

Cornelia Bryce Pinchot and the Struggle for Protective Labor Legislation in Pennsylvania

BY THE EARLY TWENTIETH CENTURY, Pennsylvania was a major industrial state where tens of thousands of women were employed in factories, sweatshops, stores, and tenement home establishments. Rapid industrialization often led to widespread abuses and harsh working conditions, and attempts to organize women into labor unions met with limited success. As a result, Progressive reformers in the state increasingly turned to the enactment of protective labor legislation as a means to improve the lives of women workers.

In Pennsylvania, as in other industrialized states in the Northeast, local and state chapters of the National Consumers' League (NCL) and the Women's Trade Union League (WTUL) spearheaded these efforts. Members of these groups conducted studies and issued reports, helped draft legislation, and lobbied state legislators in attempts to secure the passage of maximum hours and minimum wage bills. The odds were formidable in a state long dominated by the machine rule of Republican Party bosses and, in the words of one historian, with a "high degree of industrial feudalism."¹ Social justice activists also encountered resistance from male labor unions wary of having their strength undercut. After World War I, opposition arose from militant feminists who supported the Equal Rights Amendment, antifeminists who equated the work of social feminists with international communism, and some women workers who did not favor restrictions such as night hours that limited their options and ability to compete with men. Further, Progressive reformers faced the continuous threat of having any successful legislation overturned in a judicial system whose conservative members generally considered liberty of contract inviolable and later determined that women could no longer

¹ Richard C. Keller, *Pennsylvania's Little New Deal* (New York, 1982), 50.

be viewed as a special class.²

At war's end, expanded job opportunities for women and ratification of the Nineteenth Amendment in 1920, which granted women the right to vote, led many Progressive reformers to expect further gains for women workers. Many activists became astute politicians. Cornelia Bryce Pinchot, a noted suffragist and labor sympathizer, took a leading role in Pennsylvania. With the election of her husband, Gifford Pinchot, as governor of Pennsylvania in 1922, reformers seemed poised to secure passage of maximum hours and minimum wage bills. Yet, the challenges proved to be insurmountable and reformers had limited success. During the second Pinchot administration (1931–35), the Great Depression worsened already harsh working conditions for women and reinvigorated efforts for reform. Cornelia Bryce Pinchot and her allies capitalized on the new political climate and worked with the governor to publicize the plight of working women through such mediums as the Sweatshop Commission. They also laid the foundation for reform legislation enacted during Pennsylvania's Little New Deal.

The struggle for protective labor legislation in the early twentieth century was connected to a number of important historical phenomena: the transformation of women's work into wage labor; the tension between women's roles in the family and outside wage-earning work; the rise of

² In "State Courts and Protective Legislation during the Progressive Era: A Reevaluation," *Journal of American History* 72 (1985): 63–91, Melvin I. Urofsky details research on maximum hours legislation for several categories, including hours of laborers on public works, hours of men in special occupations, and hours of women. His findings indicate that the state courts—similar to the Supreme Court—often upheld protective labor legislation. Yet, Urofsky describes decisions in two influential cases that relied on arguments of freedom of contract and against unwarranted use of the state's police power and may have hampered efforts by activists to achieve protective labor legislation. In an 1895 ruling, *Ritchie v. the People of Illinois*, the state supreme court found unconstitutional a section of the 1893 law that limited females working in factories or workshops to eight hours per day, forty-eight hours per week due to their sex and physique; the court claimed that the law was an unwarranted restriction on the right to contract. In a 1905 opinion, *Lochner v. New York*, the Supreme Court invalidated a state statute that prohibited bakers from working more than ten hours per day, sixty hours per week since baking was considered a hazardous occupation; the Court held that baking was not hazardous to workers' health and claimed that the law interfered with freedom of contract between employers and employees. Three years later, in *Muller v. Oregon*, the Supreme Court reversed this position and upheld an Oregon law that limited women working in factories and laundries to ten hours per day; the Court determined that the law did not violate a woman's freedom of contract and that physical and social differences warranted another rule pertaining to labor contracts. In 1923, the Supreme Court returned to its earlier reasoning when it struck down a 1918 federal law that guaranteed a minimum wage to women and children employed in the District of Columbia. In the decision, *Adkins v. Children's Hospital*, the Court determined that the statute interfered with the freedom of employers and employees to enter into contracts and was an unwarranted use of police power to protect the public welfare.

welfare programs aimed at certain women and children; and the development of gender-based labor legislation. Though historians have written much on the topic of protective labor legislation, there is scant literature on efforts to enact reforms in Pennsylvania, despite its status as a major industrial state.³ To begin to fill this void, this article analyzes the contributions of a small but ardent group of activists who agitated on behalf of women workers, with particular attention paid to their influence on Pennsylvania's Little New Deal. Although Cornelia Bryce Pinchot and

³ Useful sources include Clarke A. Chambers, *Seedtime of Reform: American Social Service and Social Action, 1918–1933* (Minneapolis, MN, 1963); Nancy Schrom Dye, *As Equals and As Sisters: Feminism, the Labor Movement, and the Women's Trade Union League of New York* (Columbia, MO, 1980); Vivien Hart, *Bound by Our Constitution: Women, Workers, and the Minimum Wage* (Princeton, NJ, 1994); Alice Henry, *The Trade Union Woman* (1915; repr. New York, 1973); Alice Kessler-Harris, *Out to Work: A History of Wage Earning Women in the United States* (New York, 1982); Susan Lehrer, *Origins of Protective Labor Legislation for Women, 1905–1925* (Albany, NY, 1987); J. Stanley Lemons, *The Woman Citizen: Social Feminism in the 1920s* (Charlottesville, VA, 1990); Sybil Lipschultz, "Hours and Wages: The Gendering of Labor Standards in America," *Journal of Women's History* 8 (1996): 114–36; John Thomas McGuire, "Two Feminist Visions: Social Justice Feminism and Equal Rights, 1899–1940," *Pennsylvania History* 71 (2004): 445–78; William L. O'Neill, *Everyone Was Brave: A History of Feminism in America* (New York, 1971); Elizabeth Anne Payne, *Reform, Labor, and Feminism: Margaret Dreier Robins and the Women's Trade Union League* (Urbana, IL, 1988); Kathryn Kish Sklar, *Florence Kelley and the Nation's Work: The Rise of Women's Political Culture, 1830–1900* (New Haven, CT, 1995); Theda Skocpol, *Protecting Soldiers and Mothers: The Political Origins of Social Policy in the United States* (Cambridge, MA, 1992); and Joan G. Zimmerman, "The Jurisprudence of Equality: The Women's Minimum Wage, the First Equal Rights Amendment, and *Adkins v. Children's Hospital*, 1905–1923," *Journal of American History* 78 (1991): 188–225. In general, these works present a positive view of the efforts and achievements of Progressive reformers, even though protective labor legislation ultimately may have contributed to a segmented labor force, stereotyping of women's roles, and inequities in the workplace. By contrast, in chapter 1 of *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America* (New York, 2001), Alice Kessler-Harris claims that Progressive reformers endeavored to claim special rights for working women through protective legislation in order to reinforce and enhance their roles as mothers and family members rather than to increase women's political or social rights. According to Kessler-Harris, this strategy resulted from embedded gender concepts and belief systems that in turn influenced social policies and state actions pertaining to working women. Kessler-Harris does state, however, that protective labor laws were effective in ameliorating the immediate needs of female laborers (p. 15). Claudia Goldin questions this interpretation in a book review of Kessler-Harris's work. In her review, Goldin states that the author may have "missed many of the subtleties of the [protective] legislation" along with the fact that the Brandeis brief was a Progressive ploy to get around the conservative Court. Claudia Goldin, review of *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in 20th-Century America*, by Alice Kessler-Harris, *Journal of Interdisciplinary History* 33 (2003): 499–500. In addition, Goldin refers to findings in her own research that indicate that the Supreme Court's *Muller v. Oregon* decision—which helped pave the way for successful maximum hours legislation for women—eventually led to a lowering of hours for all workers, both women and men. Goldin argues that the strategy devised to protect working women was a "conscious and pragmatic decision by progressive reformers to reduce hours in general." *Ibid.*, 500; See also Claudia Goldin, "Maximum Hours Legislation and Female Employment: A Reassessment," *Journal of Political Economy* 96 (1988): 189–205.

her allies did not realize immediate enactment of women's labor laws during the 1920s, they heightened awareness of the issues and opened other avenues to influence policymaking. As such, Progressivism in Pennsylvania survived and evolved beyond World War I and into the 1930s.⁴

Background on Working Women and the Beginnings of Reform

In 1897 James Lynn Barnard, a graduate student at the University of Pennsylvania, examined protective labor legislation in nineteenth-century Pennsylvania and found that early reform attempts focused on child labor. Reformers fought to reduce the length of the workday, establish a minimum working age, and provide educational opportunities for young factory hands. Factory owners vigorously fought these initiatives, claiming that such regulations would make Pennsylvania industries uncompetitive vis-à-vis industries in states without such restrictions.⁵

⁴ Historians have examined the origins of Progressivism and debated whether this reform movement achieved real changes and provided a legacy for subsequent reformers in the twentieth century. See Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York, 1955); William Leuchtenberg, *The Perils of Prosperity, 1914–1932* (Chicago, 1958); and Arthur S. Link, "What Happened to the Progressive Movement in the 1920s?" *American Historical Review* 64 (1959): 833–51. In *An Encore for Reform: The Old Progressives and the New Deal* (New York, 1967), Otis L. Graham Jr. examined the views of Progressives who survived into the 1930s and found that more than half did not support the New Deal in whole or in part; however, he concluded that Gifford Pinchot, as governor of Pennsylvania from 1931 to 1935, began a program of welfare spending and reform that was the beginning of the commonwealth's Little New Deal. Martin L. Fausold assessed Pinchot's early years in Progressive politics and found that he effectively promoted social reforms and that his fervent advocacy demonstrated the existence of a "political bloodline between Bull Moose progressivism and . . . the welfare state of the New Deal." *Gifford Pinchot, Bull Moose Progressive* (Syracuse, NY, 1961), 2. In studying Gifford Pinchot's second gubernatorial administration, Richard Keller determined that the Progressive governor's attempts to achieve social reforms provided the framework for later achievements and that "one of the Governor's greatest contributions was his exposé of flagrant abuses through such devices as . . . the Sweatshop Commission." *Pennsylvania's Little New Deal*, 99–100. Clarke A. Chambers assessed the reform efforts of certain Progressive groups—including the NCL and the WTUL—during the 1920s; he concluded that despite operating on small budgets and suffering many defeats and setbacks, these Progressives continued to pursue their reformist goals and eventually developed "new devices for social reconstruction, devices that anticipated much of the central program of the New Deal." *Seedtime of Reform*, 26.

⁵ James Lynn Barnard, "Factory Legislation in Pennsylvania, a Study in Social Politics" (PhD diss., University of Pennsylvania, 1897). The dissertation was later updated and published as a monograph. See chapter 1 of J. Lynn Barnard, *Factory Legislation in Pennsylvania: Its History and Administration* (Philadelphia, 1907). For additional information on child labor reform and compulsory education in Pennsylvania, see Barnard, *Factory Legislation in Pennsylvania*, chaps. 7, 10, and 11; Joseph M. Speakman, "The Inspector and His Critics: Child Labor Reform in Pennsylvania," *Pennsylvania History* 2002 (69): 266–86; and Mahlon H. Hellerich, "Public Education and the Pennsylvania Constitutional Convention of 1873," *History of Education Journal* 9 (autumn 1957): 1–7.

During the late nineteenth century, efforts to ameliorate industrial abuses gained momentum, and in 1889, prospects for passage of factory-inspection legislation improved when Leonora Barry (former head of the women's division of the Knights of Labor) and Florence Kelley (a well-known labor reform activist) helped organize the Philadelphia Working Women's Society. Born and raised in Philadelphia, Kelley was the daughter of William D. Kelley, U.S. representative from Pennsylvania's Fourth District from 1861 to 1890 and a supporter of labor reform and advocate for civil rights during Radical Reconstruction. Her aunt was Sarah Pugh, a Quaker abolitionist who served as president of the Philadelphia Female Anti-Slavery Society. As head of the Working Women's Society, Florence Kelley helped win passage of the Pennsylvania Factory Inspection Act of 1889. Although the act provided for the appointment of a factory inspector, the General Assembly did not approve any appropriations for the department during the first two years.⁶

In 1897, the Pennsylvania legislature enacted the Factory Act, which stipulated that adult women's working hours be limited to twelve hours per day and sixty hours per week. Two years later, the Court of Common Pleas No. 1 of Philadelphia upheld the constitutionality of the 1897 act. "Surely an act which prevents the mothers of our race from being tempted to endanger their lives and health by exhaustive employment, can be condemned by none save those who expect to profit by it," Judge Craig Biddle wrote. "This act is clearly within the police power of the state, and the exercise of it in this case justified by the interests of the individual and the community."⁷ In 1900, the Pennsylvania Superior Court upheld this decision, stating that the legislature had acted reasonably in determining the kind of labor and length of the working day for women and children; the 1899 ruling was an appropriate exercise of police power.⁸

By the end of the nineteenth century, reformers' efforts to improve conditions for working women became more widespread and professionally organized. Women in social settlements in New York, Boston, and Chicago entered the labor movement by assisting in strikes, helping

⁶ Ira V. Brown, *Pennsylvania Reformers: From Penn to Pinchot* (University Park, PA, 1966), 16; Sklar, *Florence Kelley and the Nation's Work*, 17, 141–42; and Barnard, *Factory Legislation in Pennsylvania*, 55–60.

⁷ Judge Biddle's opinion in *Commonwealth v. Beatty*, quoted in Barnard, *Factory Legislation in Pennsylvania*, 84.

⁸ *Ibid.*, 84–85; and Urofsky, "State Courts and Protective Legislation during the Progressive Era," 73–74.

organize unions, and agitating for legislation.⁹ An important development was organization of consumers' leagues, which devised lists of shops that dealt fairly with employees and encouraged shoppers to purchase goods from these stores. In 1898, local organizations in New York, Massachusetts, Pennsylvania, Illinois, Minnesota, New Jersey, and Wisconsin met to form the National Consumers' League, which hired Florence Kelley as executive secretary. The Philadelphia league, one of the earliest local chapters, was sponsored and led by Mrs. Samuel Fels, wife of the Philadelphia industrialist.¹⁰ Another group involved in reforms was the General Federation of Women's Clubs (GFWC), which formed its Pennsylvania chapter in 1895. These clubwomen were active social reformers who lobbied legislators, testified at hearings, and participated in letter-writing campaigns to promote their cause and inform the public of the conditions working women faced and the need for protective legislation. Both the NCL and GFWC made passage of hours laws for women workers a "high priority for investigation, education and political action."¹¹

Despite the momentum these groups generated, reformers continued to face significant opposition from businesses and the American Federation of Labor (AFL). Business associations, such as the influential National Association of Manufacturers (NAM) and its affiliates at the state level, opposed the right of workers to organize and strike by arguing for the sanctity of laissez-faire principles and the freedom of individuals to enter contracts. The AFL supported skilled craftsmen and relied on a system of rules and regulations that made it difficult for semiskilled or unskilled workers to organize. In addition, AFL leaders believed that workers could gain more by forming strong unions that could negotiate through collective bargaining than by relying on the protection of legislation. They deemed this strategy particularly important since the courts had the power to declare such legislation unconstitutional.¹²

⁹ Allen F. Davis, "The Women's Trade Union League: Origins and Organization," *Labor History* 5 (1954): 3-4.

¹⁰ James J. Kenneally, *Women and American Trade Unions* (St. Albans, VT, 1978), 32-33; Barbara Mary Klaczyńska, "Working Women in Philadelphia, 1900-1930" (PhD diss., Temple University, 1975), 199; and Kathryn Kish Sklar, "Two Political Cultures in the Progressive Era: The National Consumers' League and the American Association for Labor Legislation," in *U.S. History as Women's History: New Feminist Essays*, ed. Linda K. Kerber, Alice Kessler-Harris, and Kathryn Kish Sklar (Chapel Hill, NC, 1995), 43.

¹¹ Skocpol, *Protecting Soldiers and Mothers*, 330, 383.

¹² Philip S. Foner, *History of the Labor Movement in the United States*, vol. 3, *The Policies and*

In response to these obstacles, and due to the “powerlessness of women in affecting their working conditions,” social reformers founded the Women’s Trade Union League in 1903.¹³ The league based its activities on a program of assisting workers in organizing unions, educating male unionists on the need to organize female workers, and agitating for protective labor legislation.¹⁴ According to historian Diane Kirkby, the WTUL viewed protective labor legislation as a means of controlling industrial labor conditions and securing a permanent position for women in the workforce. Whereas the AFL was reluctant to advocate a government role in the labor contract, the WTUL proposed that the state increase the bargaining power of unskilled and unorganized working women and help them attain economic and political equality.¹⁵ The league primarily agitated for maximum hours legislation, although it also supported the NCL’s campaign for minimum wage laws, which began in 1909.¹⁶

In 1905, the Supreme Court struck down a New York law that limited bakers to ten-hour workdays and sixty-hour workweeks. The majority opinion in *Lochner v. New York* held that baking was not hazardous to workers’ health and that the state law interfered with the freedom of contract between employer and employee, a liberty protected by the due process clause of the Fourteenth Amendment. Despite this Supreme Court decision, by 1907 nineteen states had enacted laws limiting the number of hours women could work in certain occupations. In 1908, the Supreme Court reversed its position and upheld an Oregon law that established maximum hours for women working in certain commercial businesses. In this case, *Muller v. Oregon*, Curt Muller, a laundry owner, challenged the state’s ability to regulate working hours in nonhazardous occupations. Josephine Goldmark, director of research for the NCL, persuaded her brother-in-law Louis Brandeis to defend the law and compiled more than one hundred pages of economic and social data that

Practices of the American Federation of Labor, 1900–1909 (New York, 1964), 219–22; Diane Kirkby, “The Wage-Earning Woman and the State: The National Women’s Trade Union League and Protective Labor Legislation, 1903–1923,” *Labor History* 28 (1987): 68–69; and Lehrer, *Origins of Protective Labor Legislation for Women*, 144, 188–90.

¹³ Kirkby, “Wage-Earning Woman and the State,” 68.

¹⁴ Foner, *History of the Labor Movement in the United States*, 3:228.

¹⁵ Kirkby, “Wage-Earning Woman and the State,” 67.

¹⁶ Sklar, “Two Political Cultures in the Progressive Era,” 51. As stated in Sklar’s chapter, minimum wage laws were integrally related to other reform efforts, including maximum hours legislation and antisweatshop measures.

detailed the damaging effects of long hours on women's health. In the *Muller* decision, the Court determined that the Oregon law did not interfere with a woman's freedom of contract and decided to treat women workers as a special class deserving public protection due to their body structure and maternal roles.¹⁷

Following the *Muller* decision, Florence Kelley and the NCL leadership moved forward with plans to develop gender-specific protective legislation for women. They sought to undermine opponents' resistance while conforming to the Court's ruling. Reform groups, including the WTUL, focused greater attention on protective labor legislation as a remedy for the exploitation of working women.¹⁸ At its 1909 biennial convention, the WTUL included minimum wages and maximum hours for working women in its legislative program.¹⁹ The urgency for minimum wage legislation became apparent after the Lawrence Textile Strike of 1912, which started when owners reduced wages in response to a new Massachusetts law that lowered maximum hours from fifty-six to fifty-four per week. As expected, the NAM opposed minimum wage proposals, as did the AFL, whose leaders feared that such laws would promote wage ceilings and inhibit efforts to organize workers and bargain collectively.²⁰ In contrast to their policy on maximum hours bills, the biennial conventions of the General Federation of Women's Clubs never officially endorsed minimum wage legislation.²¹

In late 1909, strikes by thousands of shirtwaist makers in New York drew widespread attention to the plight of unorganized, exploited working women. Known as the "Uprising of the 20,000," the strike began in New York City when workers struck to protest horrific industry conditions. The strikers received crucial support from the WTUL, which arranged

¹⁷ For a description of the plight of working women and a review of maximum hours legislation up to 1907, see Josephine Goldmark, "Workingwomen and the Laws: A Record of Neglect," *Annals of the American Academy of Political and Social Science* 28 (Sept. 1906): 63–78. See also, Louis D. Brandeis, *Curt Muller, Plaintiff in Error v. State of Oregon: Brief for Defendant in Error* (New York, 1908); Louis D. Brandeis, assisted by Josephine Goldmark, *Women in Industry: Decision of the United States Supreme Court in Curt Muller vs. State of Oregon . . .* (New York, 1908); and Urofsky, "State Courts and Protective Legislation," 74.

¹⁸ Philip S. Foner, *Women and the American Labor Movement*, vol. 1, *From Colonial Times to the Eve of World War I* (New York, 1979), 304; and Kenneally, *Women and American Trade Unions*, 52–53.

¹⁹ Skocpol, *Protecting Soldiers and Mothers*, 405.

²⁰ Foner, *Women and the American Labor Movement*, 1:479; and Skocpol, *Protecting Soldiers and Mothers*, 412.

²¹ Skocpol, *Protecting Soldiers and Mothers*, 414.

for legal services, raised twenty-nine thousand dollars in bail and twenty thousand dollars for relief, organized a parade of ten thousand to protest police brutality, and whose members allowed themselves to be arrested on picket lines.²² The strike spread to Philadelphia in December as New York manufacturers began sending work to Philadelphia's unorganized contractors. An estimated seven thousand female shirtwaist makers walked out and demanded a fifty-hour week, increased wages, an end to charging workers for supplies, and recognition of the closed shop, which made membership in the union a condition of employment. Margaret Dreier Robins, president of the National Women's Trade Union League in Chicago, traveled to Philadelphia to help manage the strike. Robins raised money and convinced individuals from the local consumers' league and some women from Philadelphia's upper class—including Mrs. George Biddle and Mrs. Samuel Fels—to support striking workers and join the picket line. The WTUL established a working site at Fifth and Walnut streets; later the International Ladies' Garment Workers' Union (ILGWU) sent Pauline Newman, an emigrant from Lithuania who had worked at the Triangle Shirtwaist Factory seven days a week for \$1.50 per week, but had left shortly before the 1909 strike, as an organizer. In early February 1910 the ILGWU leadership called for an end to the strike after reaching an agreement that reduced the workweek from fifty-six to fifty-two-and-one-half hours, increased wages, and ended the practice of charging for needles or other supplies; however, the manufacturers did not agree to the closed shop. Although the strikers did not realize all their goals, they raised public awareness about their plight, created a climate of sympathy for their cause, and helped establish and strengthen the prestige of the Women's Trade Union League. They also demonstrated to the AFL leadership that a large number of unskilled women workers had the ability to organize and strike.²³

On March 25, 1911, the tragic Triangle Shirtwaist Factory fire in New York City further dramatized the wretched conditions and abuses endured by working women; it also caused many government officials to

²² Shelly G. Herochik, "Uprising of the 20,000' of 1909," in *Labor Conflict in the United States: An Encyclopedia*, ed. Ronald L. Filippelli (New York, 1990), 549–50; James J. Kenneally, "Women and Trade Unions, 1870–1920: The Quandary of the Reformer," *Labor History* 14 (1973): 47–48.

²³ Foner, *Women and the American Labor Movement*, 1:333–35; Klaczynska, "Working Women in Philadelphia," 237–40; Daniel Sidorick, "The 'Girl Army': The Philadelphia Shirtwaist Strike of 1909–1910," *Pennsylvania History* 71 (2004): 334–36, 350; and *American National Biography*, s.v., "Newman, Pauline" (by Marilyn Elizabeth Perry).

establish factory investigating commissions and broader safety standards. Though the fire lasted only fifteen minutes, locked emergency exits contributed to the 146 deaths. In the aftermath of the tragedy, New York established a Factory Investigating Commission, headed by Frances Perkins. The commission's findings resulted in legislation calling for strict fire safety codes and other workplace protections. In Philadelphia, Pauline Newman, who had remained in the city as an organizer for the WTUL, coordinated a special memorial service in the Labor Lyceum in honor of those women who had died in the fire; approximately three thousand Philadelphia working women attended the solemn event.²⁴

The heightened public awareness that resulted from the Triangle Shirtwaist Factory fire gave a significant boost to activists' efforts to secure further reforms for working women. By 1919 forty states had enacted some form of maximum hours legislation, and between 1912 and 1919, fourteen states passed minimum wage laws for women.²⁵ Minimum wage laws typically established wage boards to identify industries with wages below the subsistence level and to enforce implementation of the laws. However, the boards often were ineffective since it was difficult to oversee home workers and smaller workshops. Although maximum hours laws improved conditions for working women, they generally were ten-hour laws and did not meet the WTUL and NCL's goal of eight hours per day, forty-eight hours per week.²⁶

In 1913, the Consumers' League of Eastern Pennsylvania, headquartered in Philadelphia, drafted legislation that called for a maximum of nine hours per day, fifty hours per week for most women workers.²⁷ Although the house passed legislation (House Bill No. 105) that conformed to this proposal, the senate approved an amended version (Senate Bill No. 1090) that provided for a fifty-four hour week, ten-hour day for women in industry. Ultimately, on June 27, 1913, the Pennsylvania legis-

²⁴ Harriet Davis-Kram, "Triangle Fire of 1911," in *Labor Conflict in the United States*, 540; Foner, *Women and the American Labor Movement*, 1:386; and Klaczynska, "Working Women in Philadelphia," 248–49.

²⁵ Alice S. Cheyney, "The Course of Minimum Wage Legislation in the United States," *International Labour Review* 38 (1930): 26–43; Sklar, "Two Political Cultures in the Progressive Era," 51; and Holly J. McCammon, "The Politics of Protection: State Minimum Wage and Maximum Hours Laws for Women in the United States, 1870–1930," *Sociological Quarterly* 36 (1995): 220.

²⁶ Foner, *Women and the American Labor Movement*, 1:479.

²⁷ Consumers' League of Eastern Pennsylvania, *A Proposed Act to Regulate the Employment of Women [in the] Commonwealth of Pennsylvania* (Philadelphia, 1913), 5–6, Kheel Center for Labor-Management Documentation and Archives, Cornell University.

lature passed the senate version, and the governor later signed it into law (Pamphlet Law 1024).²⁸ During the next twenty-four years, some legislators repeatedly attempted to lower the maximum hours provisions by amending section 3 of P.L. 1024. In addition, during this time, they introduced various bills pertaining to minimum wages for women and minors. It was not until 1937, however, during the administration of Governor George Earle, that stronger protective labor legislation became a reality.

When the United States entered World War I and industries expanded for the war effort, government agencies often found it necessary to make special provisions for women workers. At the urging of the WTUL, the Council of National Defense (CND) established a special subcommittee on Women in Industry. The group—comprised of leaders from the WTUL and NCL—was charged with advising the council on methods to protect the health and welfare of women workers during the war. At the 1917 Biennial Convention of the National WTUL in Kansas City, the Committee on Women's Work in War-Time issued a report recommending that the government establish standards for federal contracts to protect working women, including the eight-hour day, equal pay for equal work, one day of rest in seven, prohibition of night work for women, and prohibition of tenement house labor. Concerned about industry's potential abuse of the women who took the place of two million men called into military service—in particular, the “grave danger that they will be paid less wages than men”—the committee called not only for equal pay for equal work but for equal opportunity for technical and trade training.²⁹ Despite the advocacy of the committee on Women in Industry, contractors often ignored labor standards.³⁰

During and immediately after the war, Pennsylvania's Progressive reformers continued to agitate for minimum wage and maximum hours legislation. In addition, leaders of the Philadelphia WTUL and the Consumers' League of Eastern Pennsylvania served as officers for the CND's Committee on Women in Industry of Pennsylvania. Committee members monitored working conditions and conducted investigations in

²⁸ Commonwealth of Pennsylvania, *Legislative Journal*, 120th sess. of the General Assembly, June 27, 1913, 5407–8.

²⁹ “Report of the Committee on Women's Work in War-Time” (Adopted by the Delegates to the Sixth Biennial Convention of the National Women's Trade Union League, held in Kansas City, June 4–9, 1917), 1–3, Library of Congress, Manuscript Division, Cornelia Bryce Pinchot Papers (hereafter CBP Papers), part 1, box 1.

³⁰ Philip S. Foner, *Women and the American Labor Movement*, vol. 2, *From World War I to the Present* (New York, 1979), 47.

area factories, in particular the Frankford and Schuylkill arsenals, and when violations occurred in safety standards, hours, or wages, they demanded that employers make changes to comply with Pennsylvania labor regulations.³¹ At the close of the war, reformers promulgated a reconstruction program in an attempt to protect gains achieved during the war and to further improve working conditions. The Pennsylvania State Federation of Labor—along with other state leagues—called for equal pay for equal work and stressed the importance of organizing women workers. The Pennsylvania Federation also proposed an amendment to the Woman Act of 1913 (P.L. 1024) to limit the working hours of women to eight hours per day.³²

In November 1918 the Philadelphia WTUL sponsored a conference, which twenty local unions and several women's organizations attended. During the meeting, these groups agreed to unite with the state Federation of Labor to advocate for legislation to "arouse as wide an interest as possible in the various questions on which we might hope (or fear) to get legislative action in Pennsylvania at the coming session."³³ The conference decided to appoint a Joint Legislative Committee, and the Young Women's Christian Association (YWCA) made a commitment of two thousand dollars to establish a working fund for efforts to pass minimum wage and eight-hour legislation. In addition, the Philadelphia WTUL formed a suffrage committee to assist in garnering support for passage of the federal suffrage amendment.³⁴

Despite these efforts, the challenges of securing protective labor legislation remained formidable. At a meeting during the NWTUL's seventh biennial convention in Philadelphia in June 1919, James Maurer of the Pennsylvania State Federation of Labor commented on the difficulties of enacting protective labor bills. He explained that "it takes years and years of struggle to get labor laws, and that after they are obtained it is difficult to keep such legislation from becoming mutilated by amendments."³⁵

³¹ Committee on Women in Industry of Pennsylvania, CND, Minutes, Mar. 1 and Apr. 10, 1918, and Executive Committee of the Committee on Women in Industry, CND, Minutes, Jan. 14 and Feb. 7, 1918, CBP Papers, part 1, box 1.

³² "Attitude of Certain State Federations of Labor toward Women-in-Industry Problems," *Monthly Labor Review* 8 (Jan. 1919): 219–20.

³³ *Biennial Report, June 1917–1919, of the Women's Trade Union League of Philadelphia* (Philadelphia, 1919), 15, in CBP Papers, part 1, box 9.

³⁴ *Ibid.*, 16–18.

³⁵ "Seventh Biennial Convention of National Women's Trade-Union League of America," *Monthly Labor Review* 9 (July 1919): 268.

Moreover, even though labor groups and social reformers endeavored to cooperate and collaborate, differences in priorities and goals remained. At the close of World War I, the WTUL was experiencing difficulties with labor leaders over the need for organizing women workers; also, some state Federations of Labor preferred that employment be given to men, particularly returning soldiers.³⁶

Nonetheless, reformers were pleased with their achievements, including the passage of protective labor legislation in certain states, the issuance of federal labor standards, the establishment of a Women's Bureau, and the entry of women into a greater number of "men's" professions. Further, in the 1917 Supreme Court case *Bunting v. Oregon*, the NCL successfully defended the constitutionality of a state law that called for a ten-hour day for men and women (expanding the law upheld in *Muller v. Oregon*), which signified that gender-based hours laws for women had become an entering wedge for the protection of all workers.³⁷ Reform groups increasingly turned to protective labor legislation as the best method for achieving improved conditions for working women. They also strengthened their efforts in the fight for suffrage, which they viewed as a critical component in the struggle for equal rights and equal opportunity within a system of industrial democracy.

*Cornelia Bryce Pinchot and the Postwar Struggle for
Protective Labor Legislation*

Expanded job opportunities for some women during the war and passage of the Nineteenth Amendment raised Progressive reformers' expectations. Yet, the immediate postwar period was also characterized by political and social conservatism, inflation, and unemployment. Further, the success of the Bolshevik Revolution in Russia in 1917 helped fuel the Red Scare in America and contributed to the disruption of relations between business and labor, a struggle that became one of the most divisive issues facing the nation. Although the economy had prospered due to the expansion of industry during the war, and despite some gains for labor during the Wilson administration, American workers by and large still suffered from harsh conditions and unfair treatment. As a result, the United States experienced a massive number of strikes.

³⁶ "Attitude of Certain State Federations of Labor," 219–20.

³⁷ Sklar, "Two Political Cultures in the Progressive Era," 51.

In 1919, the number of workers involved in strikes increased from 1.2 million the previous year (6.2 percent of total employment) to 4.2 million (20.8 percent of total employment). In 1922, five hundred thousand coal miners and four hundred thousand rail unionists struck, creating a major crisis throughout the nation.³⁸ “The war has certainly left us in America in a most peculiar situation—a victorious nation, restored to the ways of peace, finds itself, notwithstanding victory, in the midst of a most serious industrial crisis,” wrote one observer. “No man would . . . have believed in 1914 . . . that the differences between capital and labor could come to be so tense as they actually are today.”³⁹

The plight of working women continued to alarm social reformers, and many sought to alleviate the growing problems associated with industrial unrest through legislation and an increased governmental presence. Although existing protective labor laws had limitations and did not apply to significant numbers of working women, they established a foundation on which to structure future legislation. However, Progressive reformers continued to face resistance from male labor unions and business leaders, along with increasing opposition from some women wage earners and conservative women—or so-called “antifeminists”—who opposed protective legislation and a larger state role in industry. For example, women printers and women streetcar conductors in the League for Equal Opportunity disapproved of protective labor laws, such as no night work bills, arguing that they were a handicap rather than a positive gain.⁴⁰ Antifeminists were often women who had been members of the National Association Opposed to Woman Suffrage and fought against ratification of the Nineteenth Amendment. These women linked the work of social feminists to international communism and attempted to derail reformers’ efforts to pass social legislation and increase the government’s role in improving working conditions.⁴¹

³⁸ Foner, *Women and the American Labor Movement*, 2:99; “Work Stoppages, Workers Involved, Average Duration, and Person-days Idle: 1881–1998,” Tables Ba4955 and Ba4956, in *Historical Statistics of the United States*, Millennial Edition On Line (New York, 2006), <https://hsus.cambridge.org/HSUSWeb/index.do>; and Robert H. Zieger, *Republicans and Labor, 1919–1929* (Lexington, KY, 1969), 109.

³⁹ J. Harry Covington, “The Preservation of Industrial Peace,” *Annals of the American Academy of Political and Social Science* 90 (1920): 159.

⁴⁰ Lehrer, *Protective Labor Legislation for Women*, 162–63.

⁴¹ For a description of antifeminists and their role in creating “spider web” charts, which linked certain women’s organizations and individual women to international socialism, see Kim E. Nielsen, *Un-American Womanhood: Antiradicalism, Antifeminism, and the First Red Scare* (Columbus, OH, 2001).

Such was the environment when Cornelia Bryce Pinchot and her husband, Gifford Pinchot, moved to Philadelphia from Washington, DC, with their young son in the winter of 1919. Cornelia Bryce, born on Long Island in 1881, had been active in the suffrage movement. Like many other suffragists, she also was an ardent supporter of efforts to improve working conditions for women. The Bryces were wealthy, prominent members of New York City and Long Island society and were close friends of Theodore Roosevelt and his family.⁴²

According to historian John W. Furlow, Cornelia Bryce's interest in political activism emanated from various family members as well as from her connection with Theodore Roosevelt. Her father, Lloyd Stephens Bryce, served as paymaster general for the state of New York from 1886 to 1887; he was then elected as a Democrat to the U.S. House of Representatives. Cornelia claimed to have remembered distributing political literature in her father's congressional campaign at a young age. After running unsuccessfully for reelection in 1888, he became editor of the *North American Review*. In 1911, President William Howard Taft appointed Bryce as ambassador to the Netherlands, a position he held until 1917. Her mother, Edith Cooper, was the granddaughter of the industrialist and philanthropist Peter Cooper, who founded the Cooper Union Institute for needy students, and the daughter of Edward Cooper, who fought against municipal corruption as a member of the reform group the Committee of Seventy and as mayor of New York City from 1878 to 1880. Cornelia Bryce was a frequent visitor to the Roosevelt home in Oyster Bay and became a member of Theodore Roosevelt's political circle. In 1912, she worked in her first national campaign by supporting Roosevelt.⁴³

Both Cornelia Bryce and Gifford Pinchot were active members of the Bull Moose Party. Pinchot, who had served as head of the Forest Service in the U.S. Department of Agriculture during the Theodore Roosevelt administrations, was a tireless advocate of conservation causes and crusaded against special interests that sought to monopolize and exploit the nation's diminishing natural resources for private gain. After his dismissal from the Forest Service by President Taft in 1910, Pinchot helped found

⁴² For additional information, see John W. Furlow Jr., "Cornelia Bryce Pinchot: Feminism in the Post-Suffrage Era," *Pennsylvania History* 43 (1976): 328–46; and Mary Beth Voda, "The Lady in Red: Cornelia Bryce Pinchot, Feminist for Social Justice," *Pennsylvania Heritage* 23 (1997): 22–31.

⁴³ *Biographical Directory of the American Congress, 1774–1989*, s.v., "Bryce, Lloyd Stephens"; and Furlow, "Cornelia Bryce Pinchot," 330–31.

the National Republican Progressive League and became a leader in the Bull Moose Party. In 1912, he campaigned extensively in his home state of Pennsylvania for presidential candidate Theodore Roosevelt; Pennsylvania was one of five states that Roosevelt carried in that election.

In 1914, Pinchot sought elective office in Pennsylvania by running as the Progressive candidate for U.S. Senate against incumbent Boies Penrose, who had controlled the state's Republican machine since 1904.⁴⁴ On August 15, 1914, during his U.S. Senate campaign, Pinchot married Cornelia Bryce in a small ceremony in her family's home on Long Island. Only immediate family members and a few friends attended the wedding, including Colonel and Mrs. Theodore Roosevelt, and William Draper Lewis, who was running as the Progressive candidate for governor of Pennsylvania.⁴⁵ Although Gifford Pinchot lost the election to Penrose, he and Cornelia remained active in Progressive politics and in promoting reform causes both nationally and in Pennsylvania. They divided their time between Washington, DC, and the Pinchot family estate in Milford, Pennsylvania. In 1915, their only surviving child, Gifford Bryce Pinchot, was born.

Prior to marrying Gifford Pinchot at age thirty-three, Cornelia Bryce had worked toward protective labor legislation through affiliations with several organizations in New York City, such as the Women's City Club, the Consumers' League of New York City, and the Women's Trade Union League of New York. After her marriage, she maintained contact with these groups and corresponded with individuals like Florence Kelley of the National Consumers' League on maximum hours and minimum wage legislation and lobbying efforts in Albany.⁴⁶ In addition, she corresponded with Rose Schneiderman and Mary Dreier of the New York WTUL regarding legislative efforts and striking workers.⁴⁷ While living in

⁴⁴ Useful books on the private life and public career of Gifford Pinchot include M. Nelson McGeary, *Gifford Pinchot, Forester-Politician* (Princeton, NJ, 1960); Char Miller, *Gifford Pinchot and the Making of Modern Environmentalism* (Washington, DC, 2001); and Fausold, *Gifford Pinchot, Bull Moose Progressive*.

⁴⁵ "Gifford Pinchot Weds Miss Bryce," *New York Times*, Aug. 16, 1914.

⁴⁶ For example, see Alexander Trachtenberg (The Rand School of Social Science) to Cornelia Bryce Pinchot, Mar. 4, 1918, concerning legislation abolishing night work in bake shops; Florence Kelley to Cornelia Bryce Pinchot, Apr. 20, 1918, concerning protective labor legislation being considered by the New York State legislature; and Mary H. Ramsey (Council of Women's Organizations of New York City) to Cornelia Bryce Pinchot, Mar. 28, 1918, concerning the minimum wage bill; all CBP Papers, part 1, box 1.

⁴⁷ Rose Schneiderman to Cornelia Bryce Pinchot, Apr. 26, 1918; Cornelia Bryce Pinchot to Rose Schneiderman, Jan. 13, 1920; and Mary Dreier to Cornelia Bryce Pinchot, Mar. 30, 1919; all CBP

Washington, Cornelia Pinchot chaired the Women in Industry Committee of the National American Woman Suffrage Association; in that position, she was responsible for issuing a report on its activities.⁴⁸ As a member of the executive committee of the CND's Women in Industry Committee, she became acquainted with the work of the Pennsylvania affiliate and its reports on women workers in the Frankford and Schuylkill arsenals.⁴⁹ In addition, she led efforts to form the Washington Committee of the Women's National Trade Union League, an operation that Margaret Dreier Robins deemed critical to the movement for protective labor legislation at both the national and state levels. "Not only does the general public need to be convinced of the inevitableness of the movement," Robins wrote Pinchot in 1918, "but there are labor leaders who do not recognize the value of the identification of women with the labor movement. This is especially true because women are entering industries hitherto entirely controlled by men. . . . Under your leadership, I am sure that a great work can be accomplished."⁵⁰

After the Pinchots established a residence at 345 South Eighteenth Street in Philadelphia, labor reform groups eagerly sought Cornelia Pinchot's involvement as a political leader whose experience and contacts could assist in coordinating and focusing their efforts. Frieda Miller of the Philadelphia WTUL wrote Pinchot to inform her that she had been elected as a member of the executive board; she was the only individual on the board who was not a member of a trade union. Miller also notified her of a planning meeting for a public hearing on the eight-hour-day legislation, emphasizing, "we must make a success of this hearing if the bill is to get favorably reported out of Committee."⁵¹ In February 1919, Cornelia Pinchot hosted a meeting in her home during Margaret Dreier Robins's visit to Philadelphia on behalf of the National WTUL.⁵² Leaders of the Philadelphia branch of the YWCA asked Pinchot to become chairman of the Industrial Section.⁵³ In addition, she joined the

Papers, part 1, box 1, 11, and 6.

⁴⁸ National American Woman Suffrage Association, Committee for the Protection of Women in Industry, Report, Mar. 21, 1919, CBP Papers, part 3, box 4.

⁴⁹ Council of National Defense, Executive Committee of the Committee on Women in Industry, Minutes, CBP Papers, part 1, box 1.

⁵⁰ Margaret Dreier Robins to Cornelia Bryce Pinchot, Feb. 9, 1918, CBP Papers, part 1, box 3.

⁵¹ Frieda S. Miller to Cornelia Bryce Pinchot, Mar. 7, 1919, CBP Papers, part 1, box 9; and *Biennial Report, June 1917-1919*.

⁵² *Biennial Report, June 1917-June 1919*, 22.

⁵³ Cornelia Bryce Pinchot to Bishop Brent (Buffalo, NY), Feb. 24, 1920, CBP Papers, part 1, box 10.

Consumers' League of Eastern Pennsylvania and assisted the organization's secretary, A. Estelle Lauder, in planning for a minimum wage legislation hearing to be held in Harrisburg.⁵⁴

Cornelia Pinchot not only assisted these activist organizations with her experience and contacts, but she also financially supported the Philadelphia WTUL. In April 1919, Pauline Newman thanked Pinchot for her commitment of one thousand dollars to the Philadelphia league: "You know too well the chronic bankruptcy of organizations like ours and what an encouragement such a pledge as yours is to a struggling committee. We are asking all the unions to do the best they can to help us financially, so that we can go on with our work."⁵⁵

Her participation in these many and varied activities was limited due to health problems that led to hospital stays, surgery, and rest periods to recuperate.⁵⁶ Nonetheless, she remained active, and the leaders of these organizations corresponded with her frequently and sought her counsel. When the General Assembly failed to pass legislation to limit working hours to eight-hours per day, forty-eight hours per week in 1919, Cornelia Pinchot understood the challenges that reformers faced in securing protective labor legislation.⁵⁷ In a letter to Florence Kelley, she wrote, "I hope that we may be successful in working for these laws; but we must count on its being a long fight."⁵⁸

In early 1920, Pinchot began planning for a March meeting to heighten public awareness and to raise money for the Philadelphia Women's Trade

⁵⁴ A. Estelle Lauder to Cornelia Bryce Pinchot, Jan. 28, 1919, CBP Papers, part 1, box 7.

⁵⁵ Pauline M. Newman to Cornelia Bryce Pinchot, Apr. 12, 1919, CBP Papers, part 1, box 9.

⁵⁶ Cornelia Bryce Pinchot to A. Estelle Lauder, Apr. 29, 1919, explaining that she could not attend the hearing on the minimum wage bill due to recuperation from surgery; Medical report from George H. Ryder, MD, Sept. 23, 1919, summarizing Cornelia Bryce Pinchot's medical problems resulting from two miscarriages and a stillborn child during the previous two years; Cornelia Bryce Pinchot to Edward P. Davis, MD, Sept. 19, 1919, discussing medical problems; and Cornelia Bryce Pinchot to James Voorhees, MD, Nov. 11, 1919, discussing third recent miscarriage; all CBP Papers, part 1, box 7.

⁵⁷ For information on Senate Bill No. 145, see Commonwealth of Pennsylvania, *Legislative Journal*, 123rd sess. of the General Assembly, Feb. 10 and Mar. 10, 1919, 155 and 471. A similar bill, House Bill No. 1358, was introduced during the 1917 session. See Commonwealth of Pennsylvania, *Legislative Journal*, 122nd sess. of the General Assembly, May, 4, 1917, 2976. In 1915, House Bill No. 918, which called for the Pennsylvania Department of Labor and Industry to study the question of minimum wages for women and minors, was passed by the house on March 29, 1915. See Commonwealth of Pennsylvania, *Legislative Journal*, 121st sess. of the General Assembly Mar. 29, 1915, 982-83. However, the senate failed to pass the measure. According to the indices for the *Legislative Journal* for the 122nd and 123rd sessions of the General Assembly, there were no bills introduced that pertained to minimum wages for women and minors.

⁵⁸ Cornelia Bryce Pinchot to Florence Kelley, Feb. 20, 1920, CBP Papers, part 1, box 12.

Union League. In letters to several acquaintances, she described the challenges she faced in educating the public on issues pertaining to protective labor legislation. As she explained to writer and journalist Walter Lippmann, "what I was interested in . . . was to get these particular women to face and discuss this idea . . . to face the industrial issues with integrity—only they do not know even the barest outlines of the situation or the facts as they are. I am horrified to hear people still talking about people working twelve and fourteen hour days."⁵⁹ Her efforts in organizing the meeting did not go unappreciated. John Andrews, secretary of the American Association for Labor Legislation, declared the meeting a great success, "judging from the clippings and letters received since then." He added his own appreciative note: "I'm so glad you're in Pennsylvania to help fight the reactionary forces."⁶⁰

In 1920, Cornelia Pinchot continued to work with activists in planning for legislative initiatives for the 1921 General Assembly session. Frieda Miller asked her to become chairman of the legislative committee because "no one else [is] so well fitted to fill that post as you are. We all very much want you to do it," particularly since the eight-hour bill was defeated in the last session.⁶¹ Pinchot also worked with the Commission on Constitutional Amendment and Revision to determine the constitutionality of any future minimum wage law. She met with Governor Sproul, who explained that such a law might be considered unconstitutional in Pennsylvania, but was encouraged to learn that the attorney general and other constitutional lawyers believed that a minimum wage law would be constitutional under the then existing constitution of Pennsylvania.⁶²

⁵⁹ Cornelia Bryce Pinchot to Walter A. Lippmann, Mar. 6, 1920, CBP Papers, part 1, box 12.

⁶⁰ John B. Andrews to Cornelia Bryce Pinchot, [n.d.], CBP Papers, part 1, box 14.

⁶¹ Frieda S. Miller to Cornelia Bryce Pinchot, Dec. 23, 1920, CBP Papers, part 1, box 13.

⁶² Cornelia Bryce Pinchot to George Wharton Pepper, Apr. 22, 1920; Cornelia Bryce Pinchot to Frieda S. Miller, May 10, 1920, CBP Papers, part 1, box 12, and part 3, box 3. It is likely that they were referring to Article I, section 1 of the 1874 Constitution of the Commonwealth of Pennsylvania, which contained provisions guaranteeing the right to life and liberty and to acquire, possess, and protect property. These were similar to guarantees in the Fifth and Fourteenth Amendments in the U.S. Constitution that were considered in judicial opinions on the constitutionality of protective labor laws and whether they interfered with the freedom of employers and employees to enter into contracts. In 1918, the Pennsylvania General Assembly passed legislation creating the Commission on Constitutional Amendment and Revision; Governor William Sproul appointed the commission members, including Gifford Pinchot. Although the commission published a preliminary draft of proposed changes to the state's constitution, in 1921 Pennsylvanians voted against a measure calling for a constitutional convention. See William Draper Lewis, "Constitutional Revision in Pennsylvania," *American Political Science Review* 15 (1921): 558–60.

Despite the activists' extensive educational, planning, and publicity efforts, the odds were against the passage of protective labor legislation. In describing the situation in Philadelphia, Pauline Newman noted in a 1921 article that the city was the largest textile-producing center in the United States, as well as a major center for shipbuilding and locomotive manufacture. Yet because Philadelphia was also known for its "political domination by those directly and indirectly in control of these industries. . . . The exploitation of these [working] men and women, in the various industries is well-known to students of industrial conditions."⁶³ In remarks before a meeting of the Joint Legislative Committee, Cornelia Pinchot encouraged representatives of the member organizations "to put all their strength and influence behind these bills" although, she admitted, they were "up against a very difficult situation. The big manufacturing interests, headed by [Joseph] Grundy, are largely in control in Harrisburg."⁶⁴

In 1910, Joseph R. Grundy founded and became president of the powerful lobbying group the Pennsylvania Manufacturers Association (PMA). Grundy, the son of a wealthy woolens manufacturer, was raised in a Quaker home in Bristol, Pennsylvania, the site of his father's factory. After his father's death in 1893, Grundy managed the family business and became the principal stockholder in a Bucks County bank founded by his great-great-grandfather. As a result, by 1900, he was a multimillionaire, and similar to his father, he was active in state politics. He developed close connections with the two leaders of the Republican machine, Matthew Quay and Boies Penrose. As head of the PMA, Grundy crusaded for protectionist business policies, in particular high tariffs, along with minimal social legislation, which could potentially burden manufacturers. Grundy devoted his energies and a portion of his fortune to the cause of protecting American industry, claiming that policies that benefited big business would lead to prosperity for all economic sectors and members of society.⁶⁵

By 1919, Grundy had become an effective politician and Republican Party fundraiser at both the state and national levels. In describing the contentious Republican primary campaign for governor of Pennsylvania,

⁶³ Pauline M. Newman, *Out of the Past, Into the Future: A Brief History of the Philadelphia Women's Trade Union League* (Philadelphia, 1921), pamphlet reprinted from article which appeared in *Life and Labor*, June 1921.

⁶⁴ Remarks by Cornelia Bryce Pinchot before a meeting of the Joint Legislative Committee, Mar. 18, 1921, CBP Papers, part 1, box 16.

⁶⁵ *American National Biography*, s.v., "Grundy, Joseph Ridgway" (by Ellis W. Hawley).

one newspaper estimated that the cost of running a campaign in a factional contest was five hundred thousand dollars and that "Grundy was the only man who could command such resources."⁶⁶ In 1920, Grundy was influential in helping Warren G. Harding win the presidency, and in 1924 he reportedly raised eight hundred thousand dollars for Calvin Coolidge's reelection campaign.⁶⁷ Following the death of Boies Penrose in 1921, Grundy became a dominant figure in Pennsylvania Republican politics, and the *New York Times* portrayed him as "striving for undisputed sway [of the machine] . . . a man who wants to be boss."⁶⁸

Through his connection with Andrew W. Mellon, Pittsburgh industrialist and financier and later U.S. secretary of the treasury, Grundy also became influential in matters pertaining to national economic policy. Mellon—who estimated his family fortune at two billion dollars—also favored protectionist business policies and as treasury secretary worked to lower corporate and personal income taxes in order to stimulate industry, boost economic prosperity, and reduce the postwar national debt.⁶⁹ Grundy became widely known for his outspokenness and behind-the-scenes political maneuvering, and he continued to develop his reputation as the "high prophet of protective tariffs and collector of millions of dollars for Republican campaigns"; in 1929, the *New York Times* estimated his fortune to be twenty million dollars.⁷⁰ Also that year, Governor John Fisher appointed Grundy to fill the U.S. Senate seat of William Vare for one year. Labor unions began to voice their opposition to Grundy, and in December 1929 the Central Labor Union of Philadelphia passed a resolution expressing its opposition to the new senator's "unsavory labor record."⁷¹ Although Grundy lost his Senate reelection bid, he remained an influential force in Pennsylvania politics, and the PMA continued to be a powerful lobby in Harrisburg.⁷²

Efforts to secure protective labor legislation failed again in 1921. The Philadelphia Women's Trade Union League lamented that this was "the

⁶⁶ "Penrose Machine Falling to Pieces," *New York Times*, Apr. 5, 1922.

⁶⁷ *American National Biography*, "Grundy, Joseph Ridgway."

⁶⁸ "Penrose Machine Falling to Pieces."

⁶⁹ *American National Biography*, "Grundy, Joseph Ridgway"; and *American National Biography*, s.v., "Mellon, Andrew William" (by Robert L. Gale).

⁷⁰ Samuel T. Williamson, "Collector Grundy—And Some Others," *New York Times*, Nov. 3, 1929.

⁷¹ "Labor Spurns Grundy," *New York Times*, Dec. 23, 1929.

⁷² *American National Biography*, "Grundy, Joseph Ridgway."

third successive legislature into which we have introduced a bill providing for an eight-hour day for women in industry. Despite the fact that the Republican candidate, now President, came out for such legislation last summer, this strictly Republican legislature has for the third time consigned our bill to death in committee.”⁷³ In describing the odds, a bitterly disappointed Pauline Newman wrote that “to expect labor or social legislation from the Pennsylvania Legislature is as easy a task as getting the moon to play with. As long as legislatures continue to take orders from gentlemen in high places and disregard the will of the people, there is nothing to expect.”⁷⁴

Yet, during the same year, the movement claimed a victory when the National Consumers’ League prevailed in the *Adkins v. Children’s Hospital* minimum wage court case in which the District of Columbia Court of Appeals upheld a 1918 federal law that guaranteed a minimum wage to women and children employed in Washington, DC.⁷⁵ Estelle Lauder told Cornelia Pinchot how proud she was to be part of an organization that had “successfully defended protective legislation for women and children fifteen times in the Courts.”⁷⁶ Opposition to gender-specific protective legislation did not only come from male politicians and businessmen, however. Concomitantly, in 1921, Alice Paul and the National Women’s Party began drafting the Equal Rights Amendment, a proposal that would potentially nullify all existing gender-based labor legislation and stymie future legislative initiatives by social justice reformers.⁷⁷

In 1922, social activists were heartened by the prospect of further reforms when the death of Boies Penrose, long-time leader of Pennsylvania’s Republican political machine, created an opportunity for Gifford Pinchot, the state’s commissioner of forestry, to seek the Republican nomination for governor. As a member of the Bull Moose Party, Pinchot had supported the inclusion of protective labor legislation in the party’s platform in 1912, and he again included minimum wage and

⁷³ *Women’s Trade Union League of Philadelphia Bulletin*, Apr. 1921, 3, National Women’s Trade Union League Records, Library of Congress, microfilm ed., reel 9.

⁷⁴ Newman, *Out of the Past, Into the Future*, 4.

⁷⁵ Zimmerman, “Jurisprudence of Equality,” 210.

⁷⁶ A. Estelle Lauder to Cornelia Bryce Pinchot, June 29, 1921, CBP Papers, part 1, box 16.

⁷⁷ Zimmerman, “Jurisprudence of Equality,” 202–3. Concerns over the possible negative impact of the proposed ERA likely prompted Cornelia Pinchot to obtain copies of opinions from legal experts, including Francis Fisher Kane, Harold Ickes, and William Draper Lewis. From CBP Papers, part 1, box 18.

maximum hours legislation in his platform during his 1914 U.S. Senate campaign.⁷⁸ “It certainly was a pleasant surprise to hear that it may be possible to persuade Mr. Pinchot to run for Governor of Pennsylvania,” Frieda Miller wrote Cornelia Pinchot. “It would be a joy to have a candidate for whom we could work wholeheartedly and we’d be only too happy to have the opportunity.”⁷⁹

In 1922, Cornelia Pinchot devoted most of her energies to her husband’s campaign efforts, especially to the closely contested spring primary. Frieda Miller and Pauline Newman of the Philadelphia WTUL assisted in the campaign by contacting certain labor groups and holding a conference to gain support for Pinchot’s campaign. In a letter to her sister-in-law, Lady Antoinette Johnstone, Cornelia Pinchot expressed optimism about her husband’s chances of winning the primary, while also noting how important the women’s vote could be: “The political situation here is quite exciting and Gifford’s chances seem to be getting stronger every day . . . the women everywhere are rallying for him and even the politicians admit that he will get almost their entire vote.”⁸⁰

Following her husband’s victory in the primary and later in the general election, colleagues sent Cornelia Pinchot congratulatory letters praising her hard work in the campaign and declaring his election an important victory for progressives and reform efforts in the nation.⁸¹ Women’s reform groups expected the new governor to support protective labor legislation when the General Assembly met in 1923. In preparation for that session, the Joint Legislative Committee issued a report on how Pennsylvania compared to other states with respect to protective labor legislation for working women and children. The study—prepared by Estelle Lauder of the Eastern Pennsylvania Consumers’ League—compiled statistics to show that although Pennsylvania was second in terms of population and concentration of industries, it was “far from holding sec-

⁷⁸ Joseph Albert Falco, “Political Background and First Gubernatorial Administration of Gifford Pinchot, 1923–1927” (PhD diss., University of Pittsburgh, 1956), 35; and Fausold, *Gifford Pinchot*, *Bull Moose Progressive*, 95.

⁷⁹ Frieda S. Miller to Cornelia Bryce Pinchot, Dec. 14, 1921, CBP Papers, part 3, box 5.

⁸⁰ Frieda S. Miller to Cornelia Bryce Pinchot, Mar. 27, 1922; Pauline M. Newman to Cornelia Bryce Pinchot, Apr. 14, 1922; Cornelia Bryce Pinchot to Lady Antoinette Johnstone, Apr. 8, 1922; all CBP Papers, part 1, box 19 and 23.

⁸¹ Examples include Ethel M. Smith (Legislative Committee of the National Women’s Trade Union League) to Cornelia Bryce Pinchot, May 19, 1922; Gertrude G. Smith (Pennsylvania League of Women Voters) to Cornelia Bryce Pinchot, June 1, 1922; and Mary Van Kleeck (Russell Sage Foundation) to Cornelia Bryce Pinchot, Nov. 9, 1922; all CBP Papers, part 1, boxes 25 and 26.

ond place in the care of industrial workers.” Another goal of the study was to refute implications by opponents of protective labor legislation who proposed that changes in labor laws were “utopian, socialistic or even Bolshevistic.”⁸²

In planning for the introduction of maximum hours legislation for the 1923 legislative session, Frieda Miller and Pauline Newman met with Cornelia and Governor Pinchot. Although hopeful, they knew, as Frieda Miller said, “the old opposition will be there and it will take all our wits and effort to overcome it.” At the meeting, the governor assured the women of his support for an eight-hour bill for women.⁸³ Even with that support, the work involved was formidable. Estelle Lauder informed Cornelia Pinchot that a “great many of the legislators have been seen”; due to the minimum wage campaigns in New York and Ohio, as well as the importance of the Supreme Court’s pending review of the *Adkins* decision, Lauder concluded that the legislative initiative would be the most important.⁸⁴ Despite support from the Pinchots, however, the legislature again failed to pass the eight-hour-day, forty-eight-hour-week bill (House Bill No. 850) and the bill to establish a Minimum Wage Board and provide for the determination of living wages (House Bill No. 1201).⁸⁵

The struggle to secure passage of these bills in the spring of 1923 coincided with the Supreme Court’s decision in *Adkins v. Children’s Hospital*. In this ruling, the conservative majority of the Supreme Court overturned the District of Columbia’s minimum wage law, stating that it was unconstitutional because it interfered with the Fifth Amendment’s due process clause and the right of employers and employees to enter into contracts; it thereby deprived women of the liberty to bargain. The Court claimed that with passage of the Nineteenth Amendment, women were no longer dependents and could be treated as equals to men. In determining that the federal statute was an inappropriate use of police power, since there was no reason to exempt women from the rule requiring freedom of contract, the Court attacked the base on which reformers built

⁸² A. Estelle Lauder, *Trailing Behind, or How Pennsylvania Compares with Other States in Protective Legislation for Working Women and Children* (Philadelphia, 1922), 5.

⁸³ Frieda S. Miller to Cornelia Bryce Pinchot, Dec. 27, 1922; Copy of letter from Frieda S. Miller to Governor Gifford Pinchot, Jan. 23, 1923; both in CBP Papers, part 1, box 24 and 37.

⁸⁴ A. Estelle Lauder to Cornelia Bryce Pinchot, Feb. 23, 1923, CBP Papers, part 1, box 30.

⁸⁵ For House Bill No. 850 and 1201, see Commonwealth of Pennsylvania, *Legislative Journal*, 125th sess. of the General Assembly, May 8, 1923, 2705, and Mar. 28, 1923, 939.

their legislative strategies. Reform groups—who vigorously supported minimum wages due to women's social and moral needs for a living wage—protested the Supreme Court's decision and the threat it posed for existing protective labor laws as well as any future legislative initiatives. On the other hand, Alice Paul and members of the National Women's Party praised the Supreme Court's decision, which they deemed critical in their efforts to achieve blanket equality for women through the adoption of an Equal Rights Amendment.⁸⁶

Adkins proved to be a major setback for activists seeking legislative remedies for the plight of working women in Pennsylvania. Afterwards, reformers went on the defensive and found other avenues to influence policy in this area. In June 1923, Cornelia Pinchot traveled to the International Suffrage Conference in Rome to represent the League of Women Voters on the question of equal pay in industry. In describing the conference to Alice Henry of the National Women's Trade Union League, she concluded, "I am afraid the organization is loaded against any real liberality on these issues. The feminists over there all have the Women's Party point of view, and are stupid and pig-headed beyond words."⁸⁷ In April 1925, Richard H. Lansburgh, the secretary of the Pennsylvania Department of Labor and Industry, wrote to Cornelia Pinchot concerning the need for a special bureau in order to deal with the problems of women and children in industry. In the letter, he asked her to nominate a capable person to head this agency. Pinchot responded that she strongly supported the idea, and after consulting with Mary Anderson, chief of the U.S. Department of Labor's Women's Bureau, recommended Charlotte E. Carr for the position. At that time, Carr was working for Frances Perkins in the New York State Department of Labor. She also had labored in the cotton mills in New Hampshire and thus had both the relevant work and investigatory experience necessary for the job. Carr and Beatrice McConnell, who had served as research secretary of the Consumers' League of Eastern Pennsylvania for several years, soon became director and assistant director of the Bureau of Women and Children.⁸⁸

⁸⁶ Zimmerman, "Jurisprudence of Equality," 221–25.

⁸⁷ Cornelia Bryce Pinchot to Alice Henry, July 1, 1923, CBP Papers, part 1, box 32.

⁸⁸ A report issued by the Pennsylvania Department of Labor and Industry listed Charlotte Carr and Beatrice McConnell and the titles of their new positions. See Commonwealth of Pennsylvania Department of Labor and Industry, *Industrial Home Work and Child Labor* (Harrisburg, PA, 1926), 4. Also, Richard H. Lansburgh to Cornelia Bryce Pinchot, Apr. 3, 1925; Cornelia Bryce Pinchot to

As for Pauline Newman, in 1923 she represented the National WTUL at the International Congress of Working Women in Vienna, Austria; the following year, she returned to New York City and joined the staff of the ILGWU Health Center as education director. She also served as a member of the New York State Minimum Wage Law Commission, which established minimum wages for various industries. In addition, Newman frequently wrote articles for several publications and remained an ardent supporter of improved working conditions for women. She continued to oppose the Equal Rights Amendment because she feared that it would undermine protective labor legislation.⁸⁹

Frieda Miller also served as a delegate to the International Conference of Working Women in 1923 and later became a researcher for the New York City Committee of State Charities Aid and an investigator for the Welfare Council. In 1929, Frances Perkins, who was by that time the industrial commissioner of New York State, appointed Miller as director of the Division of Women in Industry at the New York State Department of Labor. In that capacity, Miller played an important role in securing passage of the state's first minimum wage law for women. She later served as the second female industrial commissioner of New York. In 1944, Miller moved to Washington, DC, where she succeeded Mary Anderson as director of the Women's Bureau in the U.S. Department of Labor, a position she held until 1953.⁹⁰

Despite Governor Pinchot's support for protective labor legislation, the state government passed no such bills during his first administration. In his 1927 farewell address, Governor Pinchot emphasized the need for labor reform in Pennsylvania, citing, among other evidence, the fact that women continued to work up to fifty-four hours per week for extremely low pay.⁹¹ Cornelia Bryce Pinchot and her allies would have to wait until the next decade for a favorable climate for reform, when the Great Depression and widespread economic deprivation gave a boost to their drive to achieve minimum wage and lower maximum hours legislation for working women.

Richard H. Lansburgh, Apr. 4, 1925; and Richard H. Lansburgh to Cornelia Bryce Pinchot, May 6, 1925, CBP Papers, part 1, box 68. See also "Miss Carr Named to Pinchot Cabinet," *New York Times*, July 18, 1933.

⁸⁹ *American National Biography*, "Newman, Pauline."

⁹⁰ *American National Biography*, s.v., "Miller, Frieda Segelke" (by Francesco L. Nepa).

⁹¹ Richard C. Keller, "Pennsylvania's Little New Deal," in *The New Deal*, vol. 2, *The State and Local Levels*, ed. John Braeman, Robert H. Bremner, and David Brody (Columbus, OH, 1975), 45.

Reform Efforts in Pennsylvania during the 1930s

In 1928, and again in 1932, Cornelia Pinchot ran unsuccessfully against incumbent Louis T. McFadden for the Republican nomination for the U.S. representative from Pennsylvania's Fifteenth District.⁹² Consequently, she focused her energies on her husband's political career and remained a prominent activist who was committed to improving working conditions for women; she also continually opposed the Equal Rights Amendment.

During Gifford Pinchot's 1930 campaign for governor, he again included protective labor legislation in his campaign platform. After his victory, he appointed William Schnader—who had helped draft the Women's Labor Law of 1913—as attorney general, and he named Charlotte Carr as deputy secretary of the Department of Labor and Industry. Nonetheless, reformers once again were unable to achieve passage of protective labor laws due to the strength of conservatives in the senate and the opposition led by Joseph Grundy and the PMA.⁹³ By 1933, however, the economic hardships wrought by the Depression and the growing strength of the Democratic Party influenced many legislators to announce their support for protective labor legislation. Charlotte Carr documented the worsening conditions of employment for women and children. According to Carr's report, half of the women employees in the cotton garment industry in 1934 received only \$5.61 for a full workweek, and between 1931 and 1934 the average weekly earnings of women home workers declined to \$3.01 while their average weekly hours increased.⁹⁴ Another investigation by Carr revealed factory wages as low as \$1.65 for two weeks. According to Carr, "at the same time that most factories are not working at all, too many others are working overtime.' Women and children . . . in some cases are employed at starvation wages while husbands and fathers are unemployed."⁹⁵

⁹² "Nomination Sought by Mrs. Pinchot," and "Mrs. Pinchot Enters Race against McFadden; Assails Representative's Attack on Hoover," *New York Times*, Feb. 28, 1928, and Dec. 23, 1931.

⁹³ John W. Furlow Jr., "An Urban State under Siege: Pennsylvania and the Second Gubernatorial Administration of Gifford Pinchot, 1931–1935" (PhD diss., University of North Carolina at Chapel Hill, 1973), 95, 322.

⁹⁴ Commonwealth of Pennsylvania, Department of Labor and Industry, *Pennsylvania Labor and Industry in the Depression: A Review of the Four-Year Period, 1931–1934, and Its Effect upon Worker and Employer* (Harrisburg, PA, 1934), 54.

⁹⁵ "Women Get \$1.65 for 2 Weeks in Pennsylvania Factories," *New York Times*, Feb. 15, 1933.

Cornelia Pinchot, a close ally of Charlotte Carr, attempted to arouse public outrage about these conditions. In 1933, she promoted social legislation that included a forty-four-hour workweek and minimum wages.⁹⁷ Although the house passed House Bill No. 925, which called for minimum fair wages, the legislation failed in the senate.⁹⁸ The house failed to pass a bill to reduce maximum hours (House Bill No. 132), as well as a bill that would have extended protection to workers in private homes and on farms and eliminated exceptions to women working as canners, nurses, and telephone operators (House Bill No. 915).⁹⁹ When labor leaders learned the outcome, they exclaimed, "Grundyism has won out again."¹⁰⁰

The poor working conditions and extremely low wages in factories contributed to increased labor unrest in the first months of 1933. During the spring, a series of strikes in factories employing women and children in the Allentown and Northampton shirt-industry districts focused attention on sweatshops. At that time, there were an estimated forty sweatshops in the Lehigh Valley area employing more than 3,200 workers. Cornelia Pinchot joined the strikers in their protest, and she claimed that similar conditions existed in other cities, such as Philadelphia, Reading, Lancaster, and York. Governor Pinchot appointed a committee to hold hearings and investigate the conditions that precipitated the strikes.¹⁰¹ The committee presented a report to the governor that described the "deplorable state of working conditions for women and children" and recommended legislation to establish minimum wages, shorten working hours, and prohibit the employment of children under age sixteen.¹⁰² In response to this inquiry, the General Assembly created a Sweatshop Commission comprised of nine people to investigate wages and working conditions of women and children in industry across the entire state. The governor appointed Cornelia Pinchot one of the commissioners.¹⁰³ In June 1933, this committee commenced its investigative work and held its first hearing in Philadelphia.¹⁰⁴

⁹⁷ Lawrence E. Davies, "Pinchot Strike Aid Seen as Labor Bid," *New York Times*, May 14, 1933.

⁹⁸ Commonwealth of Pennsylvania, *Legislative Journal*, 130th sess. of the General Assembly, Apr. 20, 1933, 4104.

⁹⁹ For House Bill No. 132 and 915, see Commonwealth of Pennsylvania, *Legislative Journal*, 130th sess. of the General Assembly, Jan. 11, 1933, 159, and, Feb. 14, 1933, 578.

¹⁰⁰ Davies, "Pinchot Strike Aid Seen as Labor Bid."

¹⁰¹ *Ibid.*; and "Mrs. Pinchot Aids Girls as a Picket," *New York Times*, May 6, 1933.

¹⁰² Commonwealth of Pennsylvania, *Pennsylvania Labor and Industry in the Depression*, 49.

¹⁰³ Keller, *Pennsylvania's Little New Deal*, 58–59; Furlow, "Urban State under Siege," 416–17.

¹⁰⁴ "Pennsylvanians Map 'Sweatshop' Inquiry," *New York Times*, June 1, 1933.

Skeptics speculated that the commission would serve only to white-wash existing poor conditions and excessively low wages and that the [Andrew] Mellon-Grundy faction would have the investigation “in its pocket.” Yet, the testimony was so damaging to the sweatshop operators that, according to one *New York Times* article, “even a reactionary majority on such a committee would have difficulty in explaining it away.” Governor Pinchot wanted to use the commission’s findings to publicize the abuses and build sympathy for a future legislative reform program that included maximum hours, minimum wages, abolition of child labor, and old age pension proposals.¹⁰⁵

As the commission’s investigation continued into July, tensions between the various participants grew dramatically. The commission’s work angered many manufacturers, including Joseph Grundy, whose factories bore the brunt of workers’ criticisms. Grundy claimed that the commission’s work was “an obvious conspiracy [of state officials] to create a sinister and false picture of industrial conditions.”¹⁰⁶ During the investigation, the counsel for a clothing manufacturer challenged the propriety of Cornelia Pinchot serving as a member of the investigative body and characterized her as “an agitator and strike leader.” The attorney also asked the commission to examine the strike-breeding activities of Charlotte Carr of the Department of Labor and Industry, who, he said, had been going throughout the state “encouraging strikes and strikers and conducting a campaign for a minimum wage law.”¹⁰⁷

On July 15, 1933, Dr. A. M. Northrup, head of the Department of Labor and Industry, submitted his resignation to Governor Pinchot. In his letter, Northrup charged that Charlotte Carr was fomenting strikes and not acting in an impartial manner, as required of all public officials. Pinchot refused to accept the resignation and instead relieved the secretary of his duties and appointed Charlotte Carr as secretary the next day because he had “come to rely upon Miss Carr for action and information in matters connected with labor and industry for the very good reason that she is competent on such matters.”¹⁰⁸ During the final hearings of the commission’s investigations, spokesmen for Pennsylvania manufacturers attacked the Department of Labor and Industry’s actions and called for

¹⁰⁵ Lawrence E. Davies, “Inquiry Exposes Sweatshop Evils,” *New York Times*, June 25, 1933.

¹⁰⁶ “Grundy Says Board Defamed His Plant,” *New York Times*, July 10, 1933.

¹⁰⁷ “Asks Inquiry on Carr Activities,” *New York Times*, July 16, 1933.

¹⁰⁸ “Pinchot Dismissed Labor Secretary,” *New York Times*, July 16, 1933.

an inquiry into the activities and policies of Charlotte Carr.¹⁰⁹ When the commission reported widespread abuses, the governor again demanded protective labor legislation as a solution. Although the house passed bills that reduced the workweek from fifty-four hours to forty-four hours and established minimum wages for women and minors, the senate failed to follow suit, an action that Pinchot denounced as the “suicide of the Republican Party.”¹¹⁰

Near the end of the Pinchot gubernatorial administration, the Department of Labor and Industry issued a report entitled *Pennsylvania Labor and Industry in the Depression*. In the study, Secretary Charlotte Carr reiterated the need for protective labor legislation to ensure that gains achieved by the National Recovery Administration (NRA) would become permanent. A report by the Bureau of Women and Children had determined that the higher wages and shorter hours established by the NRA codes had significantly benefited working women and children.¹¹¹ In 1935, in *Schechter Poultry Corporation v. The United States*, the Supreme Court declared the National Industrial Recovery Act unconstitutional. However, the NRA labor provisions were preserved in legislation enacted during the “second” New Deal when Senator Robert F. Wagner of New York led the fight for passage of the National Labor Relations Act of 1935, or “Wagner Act.”

Reform leaders at the state level capitalized on these gains. After his election as Pennsylvania’s governor in 1934, Democrat George Earle proposed reform legislation that included reducing hours for women and creating an agency to set minimum wages for women and minors. When the senate once again blocked passage, Governor Earle carried the issue to the people. Blaming Republican conservatives, he declared that vital legislation was “blocked by Republican Senators elected two and a half years ago.”¹¹²

When the Democrats won control of the General Assembly after the 1936 elections, the administration again introduced legislation that provided for minimum wages and maximum hours. Spurred by favorable public opinion and the Supreme Court’s encouraging decision in *West Coast Hotel*, which upheld the state of Washington’s minimum wage law,

¹⁰⁹ “Clash with Mrs. Pinchot,” *New York Times*, July 19, 1933.

¹¹⁰ Keller, *Pennsylvania’s Little New Deal*, 60.

¹¹¹ Commonwealth of Pennsylvania, *Pennsylvania Labor and Industry in the Depression*, 63–64.

¹¹² Keller, *Pennsylvania’s Little New Deal*, 197.

several states, including Pennsylvania, moved forward with pending legislation.¹¹³ Finally, in June 1937, Governor Earle signed legislation that established minimum wages for women and minors (Senate Bill No. 425, Act 248) and reduced maximum hours to forty-four hours per week (Senate Bill No. 199, Act 322).¹¹⁴ In 1938, Congress passed the Fair Labor Standards Act, which mandated a minimum wage of twenty-five cents per hour and a maximum workweek of forty-four hours for all laborers engaged in interstate commerce.

Conclusion

In the early twentieth century, Progressive reformers increasingly turned to protective labor legislation as a means to ameliorate existing abuses and improve conditions for working women. With the Supreme Court's 1908 decision in *Muller v. Oregon*—in which the Court sanctioned gender-based arguments that cited the need to protect the mothers of the race—activists pursued the strategy of developing gender-specific protective legislation for women in order to undermine resistance from opponents while conforming to the Court's ruling. In Pennsylvania, as in other industrialized states in the Northeast, local and state chapters of the Consumers' League and the Women's Trade Union League spearheaded these efforts by conducting studies, drafting bills, and lobbying state legislators. The odds against passage of maximum hours and minimum wage bills were formidable, especially with the opposition of the influential state employers' association, the Pennsylvania Manufacturers' Association. In the aftermath of the 1923 Supreme Court decision in *Adkins v. Children's Hospital*, reformers continued to contend with the threat of conservative justices who often considered liberty of contract

¹¹³ During the 1930s, several northeastern states—most notably New York—passed minimum wage laws for women. However, in 1936, the U.S. Supreme Court followed the precedent set in the *Adkins* decision and struck down the New York minimum wage law in *Morehead v. New York ex rel. Tipaldo*. The decision stated that the New York law deprived women of the liberty to bargain, a right protected by the due process clause of the Fourteenth Amendment. Yet, in 1937, the Supreme Court reversed its position and overturned the *Adkins* decision in *West Coast Hotel Co. v. Parrish*. In this case, the Court upheld the Washington State minimum wage law and rejected the absolute right of freedom of contract where a public interest could be shown. *West Coast Hotel* spurred several state legislatures to move forward with pending legislation. See Hart, *Bound by Our Constitution*; and Cheyney, "The Course of Minimum Wage Legislation in the United States," 26–43.

¹¹⁴ For Senate Bill No. 425 and 199, see Commonwealth of Pennsylvania, *Legislative Journal*, 132nd sess. of the General Assembly, June 1, 1937, 6325, and June 4, 1937, 6966.

inviolable and who no longer accepted the view that women comprised a special class that could be treated separately in order to serve the public interest. Even with the support of Progressive leaders and sympathizers such as Cornelia Pinchot and her husband Governor Gifford Pinchot, activists were unsuccessful in securing passage of laws protecting working women. Reformers would have to wait for the favorable climate of reform that developed during the Depression before they could achieve their goals.

Yet, despite the short-term failure to enact protective labor legislation, the struggle proved successful in the long term. Cornelia Bryce Pinchot and her allies kept the issues in the forefront and increasingly helped arouse favorable public opinion. In Pennsylvania, they were influential during the second Pinchot administration and paved the way for the reform legislation that Governor George Earle signed into law. Additionally, these reform efforts clearly indicated the survival and evolution of Progressivism during the 1920s and its eventual influence during the state's Little New Deal era. Like all reform movements, it is difficult to determine the effectiveness of such endeavors. However, these reformers were tireless advocates and gradually became astute politicians in promoting their cause. When the path to securing the passage of legislation became blocked, they opened other avenues, such as the investigations of the Sweatshop Commission and the redirection of public policy by reformers who occupied influential positions in government bureaus. The activism of Cornelia Bryce Pinchot, Pauline Newman, Frieda Miller, and others demonstrate not only the existence of reform efforts on behalf of working women in Pennsylvania, but also the continuance and evolution of Progressivism in the state into the era of the New Deal.

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