

**MINIMUM WAGE FOR WOMEN AND  
CHILDREN: HEARINGS BEFORE THE  
SUBCOMMITTEE OF THE COMMITTEE ON  
THE DISTRICT OF COLUMBIA, HOUSE OF  
REPRESENTATIVES SIXTY-FIFTH CONGRESS  
SECOND SESSION ON H. R. 10367**

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HEARINGS

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COMMITTEE ON THE DISTRICT OF COLUMBIA

HOUSE OF REPRESENTATIVES

SIXTY-FIFTH CONGRESS

SECOND SESSION

ON

**H. R. 10367**

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PROVIDING FOR THE ESTABLISHMENT OF A MINIMUM WAGE  
SCALE IN THE DISTRICT OF COLUMBIA FOR  
WOMEN AND CHILDREN

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APRIL 16, 1918



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1918

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HOUSE OF REPRESENTATIVES.

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## MINIMUM WAGE FOR WOMEN AND CHILDREN.

SUBCOMMITTEE OF THE COMMITTEE  
ON THE DISTRICT OF COLUMBIA,  
HOUSE OF REPRESENTATIVES,  
*Tuesday, April 16, 1918.*

The subcommittee, consisting of Hon. Benjamin C. Hilliard, Hon. Herbert J. Drane, and Hon. William E. Mason, this day met, Mr. Hilliard (chairman) presiding.

### STATEMENT OF HON. EDWARD KEATING, MEMBER OF CONGRESS FROM COLORADO.

Mr. HILLIARD. We will first hear a statement from Mr. Keating, who is the author of House bill 10367, concerning which we are to have a hearing this morning.

Mr. KEATING. Mr. Chairman, there are two interesting and significant events scheduled for Capitol Hill to-day. In the Supreme Court the Government, represented by distinguished counsel, will contend that it has a constitutional right to safeguard the well-being of the children of the Nation. The Government will meet that issue boldly; and those who are opposed to the Government's position will, with equal boldness, urge the theory that when the Congress of the United States says children shall not be employed in mills and mines and factories for unreasonable hours Congress is seeking to deprive the owners of those mills and mines and factories and the parents of those children of their "property" without due process of law. I think we may congratulate ourselves that the people of the United States, as represented by Congress and the Executive, do not subscribe to that antiquated doctrine, but that through their chosen representatives they hold that the children are the wards of society, and that they are the property of God alone.

And then, Mr. Chairman, we have this hearing on the proposal to establish here in the District of Columbia, in the Capital of the Nation, a minimum wage for women and children.

These events are significant because they demonstrate that in the midst of war's alarms America is wise enough and farsighted enough to safeguard its women and its children. No nation is stronger than its women. We hear a great deal about the courage of the Spartan mothers. I think we are safe in assuming that they were not underfed, because if they had been their sons could not have held Thermopylae.

After all, that is the issue we have to present to this committee to-day—the question of giving women who work a wage which will be sufficient, at the very least, to buy the necessities of life. In other words, we are contending for the "irreducible minimum"; we are fighting for a living wage.

First, as to the need of this legislation. We have an array of distinguished witnesses here to-day. They will show you that a majority of the wage-earning women of this country receive less than a living wage. It is not necessary for me to stress the importance of that statement to the members of this committee. It means that of the millions of women who go forth in the gray of the morning and do not return to their homes until the twilight of evening more than a majority do not receive a living wage. That is a stinging indictment of our democracy.

And then these witnesses will show from Government reports, from careful investigations made here in the District of Columbia, that the conditions in Washington do not differ in any material particular from the conditions that prevail throughout the Nation. That is the necessity for the law.

Then we will suggest a remedy—the enactment of a minimum-wage law; and we will show you, gentlemen, the progress of this minimum-wage movement, of the initiation of the law in Oregon; how it was combated by certain business interests, finally sustained by the supreme court of the State, and that decision affirmed by the Supreme Court of the United States.

We will contend that there is no serious question concerning the constitutionality of the proposed legislation.

As to the efficacy of it we will produce witnesses showing how it has worked in other States, particularly in the State of Massachusetts. We will show you that although the Massachusetts law has no compulsory feature, the first year after its enactment 6,000 women had their wages increased. They were not startling increases, it is true, but they were increases sufficient to carry the recipients across the line that marks the boundary between near starvation and enough to eat.

Fortunately, here in the District of Columbia we are not to meet with the opposition that this legislation has encountered in other sections. In other States business interests, always fearing new proposals, have bitterly antagonized minimum-wage legislation. Merchants have declared that to attempt to enforce it would destroy their business. The merchants of Washington are more enlightened; the lessons of experience have not been wasted upon them. And this morning, through their chosen representative, Mr. Chairman, they will acquiesce in this legislation. I feel that they have been brought to that conclusion largely by the experience of merchants in other cities.

Mr. Chairman, it gives me a special pleasure to introduce Mr. Charles J. Columbus, who represents the Retail Merchant's Association of the District of Columbia.

Mr. HILLIARD. We shall be glad to hear Mr. Columbus.

**STATEMENT OF MR. CHARLES J. COLUMBUS, REPRESENTING THE MERCHANTS' AND MANUFACTURERS' ASSOCIATION, FORMERLY THE RETAIL MERCHANTS' ASSOCIATION OF THE DISTRICT OF COLUMBIA.**

Mr. COLUMBUS. Mr. Chairman, the Retail Merchants' Association was recently renamed the Merchants and Manufacturers' Association, and I mention that because we want to make it a matter of record.



The board of governors of the Merchants and Manufacturers' Association represent 33 different lines of trade in Washington. While numerically the smallest unit, department stores, nevertheless, are the largest employers that we have here in the District of Columbia, aggregating probably 5,000 employees.

I come here this morning to tell you, Mr. Chairman, and through you the Members of Congress, that the Merchants' and Manufacturers' Association is absolutely unopposed to this legislation and favors it. [Applause.]

Business men realize, and must realize, that their best interest lies in the welfare of their employees. Show me a disorganized and upset and unsuccessful business and I will point you at the same time to a business where there is a lack of cohesion, of cooperation, of good will, and interest on the part of the employee.

Washington business men, I think, have possibly a better record than the business men in most cities. We put through a false-advertising law and a fake-auction law, measures that might be supposed to adversely affect business, and they do restrain the dishonest merchant. We are anxious to have business clean, and in order to eliminate still further unreasonable competition—and competition in wages is just another form of competition—the association has decided that after the first of the month next discounts of every character shall be eliminated. By doing that we will the better be able to increase salaries rather than to give discounts to a favored few because they happen to belong to some society organized for that purpose.

Besides the department stores that I refer to, we have 12 laundries in our membership, the largest in the city. We are organized under the unit plan. Each trade association or body meets and elects a chairman, and that chairman is automatically made a member of the board of governors. And so our board of governors took this action yesterday. With respect to the laundries, I called on the laundries in person—not all of them, but as many as I could, the larger ones—and they said all right. I saw all of the department stores. Henry T. Offerdinger, speaking for the cigar trade, said he welcomed such a plan as this. As a matter of fact, this plan of a board or commission that will have the authority from time to time, if need be, to establish in a definite way, in the good old arbitration fashion, what shall constitute a minimum wage appeals to us as the fairest method possible. We would, I have no doubt, bitterly oppose a bill that would establish a flat minimum wage as a law—that is to say, that there should be a given wage now, because it might be unfair to both sides. We in Washington believe that this National Capital has just started its real growth, and that being the case we want to see the worker receive a living wage. The plan as proposed by Mr. Keating certainly appeals to us, and we hope it will be adopted as a law. [Applause.]

Mr. KEATING. Mr. Chairman, before introducing the next witness. I want to read to the committee a resolution adopted by the thirty-third annual convention of the American Federation of Labor, held at Seattle, Wash., November 10 to 22, inclusive, 1913, on the subject of minimum-wage legislation.

The question is often asked, Why attempt to control the wages of women and children through legislation and not attempt by the same

method to regulate the wages of men? The answer is not far to seek. Men are better able to protect their interests through organization, and, in addition to organization, men have had another powerful weapon which they have not hesitated to use and which has been denied women—that is, the ballot. I trust the day will soon come when women will be equipped with this most powerful of all weapons. [Applause.]

But pending that, while women wage earners are still unorganized, while women generally are deprived of the ballot, it is necessary for the legislative branch of Government to step in and protect their interests, and that thought has been very well expressed in this resolution, which I will read to the committee. It is as follows:

Under the caption of "Minimum wage legislation," the executive council discusses at much length the efforts that have been made in the several States in the direction of securing the enactment of laws to provide a minimum wage for certain classes of unprotected workers, principally women and children. It reports that nine States have passed minimum-wage laws, and that bills for that purpose are pending in Congress. The executive council concludes its report under this caption with the following recommendation:

"We recommend that in all minimum-wage laws the organized workers should see to it that provision is made for the representation on minimum-wage boards of the organized wage earners, and that the laws are so changed, or drawn and administered, as to afford the largest measure of protection for women and minor workers that they are designed to protect.

"Your committee recommends that the action of the executive council in connection with this subject matter be concurred in, and that the recommendations of the executive council be indorsed and approved as the expression of this convention."

The report of the committee was adopted by unanimous vote.

So much, Mr. Chairman, for the attitude of organized labor.

It is now my pleasure to present to you Mrs. Florence Kelley, the secretary of the National Consumers' League. In that connection, permit me to say that we are here to-day because of the untiring efforts of a comparatively small band of women led by Mrs. Florence Kelley and Miss Goldmark. These are the women who, throughout the length and breadth of this land, have carried on the fight for legislation to protect women and children in industry.

Mrs. Kelley's father was a distinguished Member of this House, at one time "the father of the House." His name was known from the Atlantic to the Pacific because of his achievements in political life. His daughter has devoted herself to championing the cause of the weaker side, and her name, too, is known from ocean to ocean and from the Lakes to the Gulf, because of the good she has been able to accomplish for those who are not able to protect themselves.

It affords me a great deal of pleasure, Mr. Chairman, to present Mrs. Kelley to you, and she will introduce the other witnesses. [Applause.]

#### STATEMENT OF MRS. FLORENCE KELLEY, SECRETARY OF THE NATIONAL CONSUMERS' LEAGUE.

Mrs. KELLEY. Mr. Chairman and Representatives, while Mr. Keating is quite right in saying that our organization consists chiefly of women, we are not all women. Our president is Mr. Baker, the Secretary of War; and we have among our members many able men. Before introducing one of them as the next speaker, I wish to read

two telegrams that have come, because we have no one here to bear testimony to the working of the minimum-wage laws on the Pacific coast at the present moment. These telegrams are evidence as to their effect where they have been in effect for some years. The first comes from a large employer, the famous Emporium Store in San Francisco. Mr. Schlesinger, the general manager, telegraphs:

At the request of the Industrial Welfare Commission of California, we are glad to assure you that we have operated under the minimum-wage law for women for the past six months and find it not only beneficial for our employees but for ourselves as well. We feel that the mercantile community in the East, when its operation is better understood, will agree with the majority of the merchants here that it is wise and progressive legislation.

B. F. SCHLESINGER,  
*General Manager of the Emporium.*

And the second telegram comes from the Industrial Welfare Commission of San Francisco:

Minimum-wage orders affecting 20,000 mercantile women went into effect last September. We have to date issued four infirm licenses. Laundry orders affecting 6,000 women went into effect last January. We have issued 70 infirm licenses. We have had practically no objections to the \$10 minimum wage, and have many expressions of approval from employers.

INDUSTRIAL WELFARE COMMISSION.

It gives me very great pleasure to introduce as the next speaker Mr. Felix Frankfurter, to whose skillful presentation of the constitutional argument in behalf of the Oregon minimum-wage law, I believe, we very largely owe the fact that legislation of this character is now allowed to stand as a reasonable exercise of the police powers of Oregon and of other States.

Mr. HILLIARD. The committee will have pleasure in hearing Mr. Frankfurter.

#### STATEMENT OF MR. FELIX FRANKFURTER.

Mr. FRANKFURTER. Mr. Chairman and gentlemen, my own is a very easy task this morning; but, I take it, a very necessary one, because the threshold question in all social legislation in this country is the inquiry as to its constitutionality. Is this legislation constitutional? Naturally that is the question that will at the outset arise in the minds of you gentlemen, in the minds of your full committee, and in the minds of Congress.

I think one can be as sure as one can be in answering any constitutional proposition that this law is constitutional, and that in passing it Congress will exercise its rightful power, and in passing it, as I believe it should, it will be exercising its unquestioned duty to meet a very urgent social situation.

We usually envelop constitutional questions with a great deal of mystery, because constitutional points are usually raised by those who think that the Constitution was intended as an obstruction, as a strait-jacket, instead of as a means of organic growth and continuous change for a great nation. I take it the constitutional question can be stated, and should be stated, so simply that every citizen ought to be able to see exactly what the issues at stake are, and ought to be able to see by irresistible logic why an answer of constitu-