reformers in the late nineteenth and early twentieth centuries.

A memorable example of corruption in city government:

A student in the Manhattan-based "Training School for Public Service" (founded in 1911) recounted his first assignment at the Training School:

"That assignment was to go to the City Hall and attend the meeting of the City Council; I was told to walk in and take my seat at the press table. I was a complete stranger in New York and had some difficulty in finding the City Hall and where the council met. The only thing the council did that morning was to discuss some routine matters and pass one resolution appropriating \$25,000 for the paving of a certain street. I returned to the office of the [Training School] and handed in my report, thinking that the task was ended. The next morning my assignment was to locate that street and to see if it needed paving. The street was more difficult to find than the City Hall but I finally located it over on the east side. I found that it had never been paved. I made this report in writing, feeling that my task was ended. The next morning my assignment was to go to the city clerk's office and search the records to see if the street had ever been paved before. I discovered that the street every year for 25 years had been paved."

Children in the City

As in today's New York City, children in the late 1800s and early 1900s had a broad range of experiences, experiences that often depended on their socio-economic class.

Edwin Seligman, future Columbia professor of economics, was born and raised in Manhattan—the child of a wealthy German-Jewish family. Seligman was tutored as a child by the children's author Horatio Alger, famous for his rags-to-riches stories--in which a poor but honest, industrious, and frugal lad finds himself, by dint of pluck and not a little luck, happy, married, and wealthy by story's end. Seligman's own family history, and his childhood experiences in New York City, in many ways mirrored Horatio Alger's stories of childhood flourishing.

But in that same city, and in these same years, on streets near Greenwich Village, the social settlement activist Mary Kingsbury Simkhovitch wrote (in November 1903),

"A neighbor's child was burned to death alone in a tenement house. A man was stabbed on election night by a drunken comrade. On Cornelia Street...the [Irish and Italian] Jones Street boys are fighting the colored boys nightly with one or two really serious results."

And, a "Jewish girl, sixteen years old," was told by an employment agent that "she was going to a restaurant to work for two dollars a week and tips," discovered that she was to be sent to a brothel instead. (The girl was saved when an unidentified "assistant" paid ten dollars to the agency for her release.)

[Source: John Louis Recchiuti, *Civic Engagement* (University of Pennsylvania Press, 2007)]

Group/Perspective 1:

“The Undeserving Poor and the Deserving Poor”

YOU HAVE BEEN ASSIGNED to give testimony to “The New York City Commission on Poverty and Youth,” (for this workshop this “Commission” will be headed by your Professor) the following perspective:

YOUR GROUP WILL explain “your” view that government does harm if it gets involved in aiding poor men and women whose poverty arises because they are “indolent” (lazy). Your group will refer to these men and women as “**THE UNDESERVING POOR.**” The following text situates YOUR GROUP’s assigned view:

You are assigned to report to the “Commission” as **Mrs. Lowell** and MEMBERS OF her **CHARITY ORGANIZATION SOCIETY** of the late 1800s:

Your view: The “Undeserving Poor” must be offered jobs and not given “alms” (money). We need to teach them to take responsibility for their lives and stop being indolent. They must learn to overcome their indolence, alcoholism, or drug dependency. The UNDESERVING POOR need to GET A JOB!

We New Yorkers—through private organizations, including churches and philanthropies—need to give the UNDESERVING POOR counseling (so that they can lead good, moral lives). And, we need to point them to manual labor jobs—so that they can learn the value of hard work. **Government should stay out of it**—handing out ‘free cash prizes’ from government to the poor only creates dependency, and ruins lives.

People are poor for a variety of reasons, but we can succeed in helping them by recognizing that the poor must be treated as individuals, and that poverty is a consequence of an individual’s having lost their way.

It is principally the role of individual families—extended families and nuclear families—to take responsibility for raising the children in that family, including making sure the children are properly fed, clothed, housed, and educated.

The poor can be divided into two groups: the deserving poor, and the undeserving poor. And WE ARE HERE TODAY, before you, “Commissioners” to urge that private philanthropies should create worksites in New York City where those who are indolent can be given work as laborers.

Josephine Shaw Lowell



Josephine Lowell founded the Charity Organization Society (COS) in the late nineteenth century. The COS sent “friendly visitors” into New York City’s poor neighborhoods.

“Friendly visitors” used questionnaires to determine whether a poor man or woman deserved Charity Organization Society support. “Friendly visitors” went into apartments of the poor and asked questions. If the poor person was judged “undeserving” (that is, undeserving of being given money by the COS—for example, the “friendly visitor” might see evidence of alcohol or abuse) then the poor person would be refused alms.

Josephine Lowell said:

"recipients of alms become dependent, lose their energy, are rendered incapable of self-support, and what they receive in return for their lost character is quite inadequate to supply their needs; thus they are kept on the verge almost of death by the very persons who think they are relieving them."

Josephine Lowell continued:

"It is the greatest wrong that can be done to him to undermine the *character* of a poor man--for it is his all"; "almsgiving and dolegiving are hurtful--therefore they are not charitable"; "the proof that dolegiving

and almsgiving do break down independence, do destroy energy, do undermine character, may be found in the growing ranks of pauperism in every city, *in the fact that the larger the funds given in relief in any community, the more pressing is the demand for them*, and in the experience and testimony of all practical workers among the poor."

(NOTE the importance of this last sentence: Lowell is arguing that when we as a society give out money to those who won't work—as 'welfare' or alms—we find that more and more (and ever more) money is demanded by them.

Lowell did fault **"the pressure of the unjust social laws and legislative enactments which produce hardship and cause more people to become idlers than would otherwise be the case,"** but, **"the usual cause of poverty,"** she wrote, **"is to be found in some deficiency--moral, mental, or physical--in the person who suffers."**

The Charity Organization Society's "Friendly Visitors" assessed the worthiness of each individual poor person who applied to it for aid, and also lectured the poor--and tried to find them jobs.

The COS even hired many of the poor. Women deemed employable were sent to wash and iron at a Charity Organization Society laundry that opened in 1889 at 589 Park Avenue and moved to the Society's Industrial Building at 516 West 28th Street in 1900. By the early 1900s the laundry was training eighty or ninety women a month. The system began first "over steaming wash-tubs, advances them to starching and ironing, and graduates them with a recommendation after thorough instruction in the ironing of filmy lace curtains and finest linen."

The Charity Organization Society also opened a wood yard in 1884 on East 24th Street, where young men were sent to test their willingness to work. The Society sold tickets to the charitable for them to offer to street beggars in lieu of cash--each ticket entitled its bearer to a day's work in the wood yard. Beggars who showed themselves willing to work were placed--as jobs became available--as domestic servants, factory workers, janitors and furnace men, messengers and delivery boys, porters, watchmen, drivers, dishwashers, bootblacks, and the like. The Charity Organization Society functioned, in this way, as an employment agency.

The Charity Organization Society did not content itself with its private activities but took public action against what it perceived as New York City's

indiscriminate charity. When the city persisted in distributing free coal to the poor (a practice it had begun in 1875), the COS lobbied legislators and the practice stopped. It even urged the municipal government to follow the European practice of giving lengthy prison sentences to vagrants and street beggars.

And, when, in 1904, "a flurry of excitement over children who go breakfastless to school" created a movement to provide "free meals" at public expense, the Charity Organization Society opposed it in hearings before the city's special committee of the Board of Education.

Two years later, another proposal was offered to "give eye-glasses to all for whom they were prescribed" among the city's school children, and the Society took a stand against it as "'certainly unnecessary'" "in view of the admitted ability of parents in the very great majority of all cases to take care of their own children." Although, the COS was stern but not heartless: it would "supply the needs of any child" whose family was truly unable to feed them or buy eyeglasses. (And, to be fair to Lowell, by the end of the century she was, increasingly asserting the need for some government assistance to the poor.)

In sum: Your Group is assigned to present to the Commissioners the view that NO GOVERNMENT AID should be given to the UNDESERVING POOR because giving poor people money only reinforces their laziness, their alcoholism, or their drug dependency. The poor need to learn the discipline of work, and private organizations such as the Charity Organization Society can help them get in the habit of work. And, children who watch their parents work hard and take moral responsibility for their lives are likely themselves also to become responsible, hardworking citizens.

[Source: John Louis Recchiuti, *Civic Engagement* (University of Pennsylvania Press, 2007)]

Group/Perspective 2:

**Family, Faith, Education, and Work—
No government assistance!
(your group agrees with Group 1)**

YOU HAVE BEEN ASSIGNED to give testimony to “The New York City Commission on Poverty and Youth,” (for this workshop the “Commission” will be headed by your Professor) the following perspective:

YOUR GROUP will explain “your” view to the “Commissioners” that it is through FAITH, FAMILY, EDUCATION and individual moral responsibility that poverty will best be addressed and curtailed.



John W. Burgess, Professor of Political Science, Columbia University

Your group will promote the view of the politically conservative John W. Burgess. Burgess was the founder of Columbia University’s School of Political Science in the late nineteenth century. Burgess was a political conservative and believed, as he wrote in 1912:

"We dare not call anything progress...which contemplates...the expansion of governmental power."

John W. Burgess, in 1912, argued that:

"improvement and development of
--the system of popular education,
-- revival of the influence of religion,
--the restoration of a better family life, producing a more enlightened individual conscience and a more general conscientiousness,"

“would ... be the truer way, the American way, the real progressive way of overcoming the claimed failure of our system....”

[Source: John Louis Recchiuti, *Civic Engagement* (University of Pennsylvania Press, 2007)]

Your Group will argue in agreement with Group 1 (Perspective 1). Group 1 spoke from the perspective of Josephine Shaw Lowell and the Charity Organization Society. Your group will speak from the perspective of John W. Burgess, Professor of Political Science of Columbia University, emphasizing, especially the importance of the role of education, religious guidance, and strong family values.

The Poor Need to take Individual Responsibility for their Lives.

Each of us needs to take personal responsibility to make sure that we have jobs before we have children, and that once we have children that we ourselves make sure that our children go to school and listen to the teacher—and value education! Poor people are in need of moral and religious guidance to get their lives back on a path of responsible citizenship.

Faith, Family, and Education—NOT government programs that teach people to become dependent on government handouts—is the path out of poverty.

Churches and private organizations are best suited to help the poor.

The poor need the moral guidance of ministers, priests, and rabbis in the churches and synagogues, especially.

We, the supporters of John W. Burgess’s views, urge that it is not the job of government (local, state, or federal) to play a role in handing out ‘welfare money’ to the poor. If governments did hand out money then the poor would only learn to ask for ever more money, and we as a society would have failed them: We would never allow our own children to live profligate lives in which they don’t pay attention and learn in school, focus and work hard, get a job, stay away from drugs, take personal responsibility for their actions, care for and support their families. We teach our children these moral life-lessons because we love them. We should treat the poor in this same way—we need to teach them that there’s no such thing as a free lunch, and that only through living a moral life, through disciplined hard work, by avoiding substance abuse, and by waiting to have children until they are able to support them,

will they flourish. If government hands out money to the poor they are teaching hateful, wrong lessons: its okay to be lazy, immoral, drug abusing. And, we are saying, in effect: we, your fellow Americans, just don't care about you enough to teach you some of the most valuable lessons of life: get a job, work hard, work smart, don't abuse drugs, find your moral compass, nurture and care for your family; be a productive member of our society and a caring, concerned citizen.

To achieve these goals churches and synagogues, especially—on a person-by-person basis—can offer the best help.

YOUR GROUP can present the “Commissioners” (your Professor) with a list of the sorts of positive things that churches and synagogues, in particular, can teach the poor:

- a) _____
- b) _____
- c) _____

Group/Persepective 3:

Our Responsibility as Consumers

YOUR Group has been assigned to give testimony to “The New York City Commission on Poverty and Youth,” (for this workshop this “Commission” will be headed by your Professor) from the following perspective:

YOUR GROUP WILL explain “your” view that: EACH OF US as CONSUMERS can end poverty by buying goods and services made by workers being paid a living wage. This means buying from stores, farms, and manufacturers that pay a living (good/high) wage to employees—and from employers who do not hire children. If we will each buy goods and services made by workers (especially unionized workers) we can, by our individual shopping habits, reduce poverty among the working class--and end child labor (because working adults will be earning a living wage and will be able to afford to send

their kids to school instead of into the factories to earn money to supplement parents' low wages).

Your group will argue from the perspective of Florence Kelley's National Consumers' League (headquartered in New York City).



Florence Kelley

As Florence Kelly put it (in 1907), the Consumers' League is:

"An association of persons who in making their purchases strives to further the welfare of those who make or distribute the things bought. **The act of shopping seems to many trivial and entirely personal, while in reality it exerts a far reaching, oft-repeated influence for good or evil.**"

And, Kelley wrote, **"the interest of the community demands that all workers should receive, not the lowest wages, but fair living wages."**

Responsibility for debilitating workplace conditions **"rests with the consumers who persist in buying in the cheapest markets regardless of how cheapness is brought about."**

As Frances Perkins, then secretary of the New York branch of the Consumers' League (later Perkins would become United States Secretary of Labor in FDR's administration), put it:

"The Consumers' League is an organization of persons who wish to improve the industrial conditions by utilizing the shopping power, the buying power of the consumers, who are banded together, that is, by

pledging themselves in their shopping to do their buying in such a way as to improve conditions, rather than make them worse."

The laborers' world of production and the consumers' world of consumption, were, in the Consumers' League work, inseparable.

Under Kelley's leadership the Consumers' League worked against industrial sweatshops and against sweated labor in tenements, it sought an end to child labor, and to excessive hours and night work for women. In 1904 the League published a "Standard Child Labor Law" intended as a model for uniform laws across the country.

A "**Consumers' League label**" was affixed to articles "**made under conditions approved by the League.**"

And, it published a "**White List**" (the reverse of a blacklist) of recommended retail stores, **where working conditions were, by League standards, fair.**

Kelley championed state and federal minimum wage laws, and laws to regulate hours of labor, but she urged that we, individually, as consumers must also do our part by buying goods made by workers paid a living wage.

Kelley underscored her point when she wrote about our shopping habits at Christmas (in which we are always looking for sales and bargains): **"the association of cruel overwork with the Christmas holidays, is wholly the fault of the shopping public. There need never again be a cruel Christmas."**

[Source: John Louis Recchiuti, *Civic Engagement* (University of Pennsylvania Press, 2007)]

Group/Perspective 4:

The Need for Mothers' Pensions

(A Precursor to Aid to Families with Dependent Children--AFDC)

YOUR Group has been assigned to give testimony to "The New York City Commission on Poverty and Youth," (for this workshop this "Commission" will be headed by your Professor) from the following perspective:

YOUR GROUP WILL explain “your” view to the “Commissioners” that: Mothers in single-headed households (households in which a father is not present) must be provided with money from New York City and New York State so that these mothers can feed, clothe, and shelter their children.

Mothers need to remain at home so that they can care for their children. In families where a father has died or has abandoned the family, New York State and City must use taxpayer dollars to give money to these moms *so that children do not need to go to work in factories to help supplement meager family incomes*—but instead can go to SCHOOL!

In the early twentieth century the term “PENSION” was used in the context of giving people state tax dollars—there were, for example, Civil War Pensions (in which former Union soldiers from the Civil War were given old age pensions.)

Hence, YOUR GROUP will urge the “Commissioners” (your Professor) to create a system of **Mothers’ Pensions** (money the state will give single moms to help them raise their children).

These programs, Florence Kelley said,

"lift the burden from the widowed mother by giving her, as her right and not as the dole of a private charity...an allowance out of public funds on condition that she stay in her home and keep her children at home and in school."

As Jean M. Gordon, a National Child Labor Committee member, said in *The Child Labor Bulletin*: **"I contend it is just as much the duty of the State to pension dependent mothers as dependent veterans. Certainly the mother does as much for the country in rearing her children as the veterans did in killing her sons!"**

"Public aid would have to be administered with intelligence and care," Mary Simkhovitch wrote in an essay, "Women's Invasion of the Industrial Field." **"But the difficulty of developing the technique of such a plan is not to be compared with the difficulty the state will meet through the inadequate care of families."**

The Conference of Charities and Correction, meeting in New York City in 1911, held:

"the prevailing opinion ... was in favor of some form of governmental aid."

YOUR GROUP's argument is: Private charity organizations alone simply can not feed and clothe all needy children. State officials called truant officers should force children out of the factories and into the schools. But when this is done it will mean that the single-headed households will no longer have the income from that child's work. Compulsory education of children must be required. And, Mothers' Pensions are needed so that children can go to school rather than into the mines, mills, and factories.

[Note: Mothers' Pensions became law at the state level beginning in 1911. By 1919 thirty-nine states had Mothers' Pensions, although, frustratingly, state programs were not uniform and were often inadequate. Most single-mothers with these "pensions" received less than \$240 a year—while it took \$700 a year for a family of four to live at a subsistence level. Furthermore, under the state Mothers' Pensions, only 3 percent of the recipients were African American women and their children.

[Source: John Louis Recchiuti, *Civic Engagement* (University of Pennsylvania Press, 2007)]

Group/Perspective 5:

State Governments (but not the federal government) are the proper venue for laws against child labor and for child education

YOU HAVE BEEN ASSIGNED to give testimony to "The New York City Commission on Poverty and Youth," (for this workshop this "Commission" will be headed by your Professor) the following perspective:

YOUR GROUP WILL explain "your" view that **EACH INDIVIDUAL STATE (in our case, NEW YORK STATE)** must pass **laws to regulate child labor**. **YOUR** assigned view is to argue before the "Commission" that **it is not the role of the FEDERAL government to make laws regulating child labor, but it IS the role of New York and other individual state governments to do so.**

(Please note: this is the view that, in the early 20th century, actually won the day in the United States Supreme Court: In a 1918 Supreme Court case (*Hammer v. Dagenhart*) the Court struck down a federal law (the Keating-Owen Child Labor Act, 1916) as unconstitutional—the Court held that the U.S. Constitution's "commerce clause" does not labor relations between employers and employees (in this case, children). [It would not be until the Fair Labor Standards Act of 1938--in the Great Depression—that the Supreme Court

would finally allow the federal government to regulate child labor----but this 1938 law is decades beyond our focus on the early twentieth century.]

YOUR GROUP will argue in agreement with **Edgar Murphy** (and his allies) that child labor laws are the responsibility of individual state governments only. Edgar Murphy's argument was grounded in FEDERALISM. Federalism is the view that powers not granted by the Constitution to the Federal government are powers that are retained by individual STATE governments. **As the Tenth Amendment states: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."** And, since Regulation of Child Labor is **not** listed in the U.S. Constitution as a power of the Federal government, Child Labor must, therefore, fall under the regulatory power of individual State governments.



Edgar Gardner Murphy 1869-1913

Murphy, an Episcopal minister from the South, was the first secretary of the National Child Labor Committee, and he argued that a national push should be made to have each individual state pass laws regulating child labor.

In 1903 **Edgar Murphy** said:

"The conditions of industry vary so greatly and so decisively from state to state and from locality to locality that the enactment of a federal child labor law, applicable to all conditions and under all circumstances, would be inadequate if not unfortunate."

Murphy: “I am interested in the question of child labor, not merely because I have photographed children of six and seven years whom I have seen at labor in our factories for twelve and thirteen hours a day, not merely because I have seen them with their little fingers mangled by machinery and their little bodies numb and listless with exhaustion, but because I am not willing that our economic progress should be involved in such conditions; and because ... I am resolved to take my part, however humbly, in the settling of the industrial character of our greatest industry.... I believe that an intelligent moral interest in the conditions of the factory, and the jealous guarding of its ethical assumptions, will minister not merely to the humanity of its standards and the happiness of its operatives, but to the dignity, currency and value of its properties.” The website for this resource is: <http://www.hti.umich.edu/n/ncosw/>.

[Source: John Louis Recchiuti, *Civic Engagement* (University of Pennsylvania Press, 2007)]

**Group/Perspective 6:
Federal Action is Necessary:
Federal Child Labor Laws must be Passed**

YOUR Group has been assigned to give testimony to “The New York City Commission on Poverty and Youth,” (for this workshop this “Commission” will be headed by your Professor) from the following perspective:

YOUR GROUP WILL explain “your” view that a **Federal Child Labor law** is needed.

You and your group will argue that **ONLY a FEDERAL law** will suffice. You will argue to the “Commissioners” that you advise them to support passage of the **Keating-Owen Child Labor Bill** (a 1916 bill that would regulate child labor from the federal level by forbidding the interstate shipment of products of child labor). You urge the “Commissioners” to look beyond New York City and State to support Federal legislation.



You will argue with **Samuel McCune Lindsay**, Professor of Social Legislation at Columbia University—and Lindsay's allies on the National Child Labor Committee.

The federal government needs to pass federal laws to stop child labor! The National Child Labor Committee (NCLC) was formed in 1904 and headquartered in Manhattan.

Your argument is: Federal laws will level the playing field for employers across all states. That is, a Federal Law will mean that all employers—in all industries—will be equally affected: Since all employers in the United States will be forbidden to hire children in their mines, mills, or factories then no single employer will be penalized.

Yes, it will be the case that having to hire adults--to do jobs that (some two million) children currently do—will increase costs to employers. But those increased costs will occur for all employers, and so, no individual employer will have an advantage over other employers (employers will simply passed the increased costs on to the consumer).

Samuel McCune Lindsay said at the 1911 National Child Labor Committee conference:

“We may well turn our attention at this meeting to the fact that the inequalities in the protection of working children of the whole country are probably greater today than when the National [Child Labor] Committee began its work seven years ago.”

“Is it not our duty to seek for greater uniformity in the protection of working children, so that the children of all states may enjoy the same

rights to a normal childhood, to life, education and leisure, to a time for play, a chance to grow and an opportunity to develop their best abilities whether they are raised in Alabama or Pennsylvania, in Georgia or Massachusetts, in Texas or Ohio? It is precisely to promote and secure this equality of opportunity for all American children that we are organized as a National Child Labor Committee [and therefore a FEDERAL LAW making child labor illegal is needed]."

[With President Woodrow Wilson's active lobbying, the Keating-Owen Child Labor Act became law in September 1916. However! in Hammer v. Dagenhart, in 1918, the U.S. Supreme Court, struck it down as unconstitutional. (In his famous dissent, Justice Oliver Wendell Holmes, Jr. wrote, "if there is any matter upon which civilized countries have agreed ... it is the evil of premature and excessive child labor.")]
[Source: John Louis Recchiuti, *Civic Engagement* (University of Pennsylvania Press, 2007)]

The New York Times

MONDAY, JANUARY 12, 1903

CHILD LABOR EVIL.

Committee Urges Legislation to Do Away with Many Abuses—Parents Who Commit Perjury.

Agitation against the employment of children of tender age in factories and stores, with which the Child Labor Committee has had much to do, has crystallized in the form of bills aiming to do away with many of the evils attending the practice and which embody most of the recommendations of State Factory Inspector John Williams on the subject.

The Inspector concedes that the child labor laws as they stand are pitifully inadequate, and attributes this to the lack of harmony between them and the Compulsory Education law. Close study shows that a child need attend school only eighty

days in the school year under the Compulsory Education law. Its parents are tempted to secure a false employment certificate by swearing the age of the child to be fourteen years, when it may be only thirteen or twelve. It is recommended by the Factory Inspector that "such evasions of the law, which have always been numerous," be done away with by requirement for a certificate of employment of official evidence of the age of the child derived from public records of births. Many instances of perjury on the part of the parents have been disclosed when the public school teachers of the lower grades, called upon to strengthen the employment certificate, have discovered a discrepancy between the age of the school record and that given by the parents.

The Child Labor Committee also endeavors to bring within the pale of the law the thousands of juveniles who do not work in "factories" or "mercantile establishments," the newsboys, bootblacks, office boys, messengers, peddlers, and general delivery boys, and lads who deliver milk from 4 o'clock in the morning until the time for school to open. Boys and girls who work before and after school, cleaning the hallways and basements of the poorer flats and hotels and washing dishes in the kitchens of the restaurants, are also held by the committee to be virtually outlaws. Its members investigated and found that a large proportion of children were at work without any family necessity for their earnings.