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Albert J. Beveridge and the First National Child Labor Bill

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By 1906, the winds of change were blowing strongly in the United States. That acute observer of the national scene, Theodore Roosevelt, watched with growing alarm the multiplying signs of unrest. "The dull, purblind folly of the very rich men; their greed and arrogance . . . and the corruption in business and politics," the chief executive complained to Secretary of War William Howard Taft in March, 1906, "have tended to produce a very unhealthy condition of excitement and irritation in the popular mind. . . ."¹ Even Congress responded to the new temper of the country. The first session of the Fifty-ninth Congress witnessed the adoption of three epoch-making pieces of legislation: the Hepburn Act, the Pure Food and Drug Law, and the Meat Inspection Act. These laws, a perceptive newspaperman observed, represented "a radical departure from previous governmental methods. In each case there is a marked tendency toward the centralization of power in the United States and a corresponding decrease in the old time sovereignty of the states, or of the individual."²

On Capitol Hill one of the most astute students of public sentiment was the senator from Indiana, Albert J. Beveridge.³

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¹ Theodore Roosevelt to William Howard Taft, March 15, 1906, Elting E. Morison *et al.* (eds.), *The Letters of Theodore Roosevelt* (8 vols., Cambridge, Mass., 1951-1954), V, 183.

² *Chicago Tribune*, June 24, 1906.

³ The biographical material about Beveridge in this article is based upon the author's research. For a documented account, see John Braeman, "Albert J. Beveridge: From Imperialism to Progressivism" (Ph.D. dissertation, Dept. of History, The Johns Hopkins University, 1960).

The turmoil of the 1890's—the bloody strikes, the lengthening bread lines, the free-silver heresy—had left an indelible impress upon his mind. “This is the hour,” he had lamented to Chicago’s Union League Club on Washington’s Birthday, 1895, “of opinions unsettled, of vagaries abounding, of lawlessness infecting the very air we breathe.”⁴ The election of 1896, Beveridge thought, marked a turning point in the nation’s history. Should the silver-tainted Democracy win, he feared there would be no safety for property, no security for person. “Elect Bryan,” he warned his fellow countrymen, “and reap the harvest of destruction, drink the wine of dissolution and tell history that we are another one of liberty’s failures, another Greece, another Rome, another beautiful dream dissolved, another fond experiment of freedom failed.”⁵

The immediate threat was repulsed. But Beveridge saw grave dangers ahead for the republic. Safety lay in looking outward—in joining the race for empire underway around the globe. Overseas expansion was indispensable to revive prosperity. Without new markets abroad for the surplus of factory and farm, he warned, America faced a grim future of ever worsening depression culminating in revolutionary upheaval. No less vital was the psychological fillip the country would receive from a boldly expansive policy. War was “the divine instrument of progress” that would break down the walls that had grown between classes and restore the discipline wanted for national greatness.⁶ The Spanish-American War more than fulfilled these hopes. With the outbreak of hostilities came that national solidarity for which Beveridge longed. “It is an hour,” he rejoiced, “when men who thought they hated one another at the ballot-box will find that they love one another on the battle-field. It is an hour when a master event has found and struck the key-note of harmony between labor and capital.”⁷

⁴ “George Washington, the Patriot” Speech, [February 22, 1895], scrapbook, Albert J. Beveridge Papers (Manuscript Division, Library of Congress).

⁵ “Reply to Altgeld” Speech, *Chicago Record*, October 30, 1896.

⁶ “Memorial Day Oration,” May 30, 1892, Beveridge Papers. See also MS campaign speech, 1894, *ibid.*; “George Washington, the Patriot” Speech, [February 22, 1895], scrapbook, *ibid.*; “Abraham Lincoln” Speech, *Chicago Tribune*, February 13, 1897.

⁷ “Grant, the Practical” Speech, April 27, 1898, Albert J. Beveridge, *The Meaning of the Times and Other Speeches* (Indianapolis, 1908), 37.

The American people had gone to war supposedly to free Cuba. But a few saw beyond the immediate event. "The first gun of our war for civilization," Beveridge told a cheering audience two days after the formal declaration of war, "will be also the morning gun of the new day in the Republic's imperial career." The Hoosier politician pictured for his listeners a string of dependencies "flying our flag" stretching from the Caribbean halfway around the globe to the Philippines.⁸ In the campaign that fall, he fanned the imperialist spirit. There must be no retreat from the Philippines, he cried. "We can not retreat from any soil where Providence has unfurled our banner; it is ours to save that soil for liberty and civilization."⁹ The nation, in his opinion, could not escape its destiny; nor could Albert J. Beveridge. "I would," he confessed, "rather take part in organizing our colonial system than to do anything else on this earth." Not the man "to idly sit and witness the procession of events," he ran for the United States Senate;¹⁰ and his triumph against heavy odds marked him as a political tactician of the first rank and made him overnight a national figure.¹¹

In his first term in the Senate (1899-1905), Beveridge devoted his major energies to wrestling with the problems of empire—the Philippines, Puerto Rico, the isthmian canal, and Far Eastern policy. At home, his overriding concern was to safeguard his position against his party rivals within Indiana led by fellow Senator Charles W. Fairbanks. During the McKinley years, Fairbanks had had the inside track with the White House. But with McKinley's death, the balance shifted as Beveridge jumped on the Roosevelt bandwagon. So ably did he play the political game that he forced his factional rivals to abandon further opposition to his reelection. No issues were at stake; no antagonistic philosophies divided the factions. For Beveridge stood, in his own eyes, as "the most earnest of those who resist demagogical attacks upon property and property rights. . . ."¹²

⁸ *Ibid.*, 42-46.

⁹ "The March of the Flag" Speech, September 16, 1898, Beveridge, *Meaning of the Times*, 57.

¹⁰ Beveridge to Charles G. Dawes, May 10, 1898, Beveridge Papers.

¹¹ See John Braeman, "The Rise of Albert J. Beveridge to the United States Senate," *Indiana Magazine of History*, LIII (December, 1957), 355-82.

¹² Beveridge to Paul Dana, September 14, 1903, Beveridge Papers.

Beveridge's record during his first term in the Senate—his championship of the protective tariff, his support of the ship subsidy bill, his opposition to the stringent antitrust provisions of the Littlefield bill—marked him as a staunch defender of the time-hallowed planks of the Grand Old Party. Even more reassuring was his repeated warning lest the American people be misled by demagogues preaching class hatred. "The great truth of the hour," he told a bankers' gathering, "is this—the real interest of every American citizen is the true interest of every other American citizen, the ultimate good of any class is the final good of all."¹³ The ruling quadrumvirate of the Senate—Nelson W. Aldrich of Rhode Island, Orville H. Platt of Connecticut, William B. Allison of Iowa, and John C. Spooner of Wisconsin—saw in the new Hoosier senator a promising find. Beveridge looked to Allison as an admired guide; and his relationship with Orville Platt was almost that of father and son. In a signal honor for so junior a member, Beveridge was named along with Aldrich, Allison, Spooner, Mark A. Hanna of Ohio, and Eugene Hale of Maine to the powerful Republican Steering Committee.

But no political leader can afford to lose touch with public sentiment, and Beveridge prided himself on his instinctive knowledge of the aspirations of the man in the street. Despite the sweeping Republican triumph in the 1904 elections, he saw grounds for disquiet. The election represented no popular mandate for the GOP as a party. "The country went Rooseveltian rather than Republican," he wrote the President.¹⁴ The lobbying activities of Arizona mining and railroad companies in the fight over statehood for the Southwest had shattered Beveridge's illusions about business statesmanship. "I don't want anybody ever again to talk to me about the high moral tone of wealthy men when their pocketbook is touched," he complained to the *Review of Reviews* editor, Albert Shaw.¹⁵ Nor was his experience in the statehood fight an isolated one. "The whole network of graft and corruption," he exclaimed in disgust to Gifford Pinchot, "is

¹³ Indianapolis *News*, February 7, 1900.

¹⁴ Beveridge to Theodore Roosevelt, November 10, 1904, Theodore Roosevelt Papers (Manuscript Division, Library of Congress).

¹⁵ Beveridge to Albert Shaw, December 17, 1905, Beveridge Papers.

a network—and when one thread is touched the whole fiber responds.”¹⁶

By 1906, the Middle Border throbbed with insurgency. Robert M. LaFollette in Wisconsin, Albert B. Cummins in Iowa, William R. Stubbs in Kansas, Coe Crawford in South Dakota, Joseph W. Folk in Missouri, and John A. Johnson in Minnesota were challenging standpat dominance in their states. The signs were unmistakable. “I have been carefully studying the present popular unrest and interviewing numbers of people about it,” Beveridge confided to Chicago newspaper publisher John C. Shaffer early in 1906:

I am coming to the conclusion that it is not a passing whim, but a great and natural movement such as occurs in this country, as our early history shows, once about every forty years. It is not like the granger episode or like the Debs episode. The former of these affected only the farmers; the latter only the “workingmen.” The present unrest, however, is quite as vigorous among the intellectuals, college men, university people, etc., as it is among the common people.¹⁷

Most ominous was the increase in the Socialist vote in 1904. Again the specter of class warfare, even social upheaval, loomed before the republic. His own impulses deeply conservative, Beveridge understood—unlike so many of his fellow Republicans—that unbending standpattism was self-defeating. There were abuses demanding reform; there were grievances wanting relief. Unless the Republican party faced these new problems with the same boldness as its founders had faced the slavery issue, Beveridge feared the end would be disastrous. “We must,” he warned the Indiana Republican State Convention in the spring of 1906,

turn to these new social and economic problems which have to do with the daily lives and happiness of human beings and which press for answer; questions that involve the righteousness of American business, a juster distribution of wealth by preventing dishonest accumulation of gain; questions that look to the physical, mental, moral upbuilding of all the workers in factory and on farm throughout the entire Republic; to the public control of great public businesses. . . .¹⁸

The popular temper was strikingly revealed when the first session of the Fifty-ninth Congress met in December,

¹⁶ Beveridge to Gifford Pinchot, November 15, 1905, *ibid.*

¹⁷ Beveridge to John Shaffer, March 27, 1906, *ibid.*

¹⁸ “Progressive Liberty” Speech, April 11, 1906, Beveridge, *Meaning of the Times*, 263-64.

1905. Before its adjournment the following July, Congress had passed the Hepburn Railroad Rate Act, the Pure Food and Drug Act, and the Meat Inspection Law. In all three fights, Beveridge was on the progressive side. His support of President Theodore Roosevelt in the bitter struggle over the railroad law made him the target of a bitter attack on the floor of the Senate by Senator Nelson W. Aldrich.¹⁹ Beveridge was instrumental in bringing the Pure Food and Drug Law to a vote in the Senate.²⁰ He was the sponsor of the Meat Inspection Act in the upper chamber.²¹ Important as these laws were, he thought the principle involved even more important. These laws, he explained to a GOP rally that fall, "are nothing but the working out of a new principle which our complex industrial and social order has developed. . . ." The principle, he explained, "is this: When any business becomes so great that it affects the welfare of all the people it must be regulated by the Government of all the people."²²

That summer, while vacationing in New England, the Hoosier senator continued to test public sentiment through wide-ranging correspondence and personal conversation. Even normally Republican businessmen agreed, he found, about the impossibility of standing pat. But he saw with dismay how many of his fellow Republican leaders continued blind to the popular temper. When "Czar" Joseph Cannon opened his campaign in Illinois with his famous "standpat" speech, Beveridge lamented that the speaker had "utterly missed the meaning of the times."²³ "The truth about it," he wrote Albert Shaw, "is the country is moving on so much faster than the politicians that most of the latter are like a bunch of belated travellers who have come to catch a train and stand

¹⁹ Nathaniel W. Stephenson, *Nelson W. Aldrich, A Leader in American Politics* (New York, 1930), 266.

²⁰ Oscar E. Anderson, *The Health of a Nation: Harvey W. Wiley and the Fight for Pure Food* (Chicago, 1958), 176.

²¹ A full account of the passage of the Meat Inspection Act is given in John Braeman, "The Square Deal in Action: A Case Study in the Growth of the 'National Police Power,'" John Braeman, Robert H. Bremner, and Everett Walters (eds.), *Change and Continuity in Twentieth-Century America*, Vol. I of *Modern America* (Columbus, Ohio, 1964).

²² "Duties of the Present, Not Memories of the Past" Speech, November 3, 1906, Beveridge, *Meaning of the Times*, 295-96.

²³ Beveridge to Theodore Roosevelt, August 21, 1906, Roosevelt Papers.

on a platform waiting for it when as a matter of fact the train has passed on a long while ago."²⁴

That was not for Beveridge. On the stump that fall, he called for an inheritance tax, tariff revision, the direct primary, stricter federal supervision of giant corporations, and a national child labor law.²⁵ The applause that greeted his words—especially the "remarkable enthusiasm" at his call for a national child labor law—convinced him that he had struck a popular chord.²⁶ The election returns gave further evidence of how the wind was blowing. The Democrats recorded marked gains. Even more alarming was the sharp increase in Socialist activity. "You have no idea," he wrote publisher Frank Munsey, "how profound, intense and permanent the feeling among the American people is that this great reform movement shall go on."²⁷ There would be no swinging back of the pendulum. "The truth about it is," he told Roosevelt's private secretary, "that this general movement of reform has only begun."²⁸

One of the streams flowing into the ground swell of reform was what Arthur S. Link has called "the social justice movement." In the 1890's appeared the professional social worker and with the professionalization of social work came, as Robert H. Bremner has brilliantly shown, a new approach to poverty. This was "a factual generation." Discarding the traditional shibboleths, the pioneers of "scientific philanthropy" went out and gathered the facts about poverty, its extent and its causes. In light of these facts, the older conception of poverty as a penalty for individual faults was no longer tenable. Poverty was a social phenomenon—the result of circumstances beyond the control of the individual.²⁹ It

²⁴ Beveridge to Albert Shaw, August 19, 1906, Beveridge Papers.

²⁵ Indianapolis *Star*, October 21, November 4, 1906; "Business and Government" Speech, September 22, 1906, "The Era of Political Independence" Speech, October 8, 1906, "Duties of the Present, Not Memories of the Past" Speech, November 3, 1906, Beveridge, *Meaning of the Times*, 268-307.

²⁶ Beveridge to Albert Shaw, October 16, 1906, Beveridge Papers. See also Beveridge to Theodore Roosevelt, October 21, 1906, *ibid.*; Beveridge to William Loeb, Jr., November 12, 1906, *ibid.*

²⁷ Beveridge to Frank Munsey, November 10, 1906, *ibid.*

²⁸ Beveridge to William Loeb, Jr., November 9, 1906, *ibid.*

²⁹ Arthur S. Link, *The American Epoch: A History of the United States since the 1890's* (New York, 1960), 69-72; Robert H. Bremner, *From the Depths: The Discovery of Poverty in the United States* (New York, 1956), 46-85, 123-63, 201-03.

was due, Robert Hunter, a leading settlement-house worker, explained in his ground-breaking book entitled *Poverty*, "to certain social evils which must be remedied and certain social wrongs which must be put right."³⁰ After 1900, the social workers were in the forefront of the demand for government intervention, state and national, in behalf of the poor and weak.

Their number-one target was child labor. In 1853, Charles Loring Brace had organized the Children's Aid Society to rescue homeless children from the streets of New York City. His work awakened him to the extent and ill-effects of child labor, and Brace devoted one chapter of his *The Dangerous Classes of New York* (1872) to the "Factory Children." In the 1890's, the attack on child labor gained in vigor as evidence accumulated about the shocking conditions under which thousands of children toiled. With the growth of industry, the rise of the city, and the influx of tens of thousands of immigrants, the voices of philanthropic men and women were raised in protest. As a follow-up to his *How the Other Half Lives* (1890), Jacob Riis exposed in his *The Children of the Poor* (1892) the wholesale evasion of the New York child labor laws. From Chicago came the voice of Florence Kelley, a Hull House resident and chief factory inspector of Illinois. In her annual reports Mrs. Kelley publicized the brutalizing and unhealthy conditions under which children toiled in the stockyards, the glass factories, and the tenement sweatshops of the garment industry. If the parents could not provide the child with proper care and education, she told the National Conference on Charities and Correction in 1896, the government must assume the responsibility.³¹

Not many states had met that responsibility. The Horatio Alger myth with its glorification of youthful labor remained part of the American dream, and most Americans in the nineteenth century "took it for granted that poor children had to work and assumed that, within reason, it was good for them to do so."³² As of 1900, only twenty-eight states had

³⁰ Robert Hunter, *Poverty* (New York, 1904), 98.

³¹ Bremner, *From the Depths*, 381-41, 76-80; Jacob A. Riis, *The Children of the Poor* (New York, 1892), especially Chapter VI, "The Little Toilers"; Josephine Goldmark, *Impatient Crusader: Florence Kelley's Life Story* (Urbana, Ill., 1953), 36-47.

³² Bremner, *From the Depths*, 77.

adopted any legislation to protect children working in manufacturing and only ten more had any laws to prohibit child labor in mining. The situation was at its worst in the South. Alabama, North Carolina, South Carolina, and Georgia—the four leading textile states—had no child labor laws. Even in those Northern state with laws on the books, most were limited to factory work, were loosely drawn, and were even more laxly enforced. Only nine states had a minimum-age requirement as high as fourteen years; only three states had extended their coverage to include such jobs as messenger, telephone, and telegraph service and laundry work; only Boston regulated children engaged in street trades such as selling newspapers or working as bootblacks.³³ In his *The Bitter Cry of the Children* (1906), John Spargo estimated the number of child workers under fifteen at two-and-a-quarter million. Efforts to strengthen old laws or adopt new ones faced the opposition of powerful interests: the textile mills of the South; the glass factories of Pennsylvania, Indiana, New Jersey, and Ohio; the coal mines of Pennsylvania and West Virginia; the cannery interests; and the tenement sweatshop operators.³⁴

To overcome this entrenched opposition, organization was indispensable. Florence Kelley led the way. In 1899 she moved to New York to become general secretary of the National Consumers' League. The league's purpose was "to bring the power of consumers to bear upon the improvement of working conditions" through publicity. Consumers were urged to buy only those white goods having the National Consumers' League label as a guarantee that the goods were produced under decent working conditions. But from the beginning the league's members saw that legislation was also needed. Under Mrs. Kelley's leadership, the league engaged in campaigns against tenement sweatshops, starvation wages, excessive hours, and child labor. So widespread was the evil of child labor, and so powerful the interests profiting from its continuance, that Mrs. Kelley decided a separate organization must be set up devoted to the cause. In 1902, at the

³³ *Ibid.*, 212-17; Elizabeth Sands Johnson, "Child Labor Legislation," John R. Commons *et al.*, *History of Labor in the United States* (4 vols., New York, 1926-1935), III, 403-37. Alabama had had a child labor law earlier but had repealed it during the nineties.

³⁴ John Spargo, *The Bitter Cry of the Children* (New York, 1906), 140-90.

behest of Mrs. Kelley and her close co-worker, Lillian Wald of the Nurses' Settlement, the New York settlement houses set up the Child Labor Committee under the chairmanship of Robert Hunter of the University Settlement. Under the auspices of the committee, a pioneering investigation of child labor was made, and the committee spearheaded the adoption in 1903 of a new law for New York that was the most advanced in the nation.⁸⁵

A similar movement was underway in the South, with Alabama the pioneer. The lead in agitating the child labor question in Alabama had been taken by the American Federation of Labor as an offshot of its Southern organizing drive. But the campaign was taken up by humanitarian-minded members of the middle- and upper-classes. Shocked by evidence gathered by an AFL investigator about conditions in Alabama's textile mills, Edgar Gardner Murphy, rector of St. John's Episcopal Church in Montgomery, became leader of the fight. The strength of the opposition that appeared convinced Murphy of the need for a more informed public opinion. The result was the formation in 1901 of the Alabama Child Labor Committee. Although Murphy resigned his ministerial post in November, 1901, to become executive secretary of the Southern Education Board, he continued his activity as head of the Alabama committee. To awaken the public conscience Murphy wrote, and his committee distributed, pamphlets, leaflets, newspaper articles, and editorials. He even took his camera to mills and photographed the children at work. The first fruits of the agitation was the adoption of a compromise bill in 1903. The law was a modest one: the age limit was twelve years, a loophole permitted the working of ten-year-olds "to support a dependent parent," and there was no provision for enforcement or inspection. Despite these shortcomings, a beginning had been made—and public opinion, not only in Alabama but throughout the South and even the nation, had been stirred.⁸⁶

⁸⁵ Goldmark, *Impatient Crusader*, 51-65, 78-87; Johnson, "Child Labor Legislation," 406-07.

⁸⁶ Elizabeth H. Davidson, *Child Labor Legislation in the Southern Textile States* (Chapel Hill, N.C., 1939), 18-51; Maud King Murphy, *Edgar Gardner Murphy: From Records and Memories* (New York, 1943), 47-50; Herbert J. Doherty, Jr., "Voices of Protest from the New South, 1875-1910," *Mississippi Valley Historical Review*, XLII (June, 1955), 58-60.

Up to this time, the attacks upon child labor had been made at the state level. But the leaders of the movement grew increasingly aware of the need for a national organization that would spearhead a nation-wide campaign and co-ordinate the activities of local groups. Speaking before the National Conference on Charities and Correction at Atlanta, Georgia, in 1903, Edgar Gardner Murphy warned (in the recollection of one of his audience) that child labor was "a national problem, to be solved by a nation-wide movement of protest and effective legislation."³⁷ On his visits to New York for the Southern Education Board, Murphy discussed the need for such an organization with Dr. Felix Adler, head of the Ethical Culture Society, professor of political and social ethics at Columbia University, and a leading figure in the New York Child Labor Committee. The New York committee took the initiative and appointed in October, 1903, a special committee consisting of Adler, Florence Kelley, and William H. Baldwin, Jr., president of the Long Island Railroad, to look into the possibility of organizing a national child labor committee. Working in close touch with Murphy, the committee sent out letters to a select list of persons interested in social reform. The encouraging response led to enlargement of the group. The new members included Jane Addams of Hull House, Lillian Wald, and Edgar Gardner Murphy. This group, known as the "Sub-Committee," worked out the plans for the new organization. On April 15, 1904, the National Child Labor Committee was formally launched.³⁸

The purpose of this committee was to abolish child labor in the United States. To this end, the committee would undertake: "to investigate and report the facts about child labor"; "to assist in protecting children by suitable legislation against premature or otherwise injurious employment"; and "to aid in promoting the enforcement of laws relating to child labor." The committee would act to co-ordinate and supplement the

³⁷ Murphy, *Edgar Gardner Murphy*, 72.

³⁸ Davidson, *Child Labor Legislation in the Southern Textile States*, 122-25; Goldmark, *Impatient Crusader*, 91-92; Johnson, "Child Labor Legislation," 406-08; "The National Child Labor Organization (A Suggested Organization)," National Child Labor Committee Papers (Manuscript Division, Library of Congress); Minutes of the first meeting of the National Child Labor Committee, April 15, 1904, *ibid.* Hereafter, the National Child Labor Committee Papers will be cited as the NCLC Papers.

work of state and local child labor committees and to encourage the formation of such committees where they did not exist. To ease Southern fears of outside interference the preliminary statement of plans sent out by the "Sub-Committee" included the "suggestion" that the function of the National Child Labor Committee would be

not to promote the interests of suggested federal legislation; but, by properly informing the public mind and quickening the public conscience, to aid in creating and interpreting a national sentiment upon the subject of child labor—a sentiment which may become intelligently operative under the local conditions and through the specific laws of each of our several States.

To many of the committee's members, this "suggestion" constituted a fundamental principle of its policy.³⁹

The membership of the committee included such nationally prominent figures as ex-President Grover Cleveland, Ben B. Lindsey, famed juvenile court judge of Denver, Gifford Pinchot, of conservation fame, Charles W. Eliot, president of Harvard, and Mrs. Sarah S. Platt Decker, president of the General Federation of Women's Clubs. Other members were philanthropically minded businessmen such as Alexander J. Cassatt, president of the Pennsylvania Railroad, Robert W. De Forest, wealthy New York corporation lawyer, Adolph S. Ochs, publisher of the *New York Times*, and investment bankers Paul Warburg and Isaac N. Seligman. Pioneer social workers of the day were on the committee and included Edward T. Devine, editor of *Charities* and director of the New York School of Social Work, Homer Folks, former commissioner of public charities of New York City, and Robert Hunter. The churches were represented by James Cardinal Gibbons, the Right Reverend David H. Greer, the bishop coadjutor of the Episcopal Diocese of New York, and John W. Wood, corresponding secretary of the Domestic and Foreign Missionary Society of the Episcopalian church. Organized labor was represented by Edgar E. Clark, the grand chief conductor of the Order of Railway Conductors, and J. W. Sullivan of the Typographical Union. About one third of the committee members were Southerners including

³⁹ "The National Child Labor Committee (A Suggested Organization)," NCLC Papers. See also Murphy, *Edgar Gardner Murphy*, 75-76. The official statement of purpose appeared in *National Child Labor Committee Leaflet [No. 1]* ([New York, 1904]).

Senator "Pitchfork Ben" Tillman of South Carolina, Hoke Smith, future governor of Georgia, Samuel Spencer, president of the Southern Railroad, James H. Kirkland, chancellor of Vanderbilt University, and Clark Howell, editor of the *Atlanta Constitution*.⁴⁰

A board of trustees, under the chairmanship of Dr. Felix Adler and composed of members who lived near enough to New York to attend the meetings, directed the work of the organization in the intervals between the annual meetings of the membership. The day-to-day work of the committee was handled by three salaried officers. The first executive secretary was Samuel McCune Lindsay, professor of sociology at the University of Pennsylvania and, at the time of his appointment, the commissioner of education in Puerto Rico. Owen R. Lovejoy, minister of the First Congregational Church of Mount Vernon, New York, was named assistant secretary in charge of the committee's work in the North. To supervise the work in the South, where the committee would face its main task, the board appointed thirty-eight-year-old Alexander J. McKelway. Though born in Pennsylvania, McKelway had been reared in Virginia and considered himself a Southerner. The son of a clergyman, he had been ordained a Presbyterian minister in 1891. He then moved to North Carolina, first as a minister in Fayetteville and later as a newspaper editor in Charlotte, where he became active in the child labor movement.⁴¹

⁴⁰ The membership is listed in National Child Labor Committee Leaflet [No. 1]. During 1906 an "associate membership" was instituted, consisting of three categories—"guarantors," "sustaining members," and "associates"—depending upon the amount of contribution; Samuel McCune Lindsay, "Abstract of Report of the Secretary of the National Child Labor Committee on the Second Year's Work, Ended September 30, 1906," *Annals of the American Academy of Political and Social Science*, XXIX (January, 1907), 181.

⁴¹ Minutes of the first meeting of the National Child Labor Committee, April 15, 1904, NCLC Papers; Minutes of the first meeting of the Executive Committee of the National Child Labor Committee, May 4, 1904, *ibid.*; Minutes of the second meeting of the Executive Committee of the National Child Labor Committee, July 19, 1904, *ibid.*; Minutes of the third meeting of the Executive Committee of the National Child Labor Committee, October 3, 1904, *ibid.*; Minutes of the second meeting of the National Child Labor Committee, November 28, 1904, *ibid.* See also Herbert J. Doherty, Jr., "Alexander J. McKelway: Preacher to Progressive," *Journal of Southern History*, XXIV (May, 1958), 177-90; Davidson, *Child Labor Legislation in the Southern Textile States*, 125-26. A biographical sketch of Lovejoy appears in *Charities and the Commons*, XIX (November 2, 1907), 951-52.

The leading task of the committee, Adler told the first meeting, "would be investigation, and always fresh and farther investigation—since a knowledge of the facts will be the most useful of all means of accomplishing results." As the opening gun in this attack, investigations were undertaken of conditions in the coal mines of Pennsylvania, the cotton mills of the South, the glass industry of New Jersey, Pennsylvania, and Ohio, and the silk mills of New Jersey. Information was collected about existing child labor laws and their enforcement. Lindsay arranged for the publication of the findings in the influential *Annals of the American Academy of Political and Social Science*. Traveling through the South, McKelway was active on the lecture platform and indefatigable in talking with every public figure who would give him a hearing. Yeoman work in publicizing the committee's work was done by the social-work journal *Charities*. To enlist the women of America, the committee arranged with the *Woman's Home Companion* for a campaign of publicity.⁴²

Growing support came from the nation's women's clubs. In the years after the Civil War, "a veritable domestic revolution" took place which gave increasing numbers of women new leisure time. An outgrowth was the rapid spread of women's clubs. In 1889, the pioneer New York club Sorosis called a convention of the existing clubs to celebrate its twenty-first anniversary. The upshot of this gathering was the founding the following year of the General Federation

⁴² Minutes of the first meeting of the National Child Labor Committee, April 15, 1904, NCLC Papers; Minutes of the second meeting of the Executive Committee of the National Child Labor Committee, July 19, 1904, *ibid.*; Minutes of the third meeting of the Executive Committee of the National Child Labor Committee, October 3, 1904, *ibid.*; Samuel McCune Lindsay to the Executive Committee of the National Child Labor Committee, October 4, November 10, 1904, *ibid.*; Minutes of the eleventh meeting of the Board of Trustees of the National Child Labor Committee, October 24, 1906, *ibid.*; Halford Erickson, "Child Labor Legislation and Methods of Enforcement in Northern Central States," *Annals of the American Academy of Political and Social Science*, XXV (May, 1905), 467-79; Florence Kelley, "Child Labor Legislation and Enforcement in New England and the Middle States," *ibid.*, XXV, 480-90; Neal L. Anderson, "Child Labor Legislation in the South," *ibid.*, XXV, 491-507; Ben Lindsey, "Child Labor Legislation and Methods of Enforcement in the Western States," *ibid.*, XXV, 508-15; Alexander J. McKelway, "Child Labor in the Southern Cotton States," *ibid.*, XXVII (March, 1906), 259-69; Owen R. Lovejoy, "Child Labor in the Coal Mines," *ibid.*, XXVII, 293-99; Owen R. Lovejoy, "Child Labor in the Glass Industry," *ibid.*, XXVII, 300-11. See also Davidson, *Child Labor Legislation in the Southern Textile States*, 127-28; Johnson, "Child Labor Legislation," 408-09.

of Women's Clubs. By 1904, the General Federation boasted a membership of almost 400,000 women. The federation's chief objective as listed in its constitution was "literary, artistic, or scientific culture," but with the passage of time the organization spoke ever more loudly upon public affairs. The fourth biennial convention in 1898 unanimously adopted resolutions calling for maximum-hour laws for women and an end to child labor. After the turn of the century, the tempo of the federation's activity upon the child labor front increased. Its Child Labor Committee urged "that every woman in the General Federation should be a 'committee of one' to use all possible influence against anything which dwarfs the minds and bodies of the children." Local clubs set up their own child labor committees, and in state after state, women's clubs spearheaded the fight for more stringent legislation.⁴³

The national magazines began to take up the question. *Poole's Index to Periodical Literature* lists sixty-nine articles under the heading of "Child Labor" from 1902 to 1906 compared with four articles listed for the years from 1897 to 1901. During the later period articles appeared in such influential journals as *McClure's*, *The Independent*, *The Arena*, and *The Outlook*.⁴⁴ A series of articles by Mrs. John Van Vorst in that magazine par excellence of middle-class America, *The Saturday Evening Post*, awakened nation-wide interest.⁴⁵ Edwin Markham's emotional indictment of child labor, "The Hoe-Man in the Making," in William Randolph Hearst's

⁴³ Eleanor Flexner, *Century of Struggle: The Woman's Rights Movement in the United States* (Cambridge, Mass., 1959), 179-80; Mary I. Wood, *The History of the General Federation of Women's Clubs* (New York, 1912), 22-218, 317-21; *The Federation Bulletin*, I (May, 1904), 172, (June, 1904), 187, II (March, 1905), 191-92, III (October, 1905), 14-18, (March, 1906), 277-80, (June, 1906), 448-49, IV (December, 1906), 98-101; Mrs. A. O. Granger, "The Work of the General Federation of Women's Clubs against Child Labor," *Annals of the American Academy of Political and Social Science*, XXV (May, 1905), 516-21.

⁴⁴ Johnson, "Child Labor Legislation," 407. A full list of articles is given in William I. Fletcher and Mary Poole, *Poole's Index to Periodical Literature: Fifth Supplement from January 1, 1902 to January 1, 1907* (New York, 1938), 114-15.

⁴⁵ Mrs. John Van Vorst, "The Cry of the Children," *Saturday Evening Post*, CLXXVIII (March 10, 1906), 1-3, 28-29; (April 14, 1906), 3-5; (April 28, 1906), 10-11; (May 5, 1906), 11-12; (May 19, 1906), 12-13, 26-27; CLXXIX (July 7, 1906), 12-13; (July 28, 1906), 17-18; (August 18, 1906), 17-18.

Cosmopolitan created a sensation.⁴⁶ Capitalizing upon the excitement aroused, the *Cosmopolitan* launched the Child Labor Federation with Gustavus Myers as its secretary and the slogan "Child Labor Must Go."⁴⁷ The ground was thus being sown for a new onslaught against the evil throughout the country.

Ever attuned to the public mood, Theodore Roosevelt took up the question. In his annual message of December, 1904, he asked Congress to authorize an investigation by the Bureau of Labor into labor conditions throughout the country and especially into "the conditions of child labor and child-labor legislation in the several States." When Congress failed to act, the chief executive renewed his request the following year.⁴⁸ When some lawmakers objected that the Census Bureau could handle the job, the President insisted that the bureau was not the proper agency for the task. He did not want a mere collection of statistics, he explained. "I want to have some man who is cool-headed, but who has a genuine knowledge of and sympathy with . . . the needs of labor, so that the investigation may, if possible, bear practical fruit."⁴⁹ Roosevelt thought that the chief of the Bureau of Labor, Dr. Charles P. Neill, professor of political economy at Catholic University and a pioneer social worker, was "peculiarly fitted" for the job. But for this very reason, many congressmen balked and no action was taken before the end of the first session of the Fifty-ninth Congress in July, 1906.⁵⁰

Roosevelt reaffirmed his intention to push for action on the matter when Congress reconvened.⁵¹ But Beveridge wrote urging him that another investigation—even one by the Bureau of Labor—was insufficient. "The public," the Indiana senator maintained, "is better informed on this question than

⁴⁶ Edwin Markham, "The Hoe-Man in the Making," *Cosmopolitan Magazine*, XLI (September, 1906), 480-87; (October, 1906), 567-74; XLII (November, 1906), 20-28; (December, 1906), 143-50; (January, 1907), 327-33; (February, 1907), 391-97; (April, 1907), 667-73.

⁴⁷ "Child Labor Must Go," *ibid.*, XLII (November, 1906), 109-12.

⁴⁸ Theodore Roosevelt, *State Papers as Governor and President, 1899-1909* (*The Works of Theodore Roosevelt*, National Edition, Vol. XV; New York, 1926), 220-21, 285.

⁴⁹ Theodore Roosevelt to Edgar D. Crumpacker, May 12, 1906, Theodore Roosevelt Papers.

⁵⁰ Theodore Roosevelt to Victor H. Metcalf, May 12, 1906, Morison, *Letters of Theodore Roosevelt*, V, 269.

⁵¹ Theodore Roosevelt to William H. Moody, October 26, 1906, Roosevelt Papers.

you would believe." The time had come for action by Congress. A national law, he told the President, was required to deal with this nation-wide evil.⁵² On the stump that fall, Beveridge called for a national child labor law as a "must" to safeguard the nation's "citizenship." At stake was the national well-being. "We can not," he proclaimed, "permit any man or corporation to stunt the bodies, minds and souls of American children. We can not thus wreck the future of the American Republic."⁵³

Mixed motives animated the Indiana lawmaker. He was outraged by the inhumanity of child labor. His own youthful drudgery in the fields and lumber camps paled beside the harsher fate suffered by tens of thousands of children in the crowded factories and sweatshops. As he looked more deeply into the extent of child labor, he reported to Albert Shaw, he found it "even a more serious evil than was supposed." There were tens of thousands of young men and women "whose bodies have been injured, minds have been stunted and whose very souls have been dulled. . . ." Nor were these ills limited to the present generation. Themselves crippled in mind and spirit, these victims of child labor "produce children who are more or less degenerate."⁵⁴

Beveridge was an ambitious man, eager for the spotlight, with his eye on the presidency. Leadership of the fight against child labor promised the popular acclaim he craved.⁵⁵ The dictates of party advantage added their voice. No Republican could wish the Democrats to gain the credit for espousing so popular a measure. "I am holding my breath," he confessed to Roosevelt's private secretary, "for fear of seeing an announcement any day that some Democratic Congressman or Senator will propose just such a law." Even more alarming was the danger that the archdemagogue of the day, William Randolph Hearst, "will beat us to it." The Indiana lawmaker warned that Hearst's "magazines have been making a special-

⁵² Beveridge to Theodore Roosevelt, October 16, 1906, Beveridge Papers.

⁵³ "Duties of the Present, Not Memories of the Past" Speech, November 3, 1906, Beveridge, *Meaning of the Times*, 302. See also "The Era of Political Independence" Speech, October 8, 1906, *ibid.*, 291; Indianapolis *Star*, November 4, 1906.

⁵⁴ Beveridge to Albert Shaw, November 22, 1906, Beveridge Papers.

⁵⁵ See Beveridge to George H. Lorimer, December 3, 1906, *ibid.*; Beveridge to John C. Shaffer, December 3, 1906, *ibid.*

ty of this thing," and he exhorted: "We have got to beat them to the goal and score a touchdown before they begin to play."⁵⁶

But more than thoughts of partisan advantage moved him. As an American nationalist, the Hoosier senator feared for the republic's future unless action were taken. Let this country take heed from the example of Britain, he warned. The thousands of men found physically unfit during the Boer War showed how child labor had undermined British manhood. With the loss of its virility had come ever more bitter internal discord. Should this country suffer the same fate? Child labor, he saw, breeds "an ever increasing army of haters of society at large. . . ."⁵⁷ Therein lay the gravest threat to American institutions. "When these children grow up and understand how they are ruined for life," he lamented to Chicago newspaper publisher John C. Shaffer, "there is developed the classes which we all fear and have reason to fear."⁵⁸

The individual states, in Beveridge's opinion, could not halt the cancer. Under the existing "clumsy, ineffectual tangle of state statutes," the most progressive state remained at the mercy of unfair competition from the least enlightened one. Only a national law could work.⁵⁹ Beveridge saw no constitutional bar. Even in his most standpat days, he had believed "that whatever may be essential to the development of the people's nationality lies latent in the Constitution's general terms, awaiting the necessity of events to call it into action."⁶⁰ He conceded that "a federal statute can not be passed directly controlling the factories and mines in the States. That is the province of the States." But the Meat Inspection Act showed the way. That law barred uninspected meats from shipment in interstate commerce. Why not apply the same ban against goods made by child labor? Congress has, the Indiana senator held, "absolute power over the railroads, boats, ships and other agencies of interstate commerce and unlimited powers under

⁵⁶ Beveridge to William Loeb, Jr., November 12, 1906, *ibid.*

⁵⁷ Beveridge to Albert Shaw, November 22, 1906, *ibid.*

⁵⁸ Beveridge to John C. Shaffer, November 20, 1906, *ibid.*

⁵⁹ "Duties of the Present, Not Memories of the Past" Speech, November 3, 1906, Beveridge, *Meaning of the Times*, 301.

⁶⁰ "Vitality of the American Constitution" Speech, January 4, 1898, *ibid.*, 6.

the Constitution to provide that they shall not carry the products of factories and mines which employ children."⁶¹

His child labor bill differed from the Meat Inspection Law in one detail. That law had placed federal inspectors in each packing house. But Beveridge realized that a child labor bill providing for on-the-spot federal inspection of nearly every plant throughout the country could never pass Congress. So he tried a different tack. His bill forbade any carrier from transporting in interstate commerce the products of any mine or factory that had not filed an affidavit that no children under fourteen years of age were employed. Stiff penalties were prescribed for violations by the carriers or for the filing of a false affidavit by the factories or mines. Enforcement was left in the hands of the local federal attorneys.⁶² "There is no question whatever," he told presidential secretary William Loeb, Jr., "about the constitutionality of this law. Neither is there any question about its being practical. Neither is there any question about the fact that it is absolutely the only way we can reach the subject by national statute."⁶³

Looking for support, Beveridge turned to the National Child Labor Committee. At a special meeting of its board of trustees on November 23, he appeared in person to explain his bill and ask for the committee's support. After "an animated discussion," the decision was postponed until December 6. A copy of the bill was sent to the full membership of the committee along with a questionnaire asking for "an expression of opinion" for the board's guidance on "what action, if any, should be taken in this matter by the National Committee as a committee."⁶⁴ On December 5, Beveridge formally in-

⁶¹ Indianapolis *Star*, November 19, 1906.

⁶² Beveridge to Gifford Pinchot, November 12, 1906, Gifford Pinchot Papers (Manuscript Division, Library of Congress); Beveridge to Theodore Roosevelt, November 24, 1906, Beveridge Papers; Beveridge to Albert Shaw, November 13, 1906, *ibid.*; Beveridge to Butler Ames, November 14, 1906, *ibid.* A copy of the bill is attached to the Minutes of the twelfth meeting of the Board of Trustees of the National Child Labor Committee, November 23, 1906, NCLC Papers.

⁶³ Beveridge to William Loeb, Jr., November 12, 1906, Beveridge Papers.

⁶⁴ Minutes of the twelfth meeting of the Board of Trustees of the National Child Labor Committee, November 23, 1906, NCLC Papers; Samuel McCune Lindsay to Edgar Gardner Murphy, November 22, 24, 26, 1906, Edgar Gardner Murphy Papers (University of North Carolina Library, Chapel Hill); Francis G. Caffey to Edgar Gardner Murphy, November 30, 1906, *ibid.*

troduced the bill in the Senate, and the next day Representative Herbert Parsons of New York introduced an identical measure in the House.⁶⁵

At the meeting of the board of the National Child Labor Committee on December 6, the discussion was heated. The opposition was led by Robert W. De Forest. A wealthy corporation lawyer turned philanthropist, De Forest was president of the Charity Organization Society of New York, president of the Russell Sage Foundation, and formerly chairman of the New York State Tenement House Commission of 1900. He questioned how effective the law would be without on-the-spot federal inspection. "Practically, every employer would make a certificate, and every carrier would carry, and conditions would remain the same. . . ." There was, he added, "grave doubt about the constitutionality of this bill." Most importantly, De Forest warned that to support federal legislation in a field properly belonging to the states would handicap the committee in its work in the South where the worst child labor abuses were found. "I think," he told the board, "our influence in the South would be seriously impaired by giving our official approval to a measure which many Southerners will think of the Force Bill variety."⁶⁶

A resolution to the effect that the committee was not at present ready to endorse any pending bill for federal regulation of child labor was defeated. Thereupon the trustees voted to endorse the Beveridge bill, "believing that it will establish a National standard to correct the evils of child labor in their important National aspects . . . and will tend to establish equality of economic competition without minimizing State responsibility."⁶⁷ The gains at the state level had been dishearteningly slow. Even before Beveridge had raised the question, some members of the committee had begun to doubt the advisability of relying upon action by the individual states. The introduction of his bill crystallized this feeling.

⁶⁵ *Congressional Record*, 59 Cong., 2 Sess., 50, 159.

⁶⁶ Robert W. De Forest to Paul M. Warburg, December 6, 1906, letter attached to Minutes of the twelfth meeting of the Board of Trustees of the National Child Labor Committee, December 6, 1906, NCLC Papers.

⁶⁷ Minutes of the twelfth meeting of the Board of Trustees of the National Child Labor Committee, December 6, 1906, *ibid.*

Here was an opportunity to strike at child labor throughout the country at a single blow.⁶⁸ The reason "that determined the action of the majority of our Board of Trustees in endorsing the Beveridge-Parsons bill," Executive Secretary Samuel McCune Lindsay explained, was

that the States seem to be impotent to enforce their child labor legislation. This is true—both North and South, of all the States, with very few exceptions. The reason for this impotency is largely attributable to the opposition of manufacturers who fear inter-State competition, and in part is due to the poverty of the States in supplying the necessary machinery, such as factory inspection, to carry out legislation of this kind. The Federal Government, on the contrary, can establish a national uniform standard which equalizes competitive conditions, and the Federal Department of Justice has ample resources in backing up, inquiring into, and prosecuting any reports of violation.⁶⁹

Beveridge was the featured speaker at the annual convention of the National Child Labor Committee the following week and made a stirring appeal for his bill. The enthusiastic gathering of over four thousand persons adopted a formal resolution of support by a viva voce vote.⁷⁰ The committee released Alexander McKelway from his duties in the South and sent him to Washington to lobby for the Beveridge bill.⁷¹ Beveridge's hopes rose with the endorsement of the National Child Labor Committee. "I begin to think," he confided to his friend George H. Lorimer of the *Saturday Evening Post*, "that I will get the bill through next session and possibly, though not probably, this session. It is sure the most popular reform now before the people."⁷²

⁶⁸ Murphy, *Edgar Gardner Murphy*, 84-85; Davidson, *Child Labor Legislation in the Southern Textile States*, 129-32.

⁶⁹ Samuel McCune Lindsay to George Foster Peabody, January 25, 1907, Murphy Papers.

⁷⁰ "Proceedings of the Third Annual Convention of the National Child Labor Committee, Cincinnati, Ohio, December 13, 14, 15, 1906," typescript, pp. 29-45, NCLC Papers; *Charities and the Commons*, XVII (1906-1907), 639-49; Samuel McCune Lindsay to members and associates of the National Child Labor Committee, January 17, 1907, Murphy Papers. A copy of Beveridge's speech is reprinted in the *Annals of the American Academy of Political and Social Science*, XXIX (January, 1907), 115-24.

⁷¹ Alexander J. McKelway, "Legislative Hints for Social Reformers," chapter entitled "The Beveridge Bill," Alexander J. McKelway Papers (Manuscript Division, Library of Congress). Hereafter, this work will be cited as McKelway, "Beveridge Bill."

⁷² Beveridge to George H. Lorimer, December 15, 1906, Beveridge Papers.

Disappointments followed, however. One was the failure of organized labor to rally behind the bill. Beveridge's announcement of his intention to introduce a child labor bill led to a spirited debate on the question at the convention of the American Federation of Labor in mid-November. A resolution was presented that the federation endorse adoption of a national child labor law. But the AFL leadership, headed by Samuel Gompers, in its devotion to self-help through trade-union action, looked askance at the proposal. The AFL ideal remained the impartial policeman state: a national child labor law might possibly set a dangerous precedent for federal interference in labor questions.⁷³ The resolution as amended by the resolutions committee and approved by the convention called for "the enactment of a law in the several states prohibiting the employment of children under sixteen years of age."⁷⁴

Although some individual union leaders endorsed the national bill,⁷⁵ the AFL officially continued to remain aloof. In his report to the 1907 convention, Gompers hedged on the question. Opinion remained divided on the wisdom of action by Congress, he told the delegates. Until further evidence clarified the issues, his only recommendation was that the federation back passage of a model child labor law for the District of Columbia. The convention reaffirmed the federation's commitment to state action for dealing with child labor.⁷⁶ This refusal by the AFL to back his bill weakened Beveridge's hand. When the Hoosier senator wrote the President that "organized labor is overwhelmingly for this bill—militantly for it," Roosevelt retorted that he had spoken with

⁷³ *Report of Proceedings of the Twenty-sixth Annual Convention of the American Federation of Labor Held . . . November 12 to 24 Inclusive 1906* (Washington, 1906), 138, 146, 164. The official AFL position on the national child labor bill is presented in Eva McDonald Valesh, "Child Labor," *American Federationist*, XIV (March, 1907), 166-73.

⁷⁴ *Report of Proceedings of Twenty-sixth Annual Convention of American Federation of Labor*, 164.

⁷⁵ Theodore Perry to Beveridge, March 5, 1908, Beveridge Papers. See also *Report of Proceedings of Twenty-sixth Annual Convention of American Federation of Labor*, 138, 146; *Report of Proceedings of the Twenty-seventh Annual Convention of the American Federation of Labor Held . . . November 11 to 23 Inclusive 1907* (Washington, 1907), 155-56, 172-73.

⁷⁶ *Report of Proceedings of Twenty-seventh Annual Convention of American Federation of Labor*, 28, 336-37.

the top AFL leaders and "not a single one of them would admit that he favored it."⁷⁷

Even more disappointing than the aloofness of organized labor was Roosevelt's refusal to lend his support. In his annual message of December, 1906, the President reiterated his plea that Congress authorize an investigation by the Bureau of Labor into the conditions of labor of women and children to "help toward arousing the public conscience." But he affirmed that "each State must ultimately settle the question in its own way. . . ." There was one place, he indicated, where Congress could and should act. That place was the District of Columbia where the constitutional authority of Congress to act was unquestioned. A model child labor law for the District, the chief executive told the lawmakers, would provide a standard for the states to follow.⁷⁸

The message came as a sharp disappointment to Beveridge. To save face he told newspapers that the President favored the national bill but was away in Panama and had heard about Beveridge's plans too late to include a recommendation in the message.⁷⁹ Haunting the White House, he pleaded with the President to send Congress a special message urging the passage of the bill. Roosevelt seriously considered the possibility.⁸⁰ But he decided against doing so: organized labor was lukewarm; the leaders of the child labor movement were divided; he himself had doubts about the bill's constitutionality; and he well knew the opposition the bill would face in Congress. Unwilling to risk his prestige in a losing fight, the chief executive made up his mind not to back the measure. Passage of the bill authorizing the Bureau of Labor to make an investigation of the laboring conditions of women and children, he wrote a House leader, seems "to me . . . the only way of practically accomplishing anything on this subject. . . ."⁸¹

⁷⁷ Beveridge to Theodore Roosevelt, November 11, 1907, Beveridge Papers; Theodore Roosevelt to Beveridge, November 12, 1907, Morison, *Letters of Theodore Roosevelt*, V, 844.

⁷⁸ Roosevelt, *State Papers*, 359-60.

⁷⁹ *Indianapolis Star*, December 7, 1906. See also Beveridge to R. G. Leeds, April 3, 1907, Beveridge Papers.

⁸⁰ The President even had Commissioner of Labor Neill draw up a memorandum for Roosevelt's information: "Memorandum on Child Labor Prepared by Charles P. Neill," January 15, 1907, Roosevelt Papers.

⁸¹ Theodore Roosevelt to Richard Bartholdt, January 19, 1907, Morison, *Letters of Theodore Roosevelt*, V, 557. See also Theodore Roosevelt to Edgar Gardner Murphy, January 17, 1907, Roosevelt Papers.

Although Congress did, late in January, 1907, authorize the investigation by the Bureau of Labor, Beveridge scorned the action as a largely meaningless sop to outraged public opinion. "The evidence is before the Senate," he complained, "of the slow murder of these children, not by the tens or hundreds, but by the thousands. But let us not 'hasten' to their relief 'too fast.' Let us 'investigate'. . ."⁸² Nor did he regard with enthusiasm the proposal of a model child labor bill for the District of Columbia. Child labor in the District was hardly the problem that existed in more heavily industrialized areas. A model bill for the District, he insisted, would prohibit child labor in the place with the least child labor.⁸³

His strategy was to force the Senate to go on record for or against his bill. In such a showdown, he hoped, few lawmakers would dare vote no. But his bill remained pigeonholed in the Committee on Labor and Education. To bypass the committee, Beveridge took the floor on January 23, 1907, when the Senate had the District of Columbia bill under consideration and offered his bill as an amendment to the pending measure. For three days, January 23, 28, and 29, he read descriptions, supported by affidavits, of the extent and inhumanity of child labor in the United States.⁸⁴ With industry grown nation-wide in scope, he declared, the states could not handle the problem. If one state prohibited child labor while others refused to do so, manufacturers in these other states gained an unfair competitive advantage. Unless his bill were adopted, children throughout the United States would continue to suffer from the backwardness of the least progressive states. "We all hear talk about the dangers of a certain 'lower class,'" Beveridge admonished his fellow senators. "Had we not better do something to stop the production of that 'lower class,' that 'dangerous class?'"⁸⁵

From the jammed galleries came repeated applause that forced the presiding officer to gavel for silence. But many, if not most, of the Democratic senators represented the rising industrial forces of the "New South" that depended so heavily

⁸² *Congressional Record*, 59 Cong., 2 Sess., 1807.

⁸³ *Ibid.*, 1552.

⁸⁴ Beveridge's speeches are printed in *ibid.*, 1552-57, 1792-1826, 1867-83.

⁸⁵ *Ibid.*, 1805.

upon poorly paid child labor.⁸⁶ Even progressive-minded Southerners remained wedded to the traditional "states' rights" shibboleths of the Southland.⁸⁷ Although some Northern manufactures in states with child labor laws favored action by Congress to remove the advantages enjoyed by their Southern competitors,⁸⁸ the Republican Senate leadership shrank from so bold and far-reaching an extension of federal authority over business.⁸⁹ Few Senators favored a national child labor law; fewer wished to go on record against so popular a measure. Caught unawares by Beveridge's strategy of offering his bill as an amendment to the District of Columbia bill, the lawmakers shelved further discussion of the entire matter.⁹⁰

The House leadership had shown more skill in side-tracking the measure. The bill was referred to the House Judiciary Committee for a ruling on its constitutionality, and, early in February, the committee issued a report condemning the measure as an unconstitutional invasion of the powers reserved to the states.⁹¹ Assailing the committee as a self-appointed "junior supreme court," Beveridge denounced the report as "absurd." The purpose was to head off action on his bill "without giving the courts of the country a chance to pass on the questions at all." The same cry was raised against every reform that threatened the ill-gotten profits of "some unrighteous financial interest."⁹² Behind the opposition to his bill, the Indiana senator charged, stood "the

⁸⁶ See remarks by Senators Augustus O. Bacon of Georgia and Lee S. Overman of North Carolina, *ibid.*, 1797-1800, 1868.

⁸⁷ For example, see the remarks of South Carolina's Senator Benjamin Tillman, a member of the National Child Labor Committee, *ibid.*, 1801-02. See also Davidson, *Child Labor Legislation in the Southern Textile States*, 135, 137-40.

⁸⁸ For example, Curtis Guild, Jr. to Theodore Roosevelt, January 28, 1905, Roosevelt Papers.

⁸⁹ McKelway, "Beveridge Bill." See also the remarks made by Senators Charles W. Fulton of Oregon, John C. Spooner of Wisconsin, and Nelson W. Aldrich of Rhode Island, *Congressional Record*, 59 Cong., 2 Sess., 1808, 1811-12, 1869-78.

⁹⁰ Beveridge to May G. Hay, March 7, 1907, Beveridge Papers. See also Theodore Roosevelt to Beveridge, March 30, 1908, Morison, *Letters of Theodore Roosevelt*, VI, 985.

⁹¹ *Congressional Record*, 59 Cong., 2 Sess., 2136, 2393.

⁹² Indianapolis *Star*, February 8, 1907; Beveridge to Henry Beach Needham, April 9, 1908, Beveridge Papers. See also Beveridge to John C. Shaffer, February 7, 1907, *ibid.*; Beveridge to Isaac N. Seligman, November 13, 1907, *ibid.*

cruel, inhuman and greedy interests that are fattening off the blood of American children—the cotton mills of the South, the anthracite interests of Pennsylvania, the silk mills of the East, the sweatshops and the railroads that carry their products. . . .”⁹³

To answer the constitutional question Beveridge prepared a lengthy brief defending the constitutionality of his bill. The power to regulate interstate commerce, he argued, involves the power to prohibit any article of commerce from interstate commerce. Such was the generally understood meaning of the word “regulate” at the time the Constitution was adopted.⁹⁴ There were presently upon the statute books, he pointed out, “no less than seventeen laws prohibiting various articles from interstate commerce.” As for the objection that the article prohibited must be injurious in itself, Beveridge noted that Congress in 1905 had forbidden “the transportation in interstate commerce of gold and silver goods with the words ‘U. S. Assay’ . . .” No constitutional objections had been raised against that measure; “it was passed,” he explained bitterly, “in the interest of a few cheap jewelry manufacturers of New York and New Jersey.”⁹⁵

Repeated decisions of the Supreme Court, he insisted, had confirmed the “absolute power” of Congress over interstate commerce. In *Champion v. Ames* (1903), the famous *Lottery* case, the Supreme Court by a five to four margin had upheld the authority of Congress to bar lottery tickets from interstate commerce “for the purpose,” Beveridge quoted, “of guarding the people of the United States [the senator’s emphasis] against the ‘widespread pestilence of lotteries’ . . .”⁹⁶ If Congress would bar lottery tickets from interstate commerce, then why not child-made goods? The decision in *Champion v. Ames*, Beveridge believed, “absolutely settled” the question of the constitutionality of his bill.⁹⁷ “There can be no question . . . that we have the unquestioned power,” he told the Senate, “to exclude from interstate commerce any article which, in our judgment, is deleterious to the people of

⁹³ Beveridge to W. S. Major, March 21, 1908, Beveridge Papers.

⁹⁴ Beveridge to Theodore Roosevelt, October 22, 1907, *ibid.*

⁹⁵ Beveridge to W. S. Major, March 21, 1908, *ibid.*; *Congressional Record*, 59 Cong., 2 Sess., 1881.

⁹⁶ *Congressional Record*, 59 Cong., 2 Sess., 1823, 1877.

⁹⁷ Beveridge to Harriet Lake, November 22, 1907, Beveridge Papers.

the United States. . . ."⁹⁸ This power could be abused. But the possible abuse of any power of Congress was no argument against its existence. That was a question of policy not power. "The power exists," he maintained, "—and if it is abused, the remedy is in the hands of the people at the ballot-box."⁹⁹

Although the Fifty-ninth Congress ended without further action on child labor, Beveridge was not discouraged. The struggle in Britain had taken decades. He would, he informed a sympathizer, reintroduce his bill at the beginning of the next session—and he was confident that "passed it shall be whether it is next session or some future session."¹⁰⁰ The opposition he had encountered had increased his alienation from the stand-patters in the GOP. In their blindness, Beveridge believed, the reactionaries blundered toward socialism. "I am," he wrote to banker-philanthropist Isaac Seligman,

perhaps as active a defender of honestly-gotten wealth and of legitimate business as any man now vigorously in public life. I went to the Senate as a conservative and my public speeches show that I have stuck to that creed. But it is just such villainies as child labor defended by some apparently respectable people that in the public mind casts discredit upon all business both good and bad.¹⁰¹

As the new session of Congress approached, the Hoosier senator could point to evidence of increasing popular support. Beveridge's speech in the Senate, the secretary of the National Child Labor Committee reported to its board, "has attracted unusual attention to the child labor campaign, and the effect of the National campaign is already perceptible in our office, in the widespread interest in state legislation."¹⁰² Resolutions of support for the bill were beginning to flow in from women's clubs throughout the country.¹⁰³ Democratic leader William Jennings Bryan announced his support of the measure.¹⁰⁴

⁹⁸ *Congressional Record*, 59 Cong., 2 Sess., 1873.

⁹⁹ Beveridge to Theodore Roosevelt, October 22, 1907, Beveridge Papers.

¹⁰⁰ Beveridge to Mrs. J. C. Tyler, May 16, 1907, *ibid.*

¹⁰¹ Beveridge to Isaac N. Seligman, November 13, 1907, *ibid.*

¹⁰² Minutes of the fourteenth meeting of the Board of Trustees of the National Child Labor Committee, January 29, 1907, NCLC Papers.

¹⁰³ Florence Kelley to Beveridge, October 31, 1907, *ibid.*; Beveridge to Harriet Lake, November 22, 1907, *ibid.*

¹⁰⁴ William Jennings Bryan, "The Nation versus State's Rights: Mr. Bryan's Reply," *The Reader*, IX (April, 1907), 465. See also Beveridge to Theodore Roosevelt, October 27, 1907, Beveridge Papers; McKelway, "Beveridge Bill."

When he had first introduced the bill, Beveridge confessed, he thought it would take at least five years to pass. But progress had been so fast, "that I am now hopeful of getting it through the Senate this session of Congress and through both houses at the following session."¹⁰⁵

An unexpected setback, however, was in the offing. The mainstay of Beveridge's support had come from the National Child Labor Committee. But many on the committee remained unreconciled to the national bill. The issue was raised anew when Edgar Gardner Murphy resigned from the committee early in 1906 in protest against its endorsement of the bill. In reversing the committee's former stand against federal legislation, "the Board," Murphy complained, "has departed from a compact which I regarded as inviolable."¹⁰⁶ Reflecting deep-seated Southern ideas, Murphy denounced federal intervention in a sphere which he thought properly belonged to the states. The recent gains at the state level, he insisted, had been substantial. The states had not been so negligent as to require federal action. "There is not a social or industrial evil in the whole catalogue of iniquity which the States are meeting with perfect legislation and complete efficiency. Shall we therefore," he asked, "turn over the police functions of the States wholly to the federal power?"

The bill, Murphy continued, was an unconstitutional invasion of the reserved powers of the states. Even if the bill were constitutional, its effectiveness was doubtful. The bill would not touch the thousands of children making goods for sale within a single state. Without provision for on-the-spot federal inspection, the law would be ineffective and unenforceable. Nor did the bill include the detailed regulations about night work, maximum hours for children over fourteen, and compulsory education required for the fullest protection of the child. Federal legislation bypassing the states, he warned, would lead "to local apathy, which will largely arrest the process of local education" indispensable for further advances. Most importantly, the committee's endorsement of the bill

¹⁰⁵ Beveridge to Harriet Lake, November 22, 1907, Beveridge Papers.

¹⁰⁶ Edgar Gardner Murphy to Felix Adler, December 18, 1906, attached to the Minutes of the fourteenth meeting of the Board of Trustees of the National Child Labor Committee, January 29, 1907, NCLC Papers; Davidson, *Child Labor Legislation in the Southern Textile States*, 133; Murphy, *Edgar Gardner Murphy*, 85-88.

hampered the cause in the South.¹⁰⁷ "You do us," Murphy wrote Felix Adler, "an intimate, almost incurable injury when you mix up the cause of the children with the bitter issues of coercion. . . ."¹⁰⁸

The resignation came as shock. Murphy more than any other person had been the founder of the National Child Labor Committee. Warning that continued support of the Beveridge bill would disrupt the organization, Robert W. De Forest renewed his attack.¹⁰⁹ There was underway, Florence Kelley alerted Beveridge that summer, "a very active subterranean propaganda against your bill . . . and lukewarm friends tend to grow chilly."¹¹⁰ At the meeting of the board on October 25, 1907, De Forest offered a resolution "that this Committee withdraws its approval and endorsement of the . . . so-called Beveridge Bill. . . ."¹¹¹ After a bitter debate, the board voted to poll the entire national committee on the resolution. "We have," Samuel McCune Lindsay fumed to Beveridge, "reactionaries in corporations not for profit as well as in corporations who figure now-a-days so largely in the newspapers."¹¹²

The supporters of the bill rushed to its defense. Alexander J. McKelway prepared a memorandum replying to its critics. From the first, he pointed out, Southern mill owners had tarred the national committee as Yankee interference. Why worry now? "It may take," he warned his associates,

ten years to bring the Southern states to this proper standard. It may take a quarter of a century. Interest in the subject may wane after another year and the reaction come. But by this proposed law, all that we are wishing to accomplish in the South, for mines and factories, can be done. . . .¹¹³

¹⁰⁷ Edgar Gardner Murphy, *The Federal Regulation of Child Labor: A Criticism of the Policy Represented by the Beveridge-Parsons Bill* (n.p., 1907), 12, 28.

¹⁰⁸ Edgar Gardner Murphy to Felix Adler, May 27, 1907, Murphy Papers.

¹⁰⁹ Samuel McCune Lindsay to Edgar Gardner Murphy, January 10, 1907, *ibid.*; Robert W. De Forest to Edgar Gardner Murphy, May 28, 1907, *ibid.*

¹¹⁰ Florence Kelley to Beveridge, August 5, 1907, and undated letter, [1907], Beveridge Papers.

¹¹¹ Minutes of the sixteenth meeting of the Board of Trustees of the National Child Labor Committee, October 25, 1907, NCLC Papers.

¹¹² Samuel McCune Lindsay to Beveridge, November 8, 1907, Beveridge Papers.

¹¹³ Alexander J. McKelway, "The National Child Labor Bill," undated memorandum in possession of the National Child Labor Committee, New York City.

Beveridge joined in the battle. "This bill has caught on and is going to be a 'go,' " he protested to a leading social worker. "It would be absurd for the National Child Labor Committee to abandon it in the middle of the fight." The senator personally appealed to influential members of the committee for their backing.¹¹⁴

But the members voted, eighteen to ten, to withdraw the committee's endorsement. To reconcile Beveridge's backers, the resolution was reworded so as not to mention his bill by name. The revised resolution unanimously adopted by the board provided that "the National Child Labor Committee will for the present take no further action with reference to National legislation" until the investigation underway by the Bureau of Labor was completed and shed more light on the question.¹¹⁵ "I don't like it," Samuel McCune Lindsay wrote Beveridge, "but . . . it was the best we could do. . . ."¹¹⁶ Although the resolution was worded to save the senator's face, the import was unmistakable. "You have won out," Robert W. De Forest congratulated Edgar Gardner Murphy.¹¹⁷ "The practical effect of the resolution . . . is to bind the National Committee during the present session of Congress to take no action in the matter of Federal legislation," Owen R. Lovejoy, the committee's new secretary, wrote Murphy. The committee would confine its energies to working at the state level pending completion of the investigation by the Bureau of Labor.¹¹⁸

This setback was followed by another rebuff from the White House. Throughout the fall, Beveridge had bombarded the President with letters urging him to come out in support of the national bill. The individual states could not do the job, the senator repeated. "We cannot end this infamous evil

¹¹⁴ Beveridge to Samuel McCune Lindsay, November 5, 1907, Beveridge Papers; Beveridge to Gifford Pinchot, November 13, 1907, *ibid.*; Beveridge to Isaac N. Seligman, November 14, 1907, *ibid.*; Beveridge to Theodore Roosevelt, November 19, 1907, Roosevelt Papers.

¹¹⁵ Minutes of the seventeenth meeting of the Board of Trustees of the National Child Labor Committee, November 26, 1907, NCLC Papers. See also Owen R. Lovejoy to Beveridge, November 27, 1907, Beveridge Papers.

¹¹⁶ Samuel McCune Lindsay to Beveridge, November 27, 1907, Beveridge Papers.

¹¹⁷ Robert W. De Forest to Edgar Gardner Murphy, January 8, 1908, Murphy Papers.

¹¹⁸ Owen R. Lovejoy to Edgar Gardner Murphy, January 6, 1908, *ibid.*

except by national action. . . ." A national law against child labor was, Beveridge wrote Roosevelt, "distinctly a part of your national statesmanship. And it is in this national statesmanship that you are doing your greatest service to our country and upon that national statesmanship your name will live in history." The time was ripe. The newspaper and magazine exposures and the work of the National Child Labor Committee had touched the public conscience. "No legislation you could propose to Congress will be so righteous, or *anywhere near so popular as this measure*." To endorse his bill, the senator pleaded, "is wise statesmanship and it is good politics."¹¹⁹

Beveridge's appeals failed to move the President. In his annual message of December, 1907, Roosevelt urged the adoption of an inheritance and income tax, the national incorporation and regulation of interstate businesses, the fixing of railroad rates on the basis of physical valuation, the establishment of a postal savings bank, the limitation of labor injunctions, and the extension of workmen's compensations and of the eight-hour day.¹²⁰ But he boggled at endorsing the national child labor bill. He questioned the extent of its popular support, remained doubtful about its constitutionality, was skeptical of its effectiveness, and even challenged the facts and figures about child labor that Beveridge had presented. If the states refused to meet their responsibilities, the President warned, Congress would have to act. But before doing this "it ought certainly enact model laws on the subject for the Territories under its own immediate control."¹²¹

Undaunted, Beveridge introduced his bill the first day of the session. His strategy remained as before: to force the Senate to go on record by offering his bill as an amendment to the District of Columbia bill when the District bill came before the Senate.¹²² Intimations that he planned this move

¹¹⁹ Beveridge to Theodore Roosevelt, October 22, 28, November 4, 7, 11, 1907, Beveridge Papers.

¹²⁰ Roosevelt, *State Papers*, 410-88.

¹²¹ *Ibid.*, 438.

¹²² *Congressional Record*, 60 Cong., 1 Sess., 168; Beveridge to Samuel McCune Lindsay, November 30, 1907, Beveridge Papers; Beveridge to Florence Kelley, January 6, 1908, *ibid.*; Beveridge to Norman Hapgood, January 8, 1908, *ibid.*; Beveridge to George H. Lorimer, January 11, 1908, *ibid.*; Beveridge to Harry Van Hook, March 13, 1908, *ibid.*

alarmed sponsors of the District bill. The National Child Labor Committee appealed to him not to offer his bill as an amendment. "We are very anxious," Owen R. Lovejoy wrote the senator, "that the District of Columbia bill shall be acted upon promptly and . . . think it is a tactical error to combine the two."¹²³ A similar appeal came from the White House. To offer the national child labor bill as an amendment, Roosevelt warned, would backfire and frighten the Senate into shelving the District bill again. "The wise thing," the chief executive admonished Beveridge, "is to get what is imperatively needed and can be had, and not to throw it away in making what is certain to be an unsuccessful effort to get something else in addition."¹²⁴

At first, Beveridge was adamant. The District of Columbia bill, he replied to the secretary of the National Child Labor Committee, "is for all practical purposes a mere fake." Adoption of the District bill, he maintained, "instead of aiding the cause will delay it for many years." While Congress waited for the states to follow its example, "the murder of innocents will go on."¹²⁵ Pressure from the White House, however, brought him around. Although agreeing not to offer his bill as an amendment when the District bill came up, the Hoosier lawmaker made no secret of his feelings. He supported the District bill, he told the Senate, "not because it will effect anything of great consequence, but because it is a step, however short, in the right direction. . . ." Although he doubted its efficacy as an example, Beveridge recognized that it was "at least an affirmative moral action upon the part of the National Legislature." The fight for a national law would go on. "Let no person deceive himself," he warned his fellow senators. "This bill, applicable to the District of Columbia, where the evil does not really exist, will not assuage the wrath of the American people against what is the real infamy that has awakened the conscience of the nation; nor will it in the remotest degree quiet that conscience."¹²⁶

¹²³ Owen R. Lovejoy to Beveridge, March 13, 1908, Beveridge Papers.

¹²⁴ Theodore Roosevelt to Beveridge, March 30, 1908, Morison, *Letters of Theodore Roosevelt*, VI, 985.

¹²⁵ Beveridge to Owen R. Lovejoy, March 14, 1908, Beveridge Papers.

¹²⁶ *Congressional Record*, 60 Cong., 1 Sess., 5801.

As his price for not offering his bill as an amendment, Beveridge obtained from Senator William Dolliver of Iowa, the chairman of the Senate Committee on Labor and Education, a promise that the committee would take up the bill and make an early report for action by the Senate.¹²⁷ Beveridge doubted if the committee would make a favorable report; but even if reported "without recommendation" the bill would go on the calendar for Senate action.¹²⁸ No report, however, was forthcoming. His hopes dashed, the Indiana senator was furious.¹²⁹ But there was nothing he could do. The time was not yet ripe, he sadly concluded: "We will have to wait a while for more ammunition in the way of facts."¹³⁰

Although the issue was dead for the time being, he had not fought in vain. Beveridge's agitation of the question, the secretary of the National Child Labor Committee found, had prodded Congress into swift approval of both the District of Columbia child labor bill and the bill authorizing the investigation by the Bureau of Labor into the working conditions of women and children. The publicity given his bill had awakened millions to the plight of the working child. Even at the state level, gains were reported as opponents of the bill hastened to forestall congressional action by improving state laws.¹³¹ Taking advantage of the increasing popular interest, the National Child Labor Committee launched a new campaign in the South. Beveridge gave this effort his blessing. But he continued to insist that the problem could be dealt with only by a national law. "It is the sheerest folly," the Hoosier senator reiterated, "to waste the efforts of thousands of people who favor ending this twentieth century child slavery

¹²⁷ *Ibid.*, 5785.

¹²⁸ Beveridge to Harriet Lake, May 12, 1908, Beveridge Papers.

¹²⁹ Beveridge to Frank P. Flint, October 10, 1908, *ibid.*

¹³⁰ Beveridge to Oliver P. Smith, December 22, 1908, *ibid.*

¹³¹ Minutes of the fourteenth meeting of the Board of Trustees of the National Child Labor Committee, January 29, 1907, NCLC Papers; Alexander J. McKelway to Edgar Gardner Murphy, February 14, 1907, Murphy Papers; McKelway, "National Child Labor Bill." For Beveridge's evaluation of the gains which resulted from his agitation of the question, see Beveridge to Oliver P. Smith, December 22, 1908, Beveridge Papers.

by dissipating them along the lines of state and local action instead of concentrating them upon national action."¹³²

By 1914, most of the leaders of the child labor movement had come to this conclusion. Twenty-two states still permitted children under fourteen to work in factories; twenty-eight allowed children under sixteen to work more than eight hours a day; and twenty-three had failed to adopt adequate restrictions upon night work. The gap between the more progressive states and the more backward ones was growing wider, not narrower. Despite the opposition of many of its Southern members, the National Child Labor Committee reversed its former reversal and again gave its support to a national child labor law. The American Federation of Labor, the American Medical Association, the National Consumers' League, and the Federal Council of Churches of Christ in America joined in backing the committee's bill. Scant progress was made, however, until the presidential election year of 1916. Hoping for the votes of the progressive-minded, President Woodrow Wilson pushed the bill through Congress.¹³³ In this moment of triumph, the chief architect of the new law recalled how he had come to Washington ten years before to work for the first national child labor bill. Senator Beveridge, Alexander J. McKelway declared, "deserves to be remembered as the pioneer in the field of federal regulation" of child labor.¹³⁴

Much has been written in recent years about the nature and significance of early twentieth-century progressivism. An interpretation that has gained wide currency holds that progressivism was a middle-class movement looking primarily to the protection and increase of individual economic opportunity.¹³⁵ This interpretation is not without substance.

¹³² Beveridge to John Lindon Smith, September 27, 1909, Beveridge Papers.

¹³³ Bremner, *From the Depths*, 223-25; Arthur S. Link, *Woodrow Wilson and the Progressive Era, 1910-1917* (New York, 1954), 59, 226-27; Davidson, *Child Labor Legislation in the Southern Textile States*, 249-63; Johnson, "Child Labor Legislation," 437-41.

¹³⁴ Alexander J. McKelway, "Another Emancipation Proclamation, the National Child Labor Law," *The American Review of Reviews*, LIV (October, 1916), 424.

¹³⁵ The most persuasive statement of this point of view is found in Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York, 1955).

There was this aspect of progressivism, and many of its most articulate spokesmen did take as their hero "the little man on the make." But there was another side to the movement too—and on that side can be traced the beginnings of the modern welfare state. The advances made at the state level were striking. The years between the turn of the century and America's entry into the first world war witnessed an unprecedented expansion of social welfare legislation in the states: child labor laws, maximum-hour laws for women, the first minimum-wage laws for women, and workmen's compensation laws.¹³⁶

Gains at the national level were less spectacular. There were, as Theodore Roosevelt explained, "very many excellent men . . . sincerely opposed, on grounds that at least deserve weighty consideration," to the entrance of the federal government into a sphere traditionally reserved to the states.¹³⁷ But the logic of events increasingly overrode constitutional scruples. With the growth of industry on a nation-wide basis, the new problems arising in its wake lay beyond the reach of the individual states. The national government, many people believed, was the only agency that could meet the challenge. Therein lay the larger significance of Beveridge's fight for a national child labor law. Its adoption, Arthur S. Link observes, "marked a turning point in American constitutional history—the use of the commerce power to justify almost any form of federal control over working conditions and wages, questions hitherto regarded as being within the exclusive jurisdiction of the states." The act passed in 1916 was "the first step toward a potentially comprehensive national social and economic regulation under the commerce power."¹³⁸

That regulation became a reality under the New Deal.¹³⁹ But the foundations had been laid during the progressive era—and Albert J. Beveridge had played a key role in preparing the ground. A line can be drawn from his pioneering

¹³⁶ Link, *American Epoch*, 69-72.

¹³⁷ Theodore Roosevelt to Beveridge, November 12, 1908, Beveridge Papers.

¹³⁸ Arthur S. Link, *Wilson: The New Freedom* (Princeton, 1956), 256.

¹³⁹ William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal* (New York, 1963), 326-48.

efforts in behalf of a national child labor law, from his demonstration of the inability of the states to deal with the problem, and even from his constitutional arguments to the New Deal of the Democratic Roosevelt. The prevailing orthodoxy views this development in terms of a liberal versus conservative dichotomy. But the Indiana senator looked at the question from a different angle. His program was, he believed, conservative—"the real and not the spurious kind." As Beveridge explained it: "Real conservatism is common sense applied to human conditions; spurious conservatism is a mad hostility to change."¹⁴⁰

¹⁴⁰ "The School and the Nation" Speech, Indianapolis *Star*, November 10, 1906.