

TerranearPMC Safety Share

Robert Brounstein

Week of March 12, 2018 – A Brief History of Child Labor in the US

There was a time in this country when young children – very young children - routinely worked legally. After the Civil war industry grew at such a pace that children, often as young as 10 years old (but sometimes much younger) were forced into the ranks of the working class. They worked not only in industrial settings but also in retail stores, on the streets, on farms, and in home-based industries.

It was in the September, 1906 edition of *Cosmopolitan* magazine when a story was recounted about a Native American chieftain who visited New York City. During this trip, he saw the soaring heights of the grand skyscrapers and the majesty of the Brooklyn Bridge. Near the end of his visit the chieftain was asked if he saw anything that surprised him. The wise sage simply uttered three words: “little children working.”

As the story epitomizes, working children were common and most visibly, engaged in occupations on city streets. These children sold newspapers, shined shoes, and carried messages. In the days before the Internet, texting, and even the telephone, children carried messages, which provided the easiest way for people within an urban area to communicate. In this role, children became essential to daily commerce for banks, factories, and offices as well as within the larger department stores. At night, they provided these same essential services to brothels and those enterprises conducting other unlawful activities. Children known as “cash” boys and girls carried money, sales slips, and items purchased to store inspectors. The inspectors wrapped the goods and verified the amounts paid. The children then returned the change and the items.

While courier boys were common, newspaper boys, popularly known as “newsies,” worked in the most visible of all street trades and were the face of child labor for most urban Americans. Although many child laborers, such as the newsies, worked in plain view of others on city streets, many did not. This included the children who worked in mines where they labored in relative obscurity. Some labored in the mines as “trappers,” others were known as “breaker boys,” and others worked as “helpers.” The trapper’s sole job was to sit and wait to open a wooden door to allow the passage of coal cars. These doors, which were part of the mine’s ventilation system, required opening between 12 and 50 times a day. During the rest of the time, the boy sat in dark idleness next to the door. Although less monotonous, the job of the breaker boys was likely more dangerous. Their job was to use a coal breaker to separate slate and other impurities from coal before it was shipped. To do so, these boys, some as young as 14, were positioned on wooden benches above a conveyor belt so they could remove the impurities as the coal rushed by. At times, the dust from the passing coal was so dense that their ability to see was greatly compromised. Other child coal laborers worked as helpers whom journeymen miners frequently hired as their own helpers. And some parents hired their own children to perform this role. These children were not usually employees of the mine but were instead paid out of the wages of the journeymen.

Another prominent child-labor-intensive industry were cotton mills. In 1900, 25,000 of the nearly 100,000 textile workers in the South were children under 16. By 1904, overall employment of children had increased to 50,000, with 20,000 being children under 12. Meanwhile, many boys took their place in light manufacturing industries such as glass bottle production. Their small hands made them ideal to perform tasks such as the cleaning of bottles. In some areas of the Midwest United



TerranearPMC Safety Share

States, such as the East St. Louis region in 1910 this phenomenon became most evident as a booming glassworks industry developed while the positions typically performed by boys could not be filled. In response to this lack of labor, factories hired “boy getters.” These agents recruited boys throughout the Midwest to these factories; either alone or with their families. Boys could be obtained from orphanages from as far away as New York City.

While these stories tell of children working long hours during the turn of last century, many laws pertaining to child labor were enacted many years earlier. For instance, it was in 1836 when the State of Massachusetts created the first state child labor law where factory children under 15 were required to attend school for a minimum of 3 months per year. And in 1842, the same state limited children to working 10 hours per day. And while many states attempt to do the same, there was little consistency to enforce their laws.

The National Child Labor Committee (NCLC), an organization dedicated to the abolition of all child labor, was formed in 1904. By publishing information on the lives and working conditions of young workers, it helped to mobilize popular support for state-level child labor laws. These laws were often paired with compulsory education laws which were designed to keep children in school and out of the paid labor market until a specified age (usually 12, 14, or 16 years of age).

In 1916, under pressure from the NCLC and the National Consumers League, the United States Congress passed the Keating–Owen Act, regulating interstate commerce involving goods produced by employees under the ages of 14 or 16, depending on the type of work which was signed into law by President Woodrow Wilson. It was the first federal child labor law. However, the U.S. Supreme Court struck down the law two years later in *Hammer v. Dagenhart* (1918), declaring that the law violated the Commerce Clause by regulating intrastate commerce. Later that year, Congress attempted to levy a tax on businesses with employees under the ages of 14 or 16 (again depending on the type of work), which was struck down by the Supreme Court (in the case of *Bailey v. Drexel Furniture* -1922).

In 1924 Congress adopted a constitutional amendment barring child labor and sent the amendment out to be ratified by the state legislatures. However, only five states ratified the child labor amendment and therefore, failed to become law. It was not until 1938 that Congress finally passed a child labor law (Fair Labor Standards Act, or FLSA) that would later be upheld by the Court. This legislation included child labor provisions modeled on the Keating–Owen Act, established the first federal minimum wage (\$0.25 per hour), limited the workweek to 44 hours, and created the Department of Labor’s Wage and Hour Division (WHD) to enforce the law.

The story of child labor goes back; way before the industrial revolution, centuries earlier in Medieval times where a child was ready to work as soon as he/she could walk. This was due to such poor living conditions, that it was essential families to merely survive. Indeed the life of a child, up until fairly recent times, was anything but blissful joy and a carefree existence. And even today, while children in America and other modern societies have the opportunity to live as children and grow up to learn a stable profession, many areas in world still have children living in conditions similar to their counterparts of many centuries earlier.

It is impossible to get a man to understand something if his livelihood depends on him not understanding - Upton Sinclair

