had run occasional series of articles on social and political problems during the 1890s, but the full-scale outburst of muckraking after 1900 sprang from the fertile brain of the new medium's madcap genius, S.S. McClure.

A classic middle-class success story, McClure had started out on Indiana and Illinois farms as a fatherless immigrant boy from Northern Ireland, worked his way through Knox College in Illinois, and launched publishing ventures while still in his twenties. In 1893, when he was thirty-six, he had started America's first large-circulation magazine, *McClure's Magazine*. He cut the standard price per issue in half and presented a mixture of serialized popular fiction and articles chiefly on science, technology, travel, and recent history. McClure thereby tapped a fresh readership among educated, middle-class people mainly in cities and towns. He attracted readers both through subscriptions, especially with promotional schemes and reduced rates, and through newsstand sales. Other editors soon copied his formula, spreading the "magazine revolution" and establishing the first truly national medium of entertainment and information. McClure himself was never happy without new worlds to conquer. In 1902, after several unsuccessful stabs at empire-building in book and encyclopaedia publishing, he turned to public affairs. "Get out of here, travel, go—somewhere," he reportedly ordered his star writer Lincoln Steffens, who embarked on an odyssey to expose political corruption and promote reform. Once more, where S.S. McClure led, others rushed to follow. Muckraking was underway.

During the next five years, articles on the nefarious influences of business dominated American magazines. *McClure's* set the standard, beginning with Lincoln Steffens's series, "The Shame of the Cities." Reflecting back on his year-and-a-half-long experience, Steffens recalled, "When I set out to describe the corrupt systems of certain typical cities, I meant to show simply how the people were deceived and betrayed. But in the very first study—St. Louis—the startling truth lay bare that corruption was not merely political, it was financial, commercial, social, the ramifications of boodle were so complex, various and far-reaching that one mind could hardly grasp them." The trail led Steffens on to Minneapolis, Chicago, Pittsburgh, Philadelphia, and New York, and everywhere he found the same network of corruption based not upon individual venality alone or even primarily, but mainly upon a system of interlinked business interests and political organizations that required graft simply to maintain themselves and provide some slight satisfaction to their constituents. "Can a city be governed without any alliance with crime?" Steffens asked after visiting Minneapolis. "It was an open question."

Besides Steffens's "Shame of the Cities" series and his sequel on the states, several other pieces set the standard for muckraking. One was Ray Stannard Baker's description of labor conditions, especially in mines and on railroads, which aroused concern over workers' health and safety. Baker's accounts of life and labor in Pennsylvania coal towns played a big part in swaying public opinion against the mine owners during the 1902 strike. The most devastating impact of any *McClure's* article came with the painstaking two-year series by Ida M. Tarbell, "The History of the Standard Oil Company." By documenting John D. Rockefeller's ruthless crushing of competitors and underhanded use of special advantages, Tarbell made the oil tycoon the nation's most-hated capitalist. These articles in *McClure's*, along with Baker's series on railroads, spawned similar treatments in other magazines, where muckraking series exposed insurance and patent-medicine frauds, stock-market jobbery and swindles, and corrupt influences in the United States Senate. Muckraking became so widespread in magazines that its most sensational episode occurred largely by accident. Late in 1905, Upton Sinclair submitted his novel, *The Jungle*, to a New York publisher.
Upton Sinclair's descriptions of the filthy conditions in Chicago stockyards led to a splashy expose in *The World's Work*, a magazine that otherwise eschewed muckraking. Sinclair's book, which was in part a socialist tract, became a best seller, but its author ruefully reflected, “I aimed at the public's heart, and by accident I hit it in the stomach.”

This barrage of investigation and publicity had several effects. Thanks primarily to Steffens's articles and the lurid series in *Cosmopolitan* by David Graham Phillips, “The Treason of the Senate,” many venal politicians and their machines suffered defeat at the hands of clean government opponents. Articles by Steffens in 1904 made Wisconsin's insurgent governor, “Battling Bob” La Follette, a national figure and his progressive Republican faction a model for other reform movements. In many states, new regulatory laws governing banks, railroads, and insurance companies emerged out of the furor generated by magazine investigations. Prosecutions and convictions galore sprang from charges leveled in the magazines, and two major political careers got launched on publicity generated by service as special prosecutors. Charles Evans Hughes's role in investigating life-insurance frauds in New York propelled him to the governorship in 1906. Four years later in California, pursuit of transgressions by the railroads furnished the springboard for Hiram Johnson to win the governorship and lead another important state progressive movement.

Beyond its specific effects on laws, prosecutions, and politicians, muckraking shook public consciousness more broadly, especially among the middle classes. The magazine investigations confirmed the breadth and pervasiveness of nefarious deeds by a few people with unaccountable economic power. Moreover, the style, tone, and content of the exposures were well calculated to persuade the sort of person who read magazines. Not only were the articles larded with facts, figures, names, places, and dates, but they were also written from a professedly neutral perspective. Ostensibly, the writer had no ax to grind, no prescription to offer. Rather, he or she simply reported actual conditions and left it to the reader to make value judgments and decide what, if anything, ought to be done. Where partisan charges by Bryan's Democrats and Socialists might be discounted, these “objective” presentations were hard to dismiss.

But the muckrakers rarely acted as impartial pursuers and presenters of truth. S.S. McClure wanted to arouse readers, in part because he wanted to sell magazines, but more importantly because he yearned
to exert public influence. Other editors and publishers, especially William Randolph Hearst—who owned *Cosmopolitan* and egged David Graham Phillips on in his work on political corruption—were often crassly commercial, and their efforts bordered on scandal-mongering. Phillips’s articles on corruption in the Senate provoked the strongest condemnation leveled at these journalists. Speaking in Washington on April 14, 1906, President Roosevelt compared them to the character in John Bunyan’s *Pilgrim’s Progress*, “the Man with the Muck-rake, who typifies the man who in this life constantly refuses to see aught that is lofty and fixes his eyes with solemn intentness only on that which is vile and debasing.” Although Roosevelt praised exposures of wrongdoing, he decried the person “who never thinks or speaks or writes, save of his feats with the muck-rake.” That person was “not a help to society, not an incitement to good, but one of the most potent forces of evil.”

Among the muckrakers, Baker alone came close to measuring up to their professed ideal of innocent objectivity. Steffens and Sinclair were committed Socialists anxious to lay the sins of capitalists. The style-setting tone of camera-like realism in Steffens’s articles emerged from cuts and revisions that the *McClure’s* editors made in his blatantly slanted first drafts. Tarbell was the daughter of a small independent oil producer who had been ruined by Rockefeller, marking her articles with a subliminal strain of family revenge. Phillips had something of the light-hearted sensationalist in him while lesser muckrakers tended to be professionals carrying out assignments. Regardless of the truth of its revelations, muckraking as a journalistic medium contained some false notes.

The heyday of these magazine investigations lasted just five years, from McClure’s first plunge in 1902 until the break-up of his editorial and reportorial team in 1907. Roosevelt’s condemnation may have hastened the end of muckraking, but the vogue of large-scale investigative magazine journalism was already waning. Similar work continued afterward, including Baker’s series on race relations, “Following the Color Line,” but later exposés appeared on a reduced scale and only occasionally. Magazines reverted to a primary emphasis on fiction and non-controversial information, which none of them had abandoned entirely.

The spring of 1906 found Theodore Roosevelt deploing sensationalist journalism as muckraking and social discontent as an “unhealthy condition of excitement and irritation in the popular mind.” The president’s often overactive imagination led him to fear social revolution unless responsible, farsighted leaders like himself could bring off necessary, constructive reforms, as he had already begun to do. But a better judgment of the state of the nation during the first decade of the twentieth century came around the same time from the newspaper humorist Finley Peter Dunne. Speaking through his fictional bartender, “Mr. Dooley,” Dunne declared, “Th’ noise ye hear is not the first gun if a revolution. It’s only th’ people if th’ United States batin’ a carpet.” Still, Roosevelt’s concern about social tensions was legitimate. Mr. Dooley also commented, “But we’re wan if th’ gr-reatest people in th’ wurrld to clean house, an’ th’ way we like best to clean house is to burn it down.” The president had his own way, however, and this most ambitious, energetic, and insightful—albeit conservative—house-cleaner already had his sleeves rolled up.
Some few years ago I was looking about the school supply stores in the city, trying to find desks and chairs which seemed thoroughly suitable from all points of view—artistic, hygienic, and educational—to the needs of the children. We had a great deal of difficulty in finding what we needed, and finally one dealer, more intelligent than the rest, made this remark: "I am honest graft, and I’m an example of how it works. I might sum hing by sayin': “I seen my opportunities and took ‘em.”' explain by examples. My party’s in power in the city, and it’s take a lot of public improvements. Well, I’m tipped off, say ing to lay out a new park at a certain place.

I protest to the board of education about the park being a rush to get my land, which nobody cared particular for.

I really honest to charge a good price and make a profit on my land. Of course, it is. Well, that’s honest graft.

In it’s a new bridge they’re goin’ to build. I get tipped off and I got the lot for $2.50 and gave them their share. That’s how the attempt to do Plunkitt ended, and that’s how all such attempts end.

I told you how I got rich by honest graft. Now, let me tell you that politicians who are accused of robbin’ the city get rich the same way.

They didn’t steal a dollar from the city treasury. They just seen their opportunities and took them. That is why, when a reform administration comes in and spends a half million dollars in tryin’ to find the public robberies they talked about in the campaign, they don’t find them.

The books are always all right. The money in the city treasury is all right. Everything is all right. All they can show is that the Tammany heads of departments looked after their friends, within the law, and gave them what opportunities they could to make honest graft. Now, let me tell you that’s never goin’ to hurt Tammany with the people. Every good man looks after his friends, and any man who doesn’t isn’t likely to be popular. If I have a good thing to hand out in private life, I give it to a friend. Why shouldn’t the same in public life?

Another kind of honest graft. Tammany has raised a good many salaries. There was an awful howl by the reformers, but don’t you know that Tammany pays ten votes for every one it lost by salary raisin’?

The Wall Street banker thinks it shameful to raise a department clerk’s salary from $1500 to $1800 a year, but every man who draws a salary himself says: “Tha’s all right. I wish it was me.” And he feels very much like votin’ the Tammany ticket on election day, just out of sympathy.

Tammany was beat in 1901 because the people were deceived into believin’ that it worked dishonest graft. They didn’t draw a distinction between dishonest and honest graft, but they saw that some Tammany men grew rich, and supposed they had been robbin’ the city treasury or leviein’ blackmail on disorderly houses, or workin’ in with the gamblers and lawbreakers.

As a matter of policy, if nothing else, why should the Tammany leaders go into such dirty business, when there is so much honest graft lyin’ around when they are in power? Did you ever consider that?

Now, in conclusion, I want to say that I don’t own a dishonest dollar. If my worst enemy was given the job of writin’ my epitaph when I’m gone, he couldn’t do more than write:

"George W. Plunkitt. He Seen His Opportunities, and He Took ’Em."

John Dewey Advocates a Democratic Schoolroom, 1900

He found the bid was real enough. My rivals stood silent. I got the lot for $2.50 and gave them their share. That’s how the attempt to do Plunkitt ended, and that’s how all such attempts end.

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n. Just as the biologist can take a bone or two and reconstruct the
imal, so, if we put before the mind's eye the ordinary schoolroom,
ows of ugly desks placed in geometrical order, crowded together so
shall be as little moving room as possible, desks almost all of the
with just space enough to hold books, pencils, and paper, and add
some chairs, the bare walls, and possibly a few pictures, we can
ct the only educational activity that can possibly go on in such a
all made "for listening"—because simply studying lessons out of a
ily another kind of listening; it marks the dependency of one mind
her. The attitude of listening means, comparatively speaking, pas-
sorption; that there are certain ready-made materials which are
ich have been prepared by the school superintendent, the board, the
and of which the child is to take in as much as possible in the least
er thing that is suggested by these schoolrooms, with their set
that everything is arranged for handling as large numbers of children
le; for dealing with children en masse, as an aggregate of units;
, again, that they be treated passively. The moment children act
ividualize themselves; they cease to be a mass and become the
 distinctive beings that we are acquainted with out of school, in the
amily, on the playground, and in the neighborhood.
e same basis is explicable the uniformity of method and curriculum.
ing is on a "listening" basis, you can have uniformity of material
od. The ear, and the book which reflects the ear, constitute the
which is alike for all. There is next to no opportunity for adjustment
ng capacities and demands. There is a certain amount—a fixed
of ready-made results and accomplishments to be acquired by all
ike in a given time. It is in response to this demand that the
m has been developed from the elementary school up through the
here is just so much desirable knowledge, and there are just so
d technical accomplishments in the world. Then comes the mat-
problem of dividing this by the six, twelve, or sixteen years of school
give the children every year just the proportionate fraction of the
by the time they have finished they will have mastered the whole.
ing so much ground during this hour or day or week or year,
g comes out with perfect evenness at the end—provided the chil-
not forgotten what they have previously learned. The outcome of
Matthew Arnold's report of the statement, proudly made to him by
onal authority in France, that so many thousands of children were
 at a given hour, say eleven o'clock, just such a lesson in geography;
e of our own western cities this proud boast used to be repeated to
visitors by its superintendent. . .
edal child, hardly need be said, lives in the world of imaginative
d ideas which find only imperfect outward embodiment. We hear
adays about the cultivation of the child's "imagination." Then we
h of our own talk and work by a belief that 'the imagination is some
direction—generally speaking, that of the unreal and make-believe, of the
myth and made-up story. Why are we so hard of heart and so slow to believe?
The imagination is the medium in which the child lives. To him there is
everywhere and in everything which occupies his mind and activity at all a
surplusage of value and significance. The question of the relation of the
school to the child's life is at bottom simply this: Shall we ignore this native
setting and tendency, dealing, not with the living child at all, but with the dead
image we have erected, or shall we give it play and satisfaction? If we once
believe in life and in the life of the child, then will all the occupations and uses
spoken of, then will all history and science, become instruments of appeal
and materials of culture to his imagination, and through that to the richness
and the orderliness of his life. Where we now see only the outward doing and
the outward product, there, behind all visible results, is the readjustment of
mental attitude, the enlarged and sympathetic vision, the sense of growing
power, and the willing ability to identify both insight and capacity with the
interests of the world and man. Unless culture be a superficial polish, a
veneering of mahogany over common wood, it surely is this—the growth of
the imagination in flexibility, in scope, and in sympathy, till the life which the
individual lives is informed with the life of nature and of society. When nature
and society can live in the schoolroom, when the forms and tools of learning
are subordinated to the substance of experience, then shall there be an
opportunity for this identification, and culture shall be the democratic
password.

Thomas J. Mahon on Labor Reform

as Human Conservation, 1911

Why not conserve ourselves? If conservation of forests and water-powers
and minerals, if conservation of property, is good, why not tackle the ques-
tion of the conservation of human life? Isn't it of greater importance, doesn't
it go to the happiness of the home and through that to the well-being and
prosperity of the nation?

A great humane movement is sweeping through the world. It is finding
expression even in our legislative bodies. We have felt that the time has come
when we must pause for a moment in our commercial and industrial strife and
consider the welfare of human beings.

Our Human Foundation

Every nation has flourished only when the physical and mental faculties of its
people were developed and preserved to the fullest extent. Perfection of mind
and body was the principle that governed the ancient Greeks. To attain
perfection of mind and body was the aim of the Romans when the Roman
Republic was at its height.

If we are to prosper and progress as a people, we must look to the
protection and perfection of the individual. We have the means at hand, the
Early in 1903, S. S. McClure, editor and publisher of the successful popular magazine, McClure's, looked at his magazine and discovered an unplanned convergence among three of his articles, all of which revealed, as he saw it, a pervasive contempt for law. In calling attention to the significance of these three articles, all by writers who were to become famous as muckrakers, McClure marked the first self-awareness of muckraking as a social and journalistic movement. But he also gave expression to a statement of some characteristic concerns of the Progressive movement. McClure's, January, 1903.

CONCERNING THREE ARTICLES IN THIS NUMBER OF MCCLURE’S, AND A COINCIDENCE THAT MAY SET US THINKING

How many of those who have read through this number of the magazine noticed that it contains three articles on one subject? We did not plan it so; it is a coincidence that the January McClure’s is such an arraignment of American character as should make every one of us stop and think. How many noticed that?

The leading article, “The Shame of Minneapolis,” might have been called “The American Contempt of Law.” That title could well have served for the current chapter of Miss Tarbell’s History of Standard Oil. And it would have fitted perfectly Mr. Baker’s “The Right to Work.” All together, these articles come pretty near showing how universal is this dangerous trait of ours.

Miss Tarbell has our capitalists conspiring among themselves, deliberately, shrewdly, upon legal advice, to break the law so far as it restrained them, and to misuse it to restrain others who were in their way. Mr. Baker shows labor, the ancient enemy of capital, and the chief complainant of the trusts’ unlawful acts, itself committing and excusing crimes. And in “The Shame of Minneapolis” we see the administration of a city employing criminals to commit crimes for the profit of the elected officials, while the citizens—Americans of good stock and more than average culture, and honest, healthy Scandinavians—stood by complacent and not alarmed.

Capitalists, workingmen, politicians, citizens—all breaking the law, or letting it be broken. Who is left to uphold it? The lawyers? Some of the best lawyers in this country are hired, not to go into court to defend cases, but to advise corporations and business firms how they can get around the law without too great a risk of punishment. The judges? Too many of them so respect the laws that for some “error” or quibble they restore to office and liberty men convicted on evidence overwhelmingly convincing to common sense. The churches? We know of one, an ancient and wealthy establishment, which had to be compelled by a Tammany hold-over health officer to put its tenements in sanitary condition. The colleges? They do not understand.

There is no one left; none but all of us. Capital is learning (with indignation at labor’s unlawful acts) that its rival’s contempt of law is a menace to property. Labor has shrieked the belief that the illegal power of capital is a menace to the worker. These two are drawing together. Last November when a strike was threatened by the yard-men on all the railroads centering in Chicago, the men got together and settled by raising wages, and raising freight rates too. They made the public pay. We all are doing our worst and making the public pay. The public is the people. We forget that we all are the people; that while each of us in his group can shove off on the rest the bill of today, the debt is only postponed; the rest are passing it on back to us. We have to pay in the end, every one of us. And in the end the sum total of the debt will be our liberty.
Theodore Roosevelt Finds
A Name for the Muckrakers

April 14, 1906

President Roosevelt had mixed feelings about the value of the literature of exposure, which, by 1906, was beginning to flood the nation. On one hand, he believed in warring on evil practices, but on the other he was afraid that the new journalism was building up a “revolutionary feeling” in the public that might become dangerous. In the speech excerpted here, delivered at the laying of the cornerstone of the House Office Building, he not only gave the muckrakers the name that has gone down in history but also warned against the possible excesses of their activities. Presidential Addresses and State Papers (New York, 1910), vol. V, pp. 712-15.

...In Bunyan’s “Pilgrim’s Progress” you may recall the description of the Man with the Muck-rake, the man who could look no way but downward, with the muck-rake in his hand; who was offered a celestial crown for his muck-rake, but who would neither look up nor regard the crown he was offered, but continued to rake to himself the filth of the floor.

In “Pilgrim’s Progress” the Man with the Muck-rake is set forth as the example of him whose vision is fixed on carnal instead of on spiritual things. Yet he also typifies the man who in this life consistently refuses to see aught that is lofty, and fixes his eyes with solemn intentness only on that which is vile and debasing. Now, it is very necessary that we should not flinch from seeing what is vile and debasing. There is filth on the floor, and it must be scraped up with the muck-rake; and there are times and places where this service is the most needed of all the services that can be performed. But the man who never does anything else, who never thinks or speaks or writes, save of his feats with the muck-rake, speedily becomes not a help to society, not an incitement to good, but one of the most potent forces for evil.

There are, in the body politic, economic and social, many and grave evils, and there is urgent necessity for the sternest war upon them. There should be relentless exposure of and attack upon every evil man whether politician or business man, every evil practice, whether in politics, in business, or in social life. I hail as a benefactor every writer or speaker, every man who, on the platform, or in book, magazine, or newspaper, with merciless severity makes such attack, provided always that he in his turn remembers that the attack is of use only if it is absolutely truthful. The liar is no whit better than the thief, and if his mendacity takes the form of slander, he may be worse than most thieves. It puts a premium upon knavery untruthfully to attack an honest man, or even with hysterical exaggeration to assail a bad man with untruth. An epidemic of indiscriminate assault upon character does not good, but very great harm. The soul of every scoundrel is gladdened whenever an honest man is assailed, or even when a scoundrel is untruthfully assailed.

Now, it is easy to twist out of shape what I have just said, easy to affect to misunderstand it, and, if it is slurred over in repetition, not difficult really to misunderstand it. Some persons are sincerely incapable of understanding that to denounce mud-slinging does not mean the endorsement of whitewashing; and both the interested individuals who need whitewashing, and those others who practice mud-slinging, like to encourage such confusion of ideas. One of the chief counts against those who make indiscriminate assault upon men in business or men in public life, is that they invite a reaction which is sure to tell powerfully in favor of the unscrupulous scoundrel who really ought to be attacked, who ought to be exposed, who ought, if possible, to be put in the penitentiary. If Aristides is praised overmuch as just, people get tired of hearing it; and overcensure of the unjust finally and from similar reasons results in their favor.

Any excess is almost sure to invite a reaction; and, unfortunately, the reaction, instead of taking the form of punishment of those guilty of the excess, is very apt to take the form either of punishment of the unoffending or of giving immunity, and even strength, to offenders. The effort to make financial or political profit out of the destruction of character can only result in public calamity. Gross and reckless assaults on character, whether on the stump or in newspaper, magazine, or book, create a morbid and vicious public sentiment, and at the same time act as a profound deterrent to able men of normal sensitiveness and tend to prevent them from entering the public service at any price...
Ida M. Tarbell on the Methods of The Standard Oil Company

December, 1902

Ida M. Tarbell, who had already written popular works on Lincoln and Napoleon, was commissioned by S. S. McClure not to do a work of exposure but to tell the story of the remarkable achievements of Standard Oil. However, Miss Tarbell had lived among the independent oil operators of Pennsylvania and looked at this gigantic company through the eyes of its defeated competitors. Her account became the story of the ruthless methods by which this company was built, and it was so effective in blackening the name of John D. Rockefeller that he found it wise to hire a publicity agent to create a more favorable image of himself in the public mind. McClure's, December, 1902.

In the fall of 1871, while Mr. Rockefeller and his friends were occupied with all these questions certain Pennsylvania refiners, it is not too certain who, brought to them a remarkable scheme, the gist of which was to bring together secretly a large enough body of refiners and shippers to compel all the railroads handling oil to give to the company formed special rebates on its oil, and drawbacks on that of others. If they could get such rates, it was evident that those outside of their combination could not compete with them long, and that they would become eventually the only refiners. They could then limit their output to actual demand, and so keep up prices. This done, they could easily persuade the railroads to transport no crude for exportation, so that the foreigners would be forced to buy American refined. They believed that the price of oil thus exported could easily be advanced 50 per cent. The control of the refining interests would also enable them to fix their own price on crude. As they would be the only buyers and sellers, the speculative character of the business would be done away with. In short, the scheme they worked out put the entire oil business in their hands. It looked as simple to put into operation as it was dazzling in its results. . . .

The first thing was to get a charter—quietly. At a meeting held in Philadelphia late in the fall of 1871, a friend of one of the gentlemen interested mentioned to him that a certain estate then in liquidation had a charter for sale which gave its owners the right to carry on any kind of business in any country and in any way; that it could be bought for what it would cost to get a charter under the general laws of the state, and it would be a favor to the heirs to buy it. The opportunity was promptly taken. The name of the charter bought was the "Southern Improvement Company." For a beginning it was as good a name as another, since it said nothing.

With this charter in hand Mr. Rockefeller and Mr. Watson and their associates began to seek converts. In order that their great scheme might not be injured by premature public discussion, they asked of each person whom they approached a pledge of secrecy. Two forms of the pledges required before anything was revealed were published later. The first of these, which appeared in the New York Tribune, read as follows:

I, A.B., do faithfully promise upon my honor and faith as a gentleman, that I will keep secret all transactions which I may have with the corporation known as the South Improvement Company; that, should I fail to complete any bargains with the said company, all the preliminary conversations shall be kept strictly private; and, finally, that I will not disclose the price for which I dispose of my product, or any other facts which may in any way bring to light the internal workings or organization of the company. All this I do freely promise.

That they met with encouragement is evident from the fact that, when the corporators came together on January 2, 1872, in Philadelphia, for the first time under their charter, and transferred the company to the stockholders, they represented in one way or another a large part of the refining interest of the country. At this meeting 1,100 shares of the stock of the company, which was divided into 2,000 shares of $100 each, were subscribed for, and 20 per cent of their value paid in. Just who took stock at this meeting the writer has not been able to discover. When the corporators came together on January 2, 1872...
Mr. Watson was elected president and Mr. Warden secretary of the new association. It will be noticed that the largest individual holdings in the company were those of W. G. Warden, of Philadelphia, and O. F. Waring, of Pittsburgh, each of whom had 475 shares. The company most heavily interested in the South Improvement Company was the Standard Oil Company of Cleveland, Messrs. J. D. Rockefeller, William Rockefeller, O. H. Payne, and H. M. Flagler, all stockholders of that company, each having 180 shares—720 in the company.

The organization complete, there remained contracts to be made with the railroads. Three systems were interested: the Central, which, by its connection with the Lake Shore and Michigan Southern, ran directly into the Oil Regions; the Erie, allied with the Atlantic and Great Western, with a short line likewise tapping the heart of the region; and the Pennsylvania, with the connections known as the Allegheny Valley and Oil Creek Railroad. The persons to be won over were W. H. Vanderbilt, of the Central; W. H. Clarke, president of the Lake Shore and Michigan Southern; Jay Gould, of the Erie; General G. B. McClellan, president of the Atlantic and Great Western; and Tom Scott, of the Pennsylvania. There seems to have been little difficulty in persuading any of these persons to go into the scheme. It was, of course, a direct violation of their charters as public carriers, but such violations had been in practice for at least four years in the oil business, and for a longer period in other industries. Under pressure or persuasion all of these roads granted special rates. For years they had been fighting bitterly for the oil trade, often cutting rates to get a consignment, until there was no profit in it. They were glad enough to go into any arrangement which guaranteed each a sure percentage of the business and gave them a profit on it. This the South Improvement Company did. They seem not to have agreed to the contracts until the company assured them that all the refiners were going in. The contracts they made were not on condition, however, that all were included. Three months after they were signed Congress investigated the great scheme. The testimony of the secretary of the company on this point before the Congressional committee is worth reading:

Q. You say you made propositions to railroad companies, which they agreed to accept upon the condition that you could include all the refiners?
A. No, sir; I did not say that; I said that was the understanding when we discussed this matter with them; it was no proposition on our part; they discussed it, not in the form of a proposition that the refineries should be all taken in, but it was the intention and resolution of the company from the first that that should be the result; we never had any other purpose in the matter.

Q. In case you could take the refineries all in, the railroads proposed to give you a rebate upon their freight charges?
A. No, sir; it was not put in that form; we were to put the refineries all in upon the same terms; it was the understanding with the railroad companies that we were to have a rebate; there was no rebate given in consideration of our putting the companies all in, but we told them we would do it; the contract with the railroad companies was with us.

Q. But if you did form a company composed of the proprietors of all these refineries, you were to have a rebate upon your freight charges?
A. No; we were to have a rebate anyhow, but were to give all the refineries the privilege of coming in.
Q. You were to have the rebate whether they came in or not?
A. Yes, sir.

"What effect were these arrangements to have upon those who did not come into the combination?" asked the chairman.

"I do not think we ever took that question up," answered Mr. Warden.

A second objection to making a contract with the company came from Mr. Scott, of the Pennsylvania road. "You take no account here," Mr. Scott told the secretary, W. G. Warden, who discussed the matter at length with him, "of the oil producer—the man to whom the world owes the business. You can never succeed unless you take care of the producer." Mr. Warden objected strongly to forming a combination with them. "The interests of the producers were in one sense antagonistic to ours; one as the seller and the other as the buyer. We held in argument that the producers were abundantly able to take care of their own branch of the business if they took care of the quantity produced."
So strongly did Mr. Scott argue, however, that finally the members of the South Improvement Company yielded, and a draft of an agreement, to be proposed to the producers, was drawn up in lead pencil; it was never presented. It seems to have been used principally to quiet Mr. Scott.

The work of persuasion went on swiftly. By the eighteenth of January the president of the Pennsylvania road, J. Edgar Thompson, had put his signature to the contract, and soon after Mr. Vanderbilt and Mr. Clarke signed for the Central system, and Jay Gould and General McClellan for the Erie. The contracts to which these gentlemen put their names fixed gross rates of freight from all common points, as the leading shipping points within the Oil Regions were called, to all the great refining and shipping centers—New York, Philadelphia, Baltimore, Pittsburgh and Cleveland. For example, the open rate on crude oil to New York was put at $2.56. On this price the South Improvement Company was allowed a rebate of $1.06 for its shipments; but it got not only this rebate, it was given in cash a like amount on each barrel of crude shipped by parties outside the combination.

The open rate from Cleveland to New York was $2.00, and 50 cents of this sum was turned over to the South Improvement Company, which at the same time received a rebate enabling it to ship for $1.50. Again an independent refiner in Cleveland paid 80 cents a barrel to get his crude from the Oil Regions to his works, and the railroad sent 40 cents of this money to the South Improvement Company. At the same time it cost the Cleveland refiner in the combination but 40 cents to get his crude oil. Like drawbacks and rebates were given for all points—Pittsburgh, Philadelphia, Boston and Baltimore.

An interesting provision in the contracts was that full waybills of all petroleum shipped over the roads should each day be sent to the South Improvement Company. This, of course, gave them knowledge of just who was doing business outside of their company—of how much business he was doing, and with whom he was doing it. Not only were they to have full knowledge of the business of all shippers—they were to have access to all books of the railroads.

The reason given by the railroads in the contract for granting these extraordinary privileges was that the "magnitude and extent of the business and operations" purposed to be carried on by the South Improvement Company would greatly promote the interest of the railroads and make it desirable for them to encourage their undertaking. The evident advantages received by the railroad were a regular amount of freight—the Pennsylvania was to have 45 per cent of the eastbound shipping, the Erie and Central each 27½ per cent, while westbound freight was to be divided equally between them—fixed rates, and freedom from the system of cutting which they had all found so harassing and disastrous.

It was on the second of January 1872 that the organization of the South Improvement Company was completed. The day before, the Standard Oil Company of Cleveland increased its capital from $1,000,000 to $2,500,000, "all the stockholders of the company being present and voting therefor." . . . The last three were officers and stockholders in one or more of the railroads centering in Cleveland. Three weeks after this increase of capital Mr. Rockefeller had the charter and contracts of the South Improvement Company in hand, and was ready to see what they would do in helping him carry out his idea of wholesale combination in Cleveland. There were at that time some twenty-six refineries in the town—some of them very large plants. All of them were feeling more or less the discouraging effects of the last three or four years of railroad discriminations in favor of the Standard Oil Company.

To the owners of these refineries Mr. Rockefeller now went one by one, and explained the South Improvement Company. "You see," he told them, "this scheme is bound to work. It means an absolute control by us of the oil business. There is no chance for anyone outside. But we are going to give everybody a chance to come in. You are to turn over your refinery to my appraisers, and I will give you Standard Oil Company stock or cash, as you prefer, for the value we put upon it. I advise you to take the stock. It will be for your good." Certain refiners objected. They did not want to sell. They did want to keep and manage their business. Mr. Rockefeller was regretful, but firm. It was useless to resist, he told the hesitating; they would certainly be crushed if they did not accept his offer, and he pointed out in detail, and with gentleness, how beneficent the scheme really was—preventing the Creek refiners from destroying Cleveland, keeping up the price of refined oil, destroying competition, and eliminating speculation.

The perfection of the scheme, the inevitableness of the result, the persuasiveness of its advocate, the promise of great profits were different reasons for leading many of the refiners to succumb at once. Some of them took stock—more took money.

A few of the refiners contested before surrendering. Among these was Robert Hanna, an uncle of Mark Hanna, of the firm of Hanna, Baslinton & Co. Mr. Hanna had been refining oil since July 1869. According to his own sworn statement he had made money, fully 60 per cent on his investment the first year, and after that 30 per cent. Some time in
February 1872 the Standard Oil Company asked an interview with him and his associates. They wanted to buy his works, they said. "But we don't want to sell," objected Mr. Hanna. "You can never make any more money, in my judgment," said Mr. Rockefeller. "You can't compete with the Standard. We have all the large refineries now. If you refuse to sell, it will end in your being crushed." Hanna and Baslington were not satisfied. They went to see Mr. Watson, president of the South Improvement Company, and an officer of the Lake Shore, and General Devereux, manager of the Lake Shore road. They were told that the Standard had special rates; that it was useless to try to compete with them. General Devereux explained to the gentlemen that the privileges granted the Standard were the legitimate and necessary advantage of the large shipper over the smaller, and that if Hanna, Baslington & Co. could give the road as large a quantity of oil as the Standard did, with the same regularity, they could have the same rate. General Devereux says they "recognized the propriety" of his excuse. They certainly recognized its authority. They say that they were satisfied they could no longer get rates to and from Cleveland which would enable them to live, and "reluctantly" sold out. It must have been reluctantly, for they had paid $75,000 for their works, and had made 30 per cent a year on an average on their investment, and the Standard appraiser allowed them $45,000. "Truly and really less than one-half of what they were absolutely worth, with a fair and honest competition in the lines of transportation," said Mr. Hanna, eight years later, in an affidavit.

Under the combined threat and persuasion of the Standard, armed with the South Improvement Company scheme, almost the entire independent oil interest of Cleveland collapsed in three months' time. Of the twenty-six refineries, at least twenty-one sold out. From a capacity of probably not over 1,500 barrels of crude a day, the Standard Oil Company rose in three months' time to one of 10,000 barrels. By this maneuver it became master of one-fifth of the refining capacity of the United States. Its next individual competitor was Sloan & Fleming, of New York, whose capacity was 1,700 barrels. The Standard had a greater capacity than the entire Oil Creek Regions, greater than the combined New York refineries. The transaction by which it acquired this power was so stealthy that not even the best-informed newspapermen of Cleveland knew what went on. It had all been accomplished in accordance with one of Mr. Rockefeller’s chief business principles—"Silence is golden."

While Mr. Rockefeller was working out the "good of the oil business"
As a Socialist, Upton Sinclair wrote his novel *The Jungle* to awaken sympathy for the plight of the workers in the Chicago slaughtering industry by portraying the life of an immigrant worker and his family. But his book's great impact came largely from its graphic and sometimes nauseating account of the conditions of slaughtering. It contributed a great deal to the pressure for the Pure Food and Drug Act, which was passed in the year it appeared. *The Jungle* (New York, 1906), pp. 114-17, 160-62.

... It seemed as if every time you met a person from a new department, you heard of new swindles and new crimes. There was, for instance, a Lithuanian who was a cattle butcher for the plant where Marija had worked, which killed meat for canning only; and to hear this man describe the animals which came to his place would have been worth while for a Dante or a Zola. It seemed that they must have agencies all over the country, to hunt out old and crippled and diseased cattle to be canned. There were cattle which had been fed on "whisky malt," the refuse of the breweries, and had become what the men called "steerly"—which means covered with boils. It was a nasty job killing these, for when you plunged your knife into them they would burst and splash foul-smelling stuff into your face; and when a man's sleeves were smeared with blood, and his hands steamed in it, how was he ever to wipe his hands, or to clear his eyes so that he could see? It was stuff such as this that made the "embalmed beef" that had killed several times as many United States soldiers as all the bullets of the Spaniards; only the army beef, besides, was not fresh canned, it was old stuff that had been lying for years in the cellars.

Then one Sunday evening, Jurgis sat puffing his pipe by the kitchen stove, and talking with an old fellow whom Jonas had introduced, and who worked in the canning rooms at Durham's; and so Jurgis learned a few things about the great and only Durham canned goods, which had become a national institution. They were regular alchemists at Durham's; they advertised a mushroom-catsup, and the men who made it did not know what a mushroom looked like. They advertised "potted chicken,"—and it was like the boardinhouse soup of the comic papers, through which a chicken had walked with rubbers on. Perhaps they had a secret process for making chickens chemically—who knows? said Jurgis' friend; the things that went into the mixture were tripe, and the fat of pork, and beef suet, and hearts of beef, and finally the waste ends of veal, when they had any. They put these up in several grades, and sold them at several prices; but the contents of the cans all came out of the same hopper. And then there was "potted game" and "potted grouse," "potted ham," and "deviled ham"—de-vyled, as the men called it. "De-vyled" ham was made out of the waste ends of smoked beef that were too small to be sliced by the machines; and also tripe, dyed with chemicals so that it would not show white; and trimmings of hams and corned beef; and potatoes, skins and all; and finally the hard cartilaginous gullets of beef, after the tongues had been cut out. All this ingenious mixture was ground up and flavored with spices to make it taste like something. Anybody who could invent a new imitation had been sure of a fortune from old Durham, said Jurgis' informant; but it was hard to think of anything new in a place where so many sharp wits had been at work for so long; where men welcomed tuberculosis in the cattle they were feeding, because it made them fatten more quickly; and where they bought up all the old rancid butter left over in the grocery stores of a continent, and "oxidized" it by a forced-air process, to take away the odor, rechurned it with skim milk, and sold it in bricks in the cities! Up to a year or two ago it had been the custom to kill horses in the yards—ostensibly for fertilizer; but after long agitation the newspapers had been able to make the public realize that the horses were being canned. Now it was against the law to kill horses in Packington, and the law was really complied with—for the present, at any rate. Any day, however, one might see sharp-horned and shaggy-haired creatures running with the sheep—and yet what a job you would have to get the public to believe that a good part of what it buys for lamb and mutton is really goat's flesh!

There was another interesting set of statistics that a person might have gathered in Packington—those of the various afflictions of the workers. When Jurgis had first inspected the packing plants with Szedvilas, he had marveled while he listened to the tale of all the things that were made out of the carcasses of animals, and of all the lesser industries that were maintained there; now he found that each one of these lesser industries was a separate little inferno, in its way as horrible as the killing beds, the source and fountain of them all. The workers in each of them had their own peculiar diseases. And the wandering visitor might be skeptical about all the swindles, but he could
not be skeptical about these, for the worker bore the evidence of them about on his own person—generally he had only to hold out his hand. There were the men in the pickle rooms, for instance, where old Antanas had gotten his death; scarce a one of these that had not some spot of horror on his person. Let a man so much as scrape his finger pushing a truck in the pickle rooms, and he might have a sore that would put him out of the world; all the joints in his fingers might be eaten by the acid, one by one. Of the butchers and floor men, the beef-boners and trimmers, and all those who used knives, you could scarcely find a person who had the use of his thumb; time and time again the base of it had been slashed, till it was a mere lump of flesh against which the man pressed the knife to hold it. The hands of these men would be cress-crossed with cuts, until you could no longer pretend to count them or to trace them. They would have no nails,—they had worn them off pulling hides; their knuckles were swollen so that their fingers spread out like a fan. There were men who worked in the cooking rooms, in the midst of steam and sickening odors, by artificial light; in these rooms the germs of tuberculosis might live for two years, but the supply was renewed every hour. There were the beef-luggers, who carried two-hundred-pound quarters into the refrigerators; a fearful kind of work, that began at four o'clock in the morning, and that wore out the most powerful men in a few years. There were those who worked in the chilling rooms, and whose special disease was rheumatism; the time limit that a man could work in the chilling rooms was said to be five years. There were the wool-pluckers, whose hands went to pieces even sooner than the hands of the pickle men; for the pelts of the sheep had to be painted with acid to loosen the wool, and then the pluckers had to pull out this wool with their bare hands, till the acid had eaten their fingers off. There were those who made the tins for the canned meat; and their hands, too, were a maze of cuts, and each cut represented a chance for blood poisoning. Some worked at the stamping machines, and it was very seldom that one could work long there at the pace that was set, and not give out and forget himself, and have a part of his hand chopped off. There were the “hoisters,” as they were called, whose task it was to press the lever which lifted the dead cattle off the floor. They ran along upon a rafter, peering down through the damp and the steam; and as old Durham’s architects had not built the killing room for the convenience of the hoisters, at every few feet they would have to stoop under a beam, say four feet above the one they ran on; which got them into the habit of stooping.

so that in a few years they would be walking like chimpanzees. Worst of any, however, were the fertilizer men, and those who served in the cooking rooms. These people could not be shown to the visitor,—for the odor of a fertilizer man would scare any ordinary visitor at a hundred yards, and as for the other men, who worked in tank rooms full of steam, and in some of which there were open vats near the level of the floor, their peculiar trouble was that they fell into the vats; and when they were fished out, there was never enough of them left to be worth exhibiting,—sometimes they would be overlooked for days, till all but the bones of them had gone out to the world as Durham’s Pure Leaf Lard!...

With one member trimming beef in a cannery, and another working in a sausage factory, the family had a first-hand knowledge of the great majority of Packingtown swindles. For it was the custom, as they found, whenever meat was so spoiled that it could not be used for anything else, either to can it or else to chop it up into sausage. With what had been told them by Jonas, who had worked in the pickle rooms, they could now study the whole of the spoiled-meat industry on the inside, and read a new and grim meaning into that old Packingtown jest—that they use everything of the pig except the squeal.

Jonas had told them how the meat that was taken out of pickle would often be found sour, and how they would rub it up with soda to take away the smell, and sell it to be eaten on free-lunch counters; also of all the miracles of chemistry which they performed, giving to any sort of meat, fresh or salted, whole or chopped, any color and any flavor and any odor they chose. In the pickling of hams they had an ingenious apparatus, by which they saved time and increased the capacity of the plant—a machine consisting of a hollow needle attached to a pump; by plunging this needle into the meat and working with his foot, a man could fill a ham with pickle in a few seconds. And yet, in spite of this, there would be hams found spoiled, some of them with an odor so bad that a man could hardly bear to be in the room with them. To pump into these the packers had a second and much stronger pickle which destroyed the odor—a process known to the workers as “giving them thirty per cent.” Also, after the hams had been smoked, there would be found some that had gone to the bad. Formerly these had been sold as “Number Three Grade,” but later on some ingenious person had hit upon a new device, and now they would extract the bone, about which the bad part generally lay, and insert in the hole a white-hot iron. After this invention there was no longer Number One,
Two, and Three Grade—there was only Number One Grade. The packers were always originating such schemes—they had what they called “boneless hams,” which were all the odds and ends of pork stuffed into casings; and “California hams,” which were the shoulders, with big knuckle joints, and nearly all the meat cut out; and fancy “skinned hams,” which were made of the oldest hogs, whose skins were so heavy and coarse that no one would buy them—that is, until they had been cooked and chopped fine and labeled “head cheese!”

It was only when the whole ham was spoiled that it came into the department of Elizbieta. Cut up by the two-thousand-revolutions-a-minute flyers, and mixed with half a ton of other meat, no odor that ever was in a ham could make any difference. There was never the least attention paid to what was cut up for sausage; there would come all the way back from Europe old sausage that had been rejected, and that was moldy and white—it would be dosed with borax and glycerine, and dumped into the hoppers, and made over again for home consumption. There would be meat that had tumbled out on the floor, in the dirt and sawdust, where the workers had tramped and spit uncounted billions of consumption germs. There would be meat stored in great piles in rooms; and the water from leaky roofs would drip over it, and thousands of rats would race about on it. It was too dark in these storage places to see well, but a man could run his hand over these piles of meat and sweep off handfuls of the dried dung of rats. These rats were nuisances, and the packers would put poisoned bread out for them; they would die, and then rats, bread, and meat would go into the hoppers together. This is no fairy story and no joke; the meat would be shoveled into carts, and the man who did the shoveling would not trouble to lift out a rat even when he saw one—there were things that went into the sausage in comparison with which a poisoned rat was a tidbit. There was no place for the men to wash their hands before they ate their dinner, and so they made a practice of washing them in the water that was to be ladled into the sausage. There were the butt-ends of smoked meat, and the scraps of corned beef, and all the odds and ends of the waste of the plants, that would be dumped into old barrels in the cellar and left there. Under the system of rigid economy which the packers enforced, there were some jobs that it only paid to do once in a long time, and among these was the cleaning out of the waste barrels. Every spring they did it; and in the barrels would be dirt and rust and old nails and stale water—and carload after carload of it would be taken up and dumped into the hoppers with fresh meat, and sent out to the public’s breakfast. Some of it they would make into “smoked” sausage—but as

the smoking took time, and was therefore expensive, they would call upon their chemistry department, and preserve it with borax and color it with gelatine to make it brown. All of their sausage came out of the same bowl, but when they came to wrap it they would stamp some of it “special,” and for this they would charge two cents more a pound.
Marie Van Vorst on
The Plight of the Working Woman
1903

Marie Van Vorst and her sister-in-law, Mrs. John Van Vorst, made separate expeditions into the life of the working girl, and together published accounts of their experiences. Explaining the effort that led to her masquerade as a working girl, Marie Van Vorst wrote: “I laid aside for a time everything pertaining to the class in which I was born and bred and became an American working-woman.”


The foreman was distinctly a personage. Small, kind, alive, he wore a straw hat and eyeglasses. He had decided in a moment that my short application for “something to do” was not to be gainsaid.

“Ever worked before?”

This time I had a branch of a trade at my fingers’ ends.

“Yes, sir; presser.”

I was proud of my trade.

I did not even know, as I do now, that “cleaning” is the filthiest job the trade possesses. It is in bad repute and difficult to secure a woman to do the unpleasant work.

“You come with me,” he said cheerfully; “I’ll teach you.”

The forelady at Parsons’ did not know whether I worked well or not. She never came to see. The foreman in Marches’ taught me himself.

Two high desks, like old-time school desks, rose in the workshop’s centre. Behind one of these I stood, whilst the foreman in front of me instructed my ignorance. The room was filled with high crates rolled hither and thither on casters. These crates contained anywhere from thirty-two to fifty pairs of boots. The cases were moved from operator to operator as each man selects the shoes to apply to them the especial branch of his trade. From the crate of boots rolled to my side I took four boots and placed them on the desk before me. With the heel of one pressed against my breast, I dipped my forefinger in a glass of hot soap and water, water which soon became black as ink. I passed my wet, soapy finger all around the boot’s edges, from toe to heel. This loosened, in the space between the sole and vamp, the sticky dye substance on the leather and particles of so-called “dirt.” Then with a bit of wood covered with Turkish toweling I scraped the shoe between the sole and vamp and with a third cloth polished and rubbed the boot clean. In an hour’s time I did one-third as well as my companion. I cleaned a case in an hour, whilst she cleaned three.

When my employer had left me I observed the woman at my side: an untidy, degraded-looking creature, long past youth. Her hands begged description; their covering resembled skin not at all, but a dark-blue substance, leatherlike, bruised, ingrained, indigo-hued. Her nails looked as though they had been beaten severely. One of her thumbs was bandaged.

“I lost one nail; rotted off.”

“Horrible! How, pray?”

“That there water: it’s poison from the shoe-dye.”

Swiftly my hands were changing to a faint likeness of my companion. “Don’t tell him,” she said, “that I told you that. He’ll be mad; he’ll think I am discouraging you. But you’ll lose your forefinger nail, all right!” Then she gave a little laugh as she turned her boot around to polish it.

“Once I tried to clean my hands up. Lord! it’s no good! I scrub ‘em with a scrubbin’-brush on Sundays.”

“How long have you been at this job?”

“Ten months.”

They called her “Bobby”; the men from their machines nodded to her now and then, bantering her across the noise of their wheels. She was ignorant of it, too stupid to know whether life took her in sport or in earnest! The men themselves worked in their flannel shirts. Not far from us was a wretchedly ill-looking individual, the very shadow of manhood. I observed that once he cast toward us a look of interest. Under my feet was a raised platform on which I stood, bending to my work. During the morning the consumptive man strolled over and whispered something to “Bobby.” He made her dullness understand. When he had gone back to his job she said to me:

“Say, w’y don’t yer push that platform away and stand down on the floor? You’re too tall to need that. It makes yer bend.”

“Did that man come over to tell you this?”

“Yes. He said it made you tired.”

From my work, across the room, I silently blessed the pale old man, bowed, thin, pitiful, over the shoe he held, obscured from me by the cloud of sawdust-like flying leather that spun scattered from the sole he held to the flying wheel.
I don’t believe the shoe-dye really to be poisonous. I suppose it is scarcely possible that it can be so; but the constant pressure against forefinger nail is enough to induce disease. My fingers were swollen sore. The effects of the work did not leave my hands for weeks.

“Bobby” was not talkative or communicative simply because she had nothing to say. Over and over again she repeated the one single question to me during the time I worked by her side: “Do you like your job?” and although I varied my replies as well as I could with the not too exhausting topic she offered, I could not induce her to converse. She took no interest in my work, absorbed in her own. Every now and then she would compute the sum she had made, finally deciding that the day was to be a red-bean day and she would make a dollar and fifty cents. During the time we worked together she had cleaned seventeen cases of shoes.

In this shop it was hotter than in Parsons’. We sweltered at our work. Once a case of shoes was cleaned, I wrote my initial “B” on the tag and rolled the crate across the floor to the man next me, who took it into his active charge.

The foreman came to me many times to inspect, approve and encourage. He was a model teacher and an indefatigable superintendent. Just how far personal, and just how far human, his kindness, who can say? “You’ve been a presser long at the shoe-shops?”
“‘No.”
“I like your pluck. When a girl has never had to work, and takes hold the way you do, I admire it. You will get along all right.”
“Thank you; perhaps I won’t, though.”
“Now, don’t get nervous. I am nervous myself,” he said; “I know how that is.”

On his next visit he asked me: “Where you goin’ to when you get out of here to-night?”
I told him that I was all right—that I had a place to stay.
“If you’re hard up, don’t get discouraged; come to me.”
I thanked him again and said that I could not take charity.

“No nonsense! I don’t call it charity! If I was hard put, don’t you s’pose I’d go to the next man if he offered me what I offer you? The world owes you a livin’.”

When the foreman had left me I turned to look at “Bobby.” She was in the act of lifting to her lips a glass of what was supposed to be water.
“You’re not going to drink that!” I gasped, horrified. “Where did you get it?”

“‘Oh, I drew it awhile ago,” she said.

It had stood gathering microbes in the room, visible ones evidently, for a scum had formed on the glass that looked like stagnant oil. She blew the stuff back and drank long. Her accent was so bad and her English so limited I took her to be a foreigner beyond doubt. She proved to be an American. She had worked in factories all her life, since she was eight years old, and her brain was stunted.

At dinner time, when I left Marches’, I had stood, without sitting down once, for five hours, and according to Bobby’s computation I had made the large sum of twenty-five cents, having cleaned a little more than one hundred shoes. To all intents, at least for the moment, my hands were ruined. At Weyman’s restaurant I went in with my fellow workwomen and men.

Weyman’s restaurant smells very like the steerage in a vessel. The top floor having burned out a few weeks before, the ceiling remained blackened and filthy. The place was so close and foul-smelling that eating was an ordeal. If I had not been so famished, it would have been impossible for me to swallow a mouthful. I bought soup and beans, and ate, in spite of the inconveniences, ravenously, and paid for my dinner fifteen cents. Most of my neighbours took one course, stew or soup. I rose half-satisfied, dizzy from the fumes and the bad air. I am sure in saying that I never smelted anything like to Weyman’s, and I hope never to again. Never again shall I hear food and drink discussed by the gourmet—discuss, indeed, with him over his repast—but there shall rise before me Weyman’s restaurant, low-ceiled, foul, crowded to overflowing. I shall see the diners bend edged appetites to the unpalatable food. These Weyman patrons, mark well, are the rich ones, the swells of labour—able to squander fifteen to twenty cents on their stew and tea. There are dozens, you remember, still in the unaired fourth and fifth stories—at “lunching” over their sandwiches. Far more vivid, more poignant even must be to me the vision of “Bobby.” I shall see her eat her filthy sandwich with her blackened hands, see her stoop to blow the scum of deadly matter from her typhoid-breeding glass.

In Lynn, unless she boards at home, a girl’s living costs her at best $3.75 a week. If she be of the average* her monthly earnings are $32. Reduce this by general expenses and living and her surplus is $16, to earn which she has toiled 224 hours. You will recall that there are, out

* Lynn’s average wages are $8 per week.
of the 22,000 operatives in Massachusetts, 5,000 who make under $5 a week. I leave the reader to compute from this the luxuries and possible pleasures consistent with this income.

A word for the swells of the trade, for swells exist. One of my companions at 28 Viger Street made $14 a week. Her expenses were $4; she therefore had at her disposition about $40 a month. She had no family—every cent of her surplus she spent on her clothes.

"I like to look down and see myself dressed nice," she said; "it makes me feel good. I don't like myself in poor clothes."

She was well-dressed—her furs good, her hat charming. We walked to work side by side, she the lady of us. Of course she belongs to the Union. Her possible illness is provided for; her death will bring $100 to a distant cousin. She is only tired out, thin, undeveloped, pale, that's all. She is almost a capitalist, and extremely well dressed.

Poor attire, if I can judge by the reception I met with in Lynn, influences only those who by reason of birth, breeding and education should be above such things. In Viger Street I was more simply clad than my companions. My aspect called forth only sisterhood and kindness.

Fellowship from first to last, fellowship from their eyes to mine, a spark kindled never to be extinguished. The morning I left my tenement lodging Mika took my hand at the door.

"Good-by." Her eyes actually filled. "I'm awful sorry you're going. If the world don't treat you good come back to us."

I must qualify a little. One member of the working class there was on whom my cheap clothes had a chilling effect—the spoiled creature of the traveling rich, a Pullman car porter on the train from Boston to New York! Although I called him first and purposely gave him my order in time, he viewed me askance and served me the last of all. As I watched my companions in their furs and handsome attire eat, whilst I sat and waited, my woolen gloves folded in my lap, I wondered if any one of the favoured was as hungry, as famished as the presser from Parsons', the cleaner from Marches'.

John Spargo on Child Labor
1906

"This great nation in its commercial madness devours its babes," John Spargo charged in his study of The Bitter Cry of the Children. And in a work replete with horrifying detail, he documented his case, and gave a strong impetus to the movement against child labor. The basic accuracy of his findings was confirmed a few years later in the nineteen volumes of the U. S. Bureau of Labor's Report on Condition of Woman and Child Wage Earners in the United States. Nationwide efforts to curb such abuses of children made slow ground, however, largely because of decisions of the Supreme Court invalidating national child labor laws and the inability of reformers to secure the passage of a constitutional amendment on the subject.


The textile industries rank first in the enslavement of children. In the cotton trade, for example, 13.3 per cent of all persons employed throughout the United States are under sixteen years of age. In the Southern states, where the evil appears at its worst, so far as the textile trades are concerned, the proportion of employees under sixteen years of age in 1900 was 25.1 per cent, in Alabama the proportion was nearly 30 per cent. A careful estimate made in 1902 placed the number of cotton-mill operatives under sixteen years of age in the Southern states at 60,000. At the beginning of 1903 a very conservative estimate placed the number of children under fourteen employed in the cotton mills of the South at 80,000, no less than 20,000 of them being under twelve. If this latter estimate of 20,000 children under twelve is to be relied upon, it is evident that the total number under fourteen must have been much larger than 30,000. According to Mr. McKelvey, one of the most competent authorities in the country, there are at the present time not less than 60,000 children under fourteen employed in the cotton mills of the Southern states. Miss Jane Addams tells of finding a child of five years working by night in a South Carolina mill; Mr. Edward Gardner Murphy has photographed little children of six and seven years who were at work for twelve and thirteen hours a day in Alabama mills. In Columbia, S. C., and Montgomery, Ala., I have seen hundreds of chil-
dren, who did not appear to be more than nine or ten years of age, at work in the mills, by night as well as by day.

The industrial revival in the South from the stagnation consequent upon the Civil War has been attended by the growth of a system of child slavery almost as bad as that which attended the industrial revolution in England a century ago. From 1880 to 1900 the value of the products of Southern manufactures increased from less than $458,000,000 to $1,463,000,000—an increase of 220 per cent. Many factors contributed to that immense industrial development of the South, but, according to a well-known expert, it is due "chiefly to her supplies of tractable and cheap labor." During the same period of twenty years in the cotton mills outside of the South, the proportion of workers under sixteen years of age decreased from 15.6 per cent to 7.7 per cent, but in the South it remained at approximately 25 per cent. It is true that the terrible pauper apprentice system which forms such a tragic chapter in the history of the English factory movement has not been introduced; yet the fate of the children of the poor families from the hill districts who have been drawn into the vortex of this industrial development is almost as bad as that of the English pauper children. These "poor whites," as they are expressively called, even by their negro neighbors, have for many years eked out a scanty living upon their farms, all the members of the family uniting in the struggle against niggardly nature. Drawn into the current of the new industrial order, they do not realize that, even though the children worked harder upon the farms than they do in the mills, there is an immense difference between the dust-laden air of a factory and the pure air of a farm; between the varied tasks of farm life with the endless opportunities for change and individual initiative, and the strained attention and monotonous tasks of mill life. The lot of the pauper children driven into the mills by the ignorance and avarice of British Bumldom was little worse than that of these poor children, who work while their fathers loaf. During the long, weary nights many children have to be kept awake by having cold water dashed on their faces, and when morning comes they throw themselves upon their beds—often still warm from the bodies of their brothers and sisters—without taking off their clothing. "When I works nights, I'se too tired to undress when I gits home, an' so I goes to bed wif me clo's on me," lisped one little girl in Augusta, Ga.

There are more than 80,000 children employed in the textile industries of the United States, according to the very incomplete census returns, most of them being little girls. In these industries conditions are undoubtedly worse in the Southern states than elsewhere, though I have witnessed many pitiable cases of child slavery in Northern mills which equalled almost anything I have ever seen in the South. During the Philadelphia textile workers' strike in 1903, I saw at least a score of children ranging from eight to ten years of age who had been working in the mills prior to the strike. One little girl of nine I saw in the Kensington Labor Lyceum. She had been working for almost a year before the strike began, she said, and careful inquiry proved her story to be true. When "Mother" Mary Jones started with her little "army" of child toilers to march to Oyster Bay, in order that the President of the United States might see for himself some of the little ones who had actually been employed in the mills of Philadelphia, I happened to be engaged in assisting the strikers. For two days I accompanied the little "army" on its march, and thus had an excellent opportunity of studying the children. Amongst them were several from eight to eleven years of age, and I remember one little girl who was not quite eleven telling me with pride that she had "worked two years and never missed a day."

One evening, not long ago, I stood outside of a large flax mill in Paterson, N. J., while it disgorged its crowd of men, women, and children employees. All the afternoon, as I lingered in the tenement district near the mills, the comparative silence of the streets oppressed me. There were many babies and very small children, but the older children, whose boisterous play one expects in such streets, were wanting. "If thow'llt bide till th' mills shut for th' day, thou'llt see plenty on 'em—big kids as plenty as small tatties," said one old woman to whom I spoke about it. She was right. At six o'clock the whistles shrieked, and the streets were suddenly filled with people, many of them mere children. Of all the crowd of tired, pallid, and languid-looking children I could only get speech with one, a little girl who claimed thirteen years, though she was smaller than many a child of ten. Indeed, as I think of her now, I doubt whether she would have come up to the standard of normal physical development either in weight or stature for a child of ten. One learns, however, not to judge the ages of working children by their physical appearance, for they are usually behind other children in height, weight, and girth of chest,—often as much as two or three years. If my little Paterson friend was thirteen, perhaps the nature of her employment will explain her puny, stunted body. She works in the "steaming room" of the flax mill. All day long, in a room filled with clouds of steam, she has to stand barefooted in pools of water twisting coils of wet hemp. When I saw her she was dripping wet, though she said that she had worn a rubber apron all day. In the
coldest evenings of winter little Marie, and hundreds of other little girls, must go out from the superheated steaming rooms into the bitter cold in just that condition. No wonder that such children are stunted and underdeveloped!

In textile mill towns like Biddeford, Me., Manchester, N. H., Fall River and Lawrence, Mass., I have seen many such children, who, if they were twelve or fourteen according to their certificates and the companies' registers, were not more than ten or twelve in reality. I have watched them hurrying into and away from the mills, "those receptacles, in too many instances, for living human skeletons, almost disrobed of intellect," as Robert Owen's burning phrase describes them. I do not doubt that, upon the whole, conditions in the textile industries are better in the North than in the South, but they are nevertheless too bad to permit of self-righteous boasting and complacency. And in several other departments of industry conditions are no whit better in the North than in the South. The child-labor problem is not sectional, but national.

According to the census of 1900, there were 25,000 boys under sixteen years of age employed in and around the mines and quarries of the United States. In the state of Pennsylvania alone,—the state which enslaves more children than any other,—there are thousands of little "breaker boys" employed, many of them not more than nine or ten years old. The law forbids the employment of children under fourteen, and the records of the mines generally show that the law is "obeyed." Yet in May, 1905, an investigation by the National Child Labor Committee showed that in one small borough of 7000 population, among the boys employed in breakers 35 were nine years old, 40 were ten, 45 were eleven, and 45 were twelve,—over 150 boys illegally employed in one section of boy labor in one small town!

Work in the coal breakers is exceedingly hard and dangerous. Crouched over the chutes, the boys sit hour after hour, picking out the pieces of slate and other refuse from the coal as it rushes past to the washers. From the cramped position they have to assume, most of them become more or less deformed and bent-backed like old men. When a boy has been working for some time and begins to get round-shouldered, his fellows say that "He's got his boy to carry round wherever he goes." The coal is hard, and accidents to the hands, such as cut, broken, or crushed fingers, are common among the boys. Sometimes there is a worse accident: a terrified shriek is heard, and a boy is mangled and torn in the machinery, or disappears in the chute to be picked out later smothered and dead. Clouds of dust fill the breakers and are inhaled by the boys, laying the foundations for asthma and miners' consumption. I once stood in a breaker for half an hour and tried to do the work a twelve-year-old boy was doing day after day, for ten hours at a stretch, for sixty cents a day. The gloom of the breaker appalled me. Outside the sun shone brightly, the air was pellucid, and the birds sang in chorus with the trees and the rivers. Within the breaker there was blackness, clouds of deadly dust enfolded everything, the harsh, grinding roar of the machinery and the ceaseless rushing of coal through the chutes filled the ears. I tried to pick out the pieces of slate from the hurrying stream of coal, often missing them; my hands were bruised and cut in a few minutes; I was covered from head to foot with coal dust, and for many hours afterwards I was expectorating some of the small particles of anthracite I had swallowed.

I could not do that work and live, but there were boys of ten and twelve years of age doing it for fifty and sixty cents a day. Some of them had never been inside of a school; few of them could read a child's primer. True, some of them attended the night schools, but after working ten hours in the breaker the educational results from attending school were practically nil. "We goes fer a good time, an' we keeps de guys wots dere hoppin' all de time," said little Owen Jones, whose work I had been trying to do. How strange that barbaric patois sounded to me as I remembered the rich, musical language I had so often heard other little Owen Joneses speak in faraway Wales. As I stood in that breaker I thought of the reply of the small boy to Robert Owen. Visiting an English coal-mine one day, Owen asked a twelve-year-old lad if he knew God. The boy stared vacantly at his questioner: "God?" he said, "God? No, I don't. He must work in some other mine." It was hard to realize amid the danger and din and blackness of that Pennsylvania breaker that such a thing as belief in a great All-good God existed.

From the breakers the boys graduate to the mine depths, where they become door tenders, switch-boys, or mule-drivers. Here, far below the surface, work is still more dangerous. At fourteen or fifteen the boys assume the same risks as the men, and are surrounded by the same perils. Nor is it in Pennsylvania only that these conditions exist. In the bituminous mines of West Virginia, boys of nine or ten are frequently employed. I met one little fellow ten years old in Mt. Carbon, W. Va., last year, who was employed as a "trap boy." Think of what it means to be a trap boy at ten years of age. It means to sit alone in a dark mine passage hour after hour, with no human soul near; to see no living creature except the mules as they pass with their loads, or a rat or two seeking to share one's meal; to stand in water or mud that covers
the ankles, chilled to the marrow by the cold draughts that rush in when you open the trap-door for the mules to pass through; to work for fourteen hours—waiting—opening and shutting a door—then waiting again—for sixty cents; to reach the surface when all is wrapped in the mantle of night, and to fall to the earth exhausted and have to be carried away to the nearest "shack" to be revived before it is possible to walk to the farther shack called "home."

Boys twelve years of age may be legally employed in the mines of West Virginia, by day or by night, and for as many hours as the employers care to make them toil or their bodies will stand the strain. Where the disregard of child life is such that this may be done openly and with legal sanction, it is easy to believe what miners have again and again told me—that there are hundreds of little boys of nine and ten years of age employed in the coal-mines of this state.

DOCUMENT SEVEN

Ray Stannard Baker on
The Condition of the Negro
February, 1905

In the fall of 1904, Ray Stannard Baker investigated lynching in the South and the North, as a prelude to a general study of the condition of the Negro in American life. A series of articles, published in the American Magazine and McClure's, was later collected in an illuminating book, Following the Color Line (1908). In his account, Baker spared neither the North nor the South. The following selection, which deals with the circumstances of a lynching in Springfield, Ohio, is representative of his effort to bring criticism to bear not merely upon lynching mobs but also upon officers of the law who failed to enforce it. Ray Stannard Baker, "What Is Lynching? A Study of Mob Justice, South and North," McClure's, February, 1905.

I cite these facts to show the underlying conditions in Springfield; a soil richly prepared for an outbreak of mob law—with corrupt politics, vile saloons, the law paralyzed by non-enforcement against vice, a large venal Negro vote, lax courts of justice.

GATHERING OF THE LYNCHING MOB

Well, on Monday afternoon the mob began to gather. At first it was an absurd, ineffectual crowd, made up largely of lawless boys of sixteen to twenty—a pronounced feature of every mob—with a wide fringe of more respectable citizens, their hands in their pockets and no convictions in their souls, looking on curiously, helplessly. They gathered hooting around the jail, cowardly, at first, as all mobs are, but growing bolder as darkness came on and no move was made to check them. The murder of Collis was not a horrible, soul-rending crime like that at Statesboro, Georgia; these men in the mob were not personal friends of the murdered man; it was a mob from the back rooms of the swarming saloons of Springfield; and it included also the sort of idle boys "who hang around cigar stores," as one observer told me. The newspaper reports are fond of describing lynching mobs as "made up of the foremost citizens of the town." In no cases that I know of, either South or North, . . . has a mob been made up of what may be called the best citizens; but the best citizens have often stood afar off "decrying the mob"—as a Springfield man told me piously—and letting it go on.
mob is the method by which good citizens turn over the law and the government to the criminal or irresponsible classes.

And no official in direct authority in Springfield that evening, apparently, had so much as an ounce of grit within him. The sheriff came out and made a weak speech in which he said he “didn’t want to hurt anybody.” They threw stones at him and broke his windows. The chief of police sent eighteen men to the jail but did not go near himself. All of these policemen undoubtedly sympathised with the mob in its efforts to get at the slayer of their brother officer; at least, they did nothing effective to prevent the lynching. An appeal was made to the Mayor to order out the engines companies that water might be turned on the mob. He said he didn’t like to; the hose might be cut! The local militia company was called to its barracks, but the officer in charge hesitated, vacillated, doubted his authority, and objected finally because he had no ammunition except Krag-Jorgenson cartridges, which, if fired into a mob, would kill too many people! The soldiers did not stir that night from the safe and comfortable precincts of their armory.

A sort of dry rot, a moral paralysis, seems to strike the administrators of law in a town like Springfield. What can be expected of officers who are not accustomed to enforce the law, or of a people not accustomed to obey it—or who make reservations and exceptions when they do enforce it or obey it?

THREATS TO LYNCH THE JUDGES

When the sheriff made his speech to the mob, urging them to let the law take its course they jeered him. The law! When, in the past, had the law taken its proper course in Clark County? Someone shouted, referring to Dixon:

“He’ll only get fined for shooting in the city limits.”

“He’ll get ten days in jail and suspended sentence.”

Then there were voices:

“Let’s go hang Mower and Miller”—the two judges.

This threat, indeed, was frequently repeated both on the night of the lynching and on the day following.

So the mob came finally, and cracked the door of the jail with a railroad rail. This jail is said to be the strongest in Ohio, and having seen it, I can well believe that the report is true. But steel bars have never yet kept out a mob; it takes something a good deal stronger: human courage backed up by the consciousness of being right.

They murdered the Negro in cold blood in the jail doorway; then they dragged him to the principal business street and hung him to a telegraph-pole, afterward riddling his lifeless body with revolver shots.

LESSON OF A HANGING NEGRO

That was the end of that! Mob justice administered! And there the Negro hung until daylight the next morning—an unspeakably grisly, dangling horror, advertising the shame of the town. His head was shockingly crooked to one side, his ragged clothing, cut for souvenirs, exposed in places his bare body: he dripped blood. And, with the crowds of men both here and at the morgue where the body was publicly exhibited, came young boys in knickerbockers, and little girls and women by scores, horrified but curious. They came even with baby carriages! Men made jokes: “A dead nigger is a good nigger.” And the purblind, dollars-and-cents man, most despicable of all, was congratulating the public:

“It’ll save the county a lot of money!”

Significant lessons, these, for the young!

But the mob wasn’t through with its work. Easy people imagine that, having hanged a Negro, the mob goes quietly about its business; but that is never the way of the mob. Once released, the spirit of anarchy spreads and spreads, not subsiding until it has accomplished its full measure of evil.

MOB BURNING OF NEGRO SALOONS

All the following day a rumbling, angry crowd filled the streets of Springfield, threatening to burn out the notorious Levee, threatening Judges Mower and Miller, threatening the “niggers.” The local troops—to say nothing of the police force—which might easily have broken up the mob, remained sedulously in their armories, vacillating, doubtful of authority, knowing that there were threats to burn and destroy, and making not one move toward the protection of the public. One of the captains was even permitted to go to a neighboring city to a dance! At the very same time the panic-stricken officials were summoning troops from other towns. So night came on, the mob gathered around the notorious dives, someone touched a match, and the places of crime suddenly disgorged their foul inhabitants. Black and white, they came pouring out and vanished into the darkness where they belonged and whence they have not yet returned. Eight buildings went up in smoke, the fire department deliberating—intentionally, it is said—until the flames could not be controlled. The troops, almost driven out by the county prosecutor, McGrew, appeared after the mob had completed its work.
Good work, badly done, a living demonstration of the inevitability of law—if not orderly, decent law, then of mob-law.

For days following the troops filled Springfield, costing the state large sums of money, costing the county large sums of money. They chiefly guarded the public fountain; the mob had gone home—until next time.

**EFFORTS TO PUNISH THE MOB**

What happened after that? A perfunctory court-martial that did absolutely nothing. A grand jury of really good citizens that sat for weeks, off and on; and like the mountain that was in travail and brought forth a mouse, they indicted two boys and two men out of all that mob, not for murder but for “breaking into jail.” And, curiously enough, it developed—how do such things develop—that every man on the grand jury was a Republican, chosen by Republican county officers, and in their report they severely censured police force (Democratic), and the mayor (Democratic), and had not one word of disapproval for the sheriff (Republican). Curiously enough, also, the public did not become enthusiastic over the report of that grand jury. . . .

But the worst feature of all in this Springfield lynching was the apathy of the public. No one really seemed to care. A “nigger” had been hanged: what of it? But the law itself had been lynched. What of that? I had just come from the South, where I had found the people of several lynching towns in a state of deep excitement—moral excitement if you like, thinking about this problem, quarrelling about it, expelling men from the church, impeaching sheriffs, dishonourably discharging whole militia companies. Here in Springfield, I found cold apathy, except for a few fine citizens, one of whom City Solicitor Stewart L. Tatum, promptly offered his services to the sheriff and assisted in a vain effort to remove the Negro in a closed carriage and afterward at the risk of personal assault earnestly attempted to defeat the purposes of the mob. Another of these citizens, the Rev. Father Cogan, pleaded with the mob on the second night of the rioting at risk to himself; another withdrew from the militia company because it had not done its duty. And afterward the city officials were stirred by the faintest of faint spasms of righteousness; some of the Negro saloons were closed up, but within a month, the most notorious of all the dive-keepers, Hurley, the Negro political boss, was permitted to open an establishment—through the medium of a brother-in-law!

If there ever was an example of good citizenship lying flat on its back with political corruption squatting on its neck, Springfield furnished an example of that condition.

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**DOCUMENT EIGHT**

**An East-Side Resident Testifies On Tenement Conditions**

**November 26, 1900**

The thorough investigation conducted by the New York Tenement House Commission into tenement conditions in 1900 led to the passage the following year of the New York Tenement House Law, which set higher standards for buildings to be constructed. In the next fifteen years eleven states and more than forty cities passed tenement house codes, usually modeled after the New York statute, or revised old ones. But the enactment of such laws was only the prelude to a long battle for enforcement. Here Mr. Henry Moscowitz, a knowledgeable tenement-dweller, is sympathetically questioned by Lawrence Veiller, the secretary of the Commission. Robert W. De Forest and Lawrence Veiller, eds., *The Tenement House Problem* (New York, 1903), Vol. I, pp. 412-417.

Mr. Henry Moscowitz then took the witness chair and was interrogated by the secretary:

*The Secretary.*—Where do you reside?

*Mr. Moscowitz.*—95 Forsyth Street.

*The Secretary.*—Is that a tenement house?

*Mr. Moscowitz.*—Yes, sir.

*The Secretary.*—How long have you lived in tenement houses?

*Mr. Moscowitz.*—Seventeen years.

*The Secretary.*—Practically most of your life?

*Mr. Moscowitz.*—Yes, sir.

*The Secretary.*—In that time do you remember about how many tenement houses you have lived in?

*Mr. Moscowitz.*—Fourteen.

*The Secretary.*—Fourteen different buildings?

*Mr. Moscowitz.*—Yes, sir.

*The Secretary.*—So that you feel you are competent to speak on the condition of tenement houses from your own experience?
there is a Jewish word "stiegen," the stairs. Families who live on the third floor complain that they have to go up and down, and I know that many a woman has complained of the side ache to me because of the "stiegen."

The Secretary.—Is it true that because of the stairs many of the women in the tenement houses seldom go down into the street and outdoors?

Mr. Moscovitz.—Decidedly true. I know this for a fact; that they do not visit their neighbors often. Complaints, serious complaints are made, "Why don't you come to visit me?" and they say "We live so high up we seldom come."

The Secretary.—Do you know of many families where the mother does not go out oftener than twice a week?

Mr. Moscovitz.—I do.

The Secretary.—Would you say that was a very general practice?

Mr. Moscovitz.—Very general, yes.

The Secretary.—You think that has a bad effect on the health of the people?

Mr. Moscovitz.—Very bad effect.

The Secretary.—Are there any other reasons why you object to tall buildings?

Mr. Moscovitz.—I think the children are kept in the street a good deal; the parents, especially the mother, very often loses sight of the children, and she has to open the windows and shout down for the little one at play when she wants it in the room, and the parents cannot trace the children; cannot keep track of them.

The Secretary.—Are the hallways in most tenement houses you have observed light or dark?

Mr. Moscovitz.—Dark.

The Secretary.—How dark?

Mr. Moscovitz.—Well, they are dark in most houses that I have lived in. One tumbles over human obstacles and other obstacles, especially little children.

The Secretary.—Are the rooms dark or light in most of the tenement houses you have lived in?

Mr. Moscovitz.—The bedrooms are dark. The kitchen and the front room called the parlor is light.

The Secretary.—Have you any recommendation to make with reference to baths on the East Side in tenement houses?

Mr. Moscovitz.—Yes, sir; I think that baths are very essential. Because there are no baths in the tenement houses many of the tenants do not bathe as often as they otherwise would. I can say from experience that
many tenants do not have more than six times a year, and often less, and not because they would not take advantage of the opportunity, but there are no opportunities.

_The Secretary._—Cannot they take a bath in the rooms?
_Mr. Moscowitz._—No, they cannot. There are no baths there.
_The Secretary._—Cannot they take a tub and bathe in that way?
_Mr. Moscowitz._—Well, they may take a tub, but they do not do that very often.
_The Secretary._—Why, is it difficult?
_Mr. Moscowitz._—I believe it is difficult. The tubs are narrow in the tenements.
_The Secretary._—You mean the wash-tubs?
_Mr. Moscowitz._—The wash-tubs, yes.
_The Secretary._—Have you ever seen a bath-tub in a tenement house?
_Mr. Moscowitz._—Never.
_The Secretary._—Never in seventeen years?
_Mr. Moscowitz._—Never in seventeen years.
_The Secretary._—It has been stated that bath-tubs, when put in tenement houses, have been used for the storage of coal. Have you ever heard of such a thing?
_Mr. Moscowitz._—It is the same story I have heard time and time again.
_The Secretary._—From your knowledge of the people do you think it is true?
_Mr. Moscowitz._—It is decidedly not true.
_The Secretary._—Is it not the fact that the people buy their coal mostly by the pail, so that they could not store it in bath-tubs?
_Mr. Moscowitz._—That is true.
_The Secretary._—Have you known cases where the water supply in tenements was deficient?
_Mr. Moscowitz._—Yes, sir; in the summer-time very often the water supply is deficient, and people are deprived of water for half a day. I have known that to be the case in two instances of my own knowledge, and the particular water supply is deficient in tenements which have closets in the hallways. This is a fact which is general. From my own observations in the tenements where the closets are situated in the hall, the stench is very noticeable, and the reason, I believe, is because there is not a sufficient flush in the closet. I do not know whether it is compulsory for the landlord to supply a certain thickness of pipe, but I surely think it ought to be because I have noticed that the water supply is not sufficient in the closets situated in the hallways.

_The Secretary._—Have you noticed the practice of people sleeping on the roofs and in the street in the summertime?
_Mr. Moscowitz._—Yes, sir, I have, because I myself have done so.
_The Secretary._—Why?
_Mr. Moscowitz._—Because it was too hot to sleep in the room in the summertime.
_The Secretary._—Is this practice general?
_Mr. Moscowitz._—It is general.
_The Secretary._—What proportion would you say of the people in the summer-time sleep on the roofs and in the street?
_Mr. Moscowitz._—I think about one-third of the people sleep on the roofs in my observation.
_The Secretary._—And you attribute that entirely to the heat of the rooms?
_Mr. Moscowitz._—Decidedly so, and to the air in the summertime.
_The Secretary._—How often in seventeen years have you seen a sanitary inspector?
_Mr. Moscowitz._—Never.
_The Secretary._—How often have you seen a light burning in a dark hallway in the daytime?
_Mr. Moscowitz._—I have a dim recollection of having seen one about twelve years ago in a tenement on Essex Street.
_The Secretary._—Do you think the tenement house system is a good thing for the community?
_Mr. Moscowitz._—A very bad thing for the community.
_The Secretary._—Why?
_Mr. Moscowitz._—Because, first, it destroys the privacy of the home. Then I believe the most serious thing is that it disintegrates the home.
_The Secretary._—In what way?
_Mr. Moscowitz._—The home is very unattractive for the children and they are glad to get out to meet their friends. They want to supply a social need, and they go out and meet other friends and the home has no tie upon them. The father—there is not the authority of the parent that existed in the old country, and I believe because the child is not at home as often as he should be. The tenement house is a decidedly disintegrating influence in the family, and that is seen especially on the East Side today.
_The Secretary._—I have always understood that among the Jewish people the patriarchal form of government was very strong and the authority of the father very strong.
_Mr. Moscowitz._—Yes.
The Secretary.—Do you mean to say that this is being weakened by the tenement houses?

Mr. Moscowitz.—The tenement house is not the only thing, but a very strong influence. I believe the entire economic conditions in this country are another influence, and I will state decidedly that I think the tenement house life is a strong influence in that direction.

The Secretary.—Would you have us infer from your statement that the young men and young women have to meet each other on the street because the home is unattractive?

Mr. Moscowitz.—Well, they meet each other on the streets, and in club-rooms, and in settlements, but very few I think meet each other there. In dancing academies, in social clubs, in balls and receptions.

The Secretary.—And you think this is a bad thing?

Mr. Moscowitz.—Decidedly a bad thing, because of another point, the tenement house life destroys a certain delicacy of feeling, which is noticeable in one brought up in a good home. That is a decided characteristic of the young men and women living in the tenement houses, that they are too socially dependent.

Robert Hunter on Poverty

1904

A social worker and a settlement resident of Socialist sympathies, Robert Hunter was one of the first American writers to try to combine the methods of systematic inquiry and of direct observation in the study of poverty. Although his assertion that as many as 10,000,000 persons in the United States lived in poverty even in prosperous times aroused great controversy, his plea for a recognition of the fact of poverty was immensely effective, and his study was widely read. Robert Hunter, Poverty (New York, 1904), pp. 1-5, 337-40.

William Dean Howells said to me recently, after I had told him of a visit to Tolstoy: “It is wonderful what Tolstoy has done. He could do no more. For a nobleman, with the most aristocratic ancestry, to refuse to be supported in idleness, to insist upon working with his own hands, and to share as much as possible the hardship and toil of a peasant class, which, but recently, was a slave class, is the greatest thing he could do. But it is impossible for him to share their poverty, for poverty is not the lack of things; it is the fear and the dread of want. That fear Tolstoy could not know.” These remarks of Mr. Howells brought to mind the wonderful words of Thomas Carlyle: “It is not to die, or even to die of hunger, that makes a man wretched; many men have died; all men must die. . . . But it is to live miserable we know not why; to work sore and yet gain nothing; to be heart-worn, weary, yet isolated, unrelated, girt in with a cold, universal Laissez-faire.” To live miserable we know not why, to have the dread of hunger, to work sore and yet gain nothing,—this is the essence of poverty.

There are many people in the world who believe that the provisions of charity are in the present day so generous and varied that no one need suffer; but, even if this were true, it would not materially lessen the sorrow of the poor. To thousands and thousands of working-men the dread of public pauperism is the agony of their lives. The mass of working-men on the brink of poverty hate charity. Not only their words convey a knowledge of this fact, but their actions, when in distress, make it absolutely undeniable. When the poor face the necessity of becoming paupers, when they must apply for charity if they are to live at all, many
desert their families and enter the ranks of vagrancy; others drink themselves insensible; some go insane; and still others commit suicide. Recently a man who had been unable to find work and in despair committed suicide, left a note to his wife, saying: "I have gone forever; there is one less in the world to feed. Good-by, God help you to care for Tony; don't put her away." This is the fear and dread of pauperism; "don't put Tony away" is the last thought of the man whose misery caused him to take his own life.

These are the terrible alternatives which the working people in poverty accept in preference to pauperism, and yet it is a curious fact, which psychology alone explains, that the very men who will suffer almost anything rather than become paupers are often the very ones who never care to be anything else when once they have become dependent upon alms. When a family once become dependent, the mental agony which they formerly had disappears. Paupers are not, as a rule, unhappy. They are not ashamed; they are not keen to become independent; they are not bitter or discontented. They have passed over the line which separates poverty from pauperism.

This distinction between the poor and paupers may be seen everywhere. There are in all large cities in America and abroad, streets and courts and alleys where a class of people live who have lost all self-respect and ambition, who rarely, if ever, work, who are aimless and drifting, who like drink, who have no thought for their children, and who live more or less contentedly on rubbish and alms. Such districts are certain portions of Whitechapel and Spitalfields, etc., in London, Kitrof Rynock in Moscow, parts of Armour Avenue in Chicago, Rat Hollow in Cincinnati, and parts of Cherry Hill and the Minettas in New York City, and so on in all cities everywhere. The lowest level of humanity is reached in these districts. In our American cities Negroes, Whites, Chinese, Mexicans, Half-breeds, Americans, Irish, and others are indiscriminately housed together in the same tenements and even in the same rooms. The blind, the crippled, the consumptive, the aged,—the ragged ends of life; the babies, the children, the half-starved, underclad beginnings in life, all huddled together, waiting, drifting. This is pauperism. There is no mental agony here; they do not work sore; there is no dread; they live miserably, but they do not care.

In the same cities and, indeed, everywhere, there are great districts of people who are up before dawn, who wash, dress, and eat breakfast, kiss wives and children, and hurry away to work or to seek work. The world rests upon their shoulders; it moves by their muscle; everything would stop if, for any reason, they should decide not to go into the fields and factories and mines. But the world is so organized that they gain enough to live upon only when they work; should they cease, they are in destitution and hunger. The more fortunate of the laborers are but a few weeks from actual distress when the machines are stopped. Upon the unskilled masses wait is constantly pressing. As soon as employment ceases, suffering stares them in the face. They are the actual producers of wealth, who have no home nor any bit of soil which they may call their own. They are the millions who possess no tools and can work only by permission of another. In the main, they live miserably, they know not why. They work sore, yet gain nothing. They know the meaning of hunger and the dread of want. They love their wives and children. They try to retain their self-respect. They have some ambition. They give to neighbors in need, yet they are themselves the actual children of poverty.

There are probably in fairly prosperous years no less than 10,000,000 persons in poverty; that is to say, underfed, underclothed, and poorly housed. Of these about 4,000,000 persons are public paupers. Over 2,000,000 working-men are unemployed from four to six months in the year. About 500,000 male immigrants arrive yearly and seek work in the very districts where unemployment is greatest. Nearly half of the families in the country are propertyless. Over 1,700,000 little children are forced to become wage-earners when they should still be in school. About 5,000,000 women find it necessary to work and about 2,000,000 are employed in factories, mills, etc. Probably no less than 1,000,000 workers are injured or killed each year while doing their work, and about 10,000,000 of the persons now living will, if the present ratio is kept up, die of the preventable disease, tuberculosis. We know that many workmen are overworked and underpaid. We know in a general way that unnecessary disease is far too prevalent. We know some of the insanitary evils of tenements and factories; we know of the neglect of the street child, the aged, the infirm, the crippled. Furthermore, we are beginning to realize the monstrous injustice of compelling those who are unemployed, who are injured in industry, who have acquired diseases due to their occupation, or who have been made widows or orphans by industrial accidents, to become paupers in order that they may be housed, fed, and clothed. Something is known concerning these problems of poverty, and some of them at least are possible of remedy.

To deal with these specific problems, I have elsewhere mentioned some reforms which seem to me preventive in their nature. They contemplate mainly such legislative action as may enforce upon the entire country certain minimum standards of working and of living conditions. They
would make all tenements and factories sanitary; they would regulate the hours of work, especially for women and children; they would regulate and thoroughly supervise dangerous trades; they would institute all necessary measures to stamp out unnecessary disease and to prevent unnecessary death; they would prohibit entirely child labor; they would institute all necessary educational and recreational institutions to replace the social and educational losses of the home and the domestic workshop; they would perfect, as far as possible, legislation and institutions to make industry pay the necessary and legitimate cost of producing and maintaining efficient laborers; they would institute, on the lines of foreign experience, measures to compensate labor for enforced seasons of idleness, due to sickness, old age, lack of work, or other causes beyond the control of the workman; they would prevent parasitism on the part of either the consumer or the producer and charge up the full costs of labor in production to the beneficiary, instead of compelling the worker at certain times to enforce his demand for maintenance through the tax rate and by becoming a pauper; they would restrict the power of employer and of ship-owner to stimulate for purely selfish ends an excessive immigration, and in this way to beat down wages and to increase unemployment.

Reforms such as these are not ones which will destroy incentive, but rather they will increase incentive by more nearly equalizing opportunity. They will make propertyed interests less predatory, and sensuality, by contrast with misery, less attractive to the poor. Or, in the terms of our simile, the greyhound—which Dante promised would one day come—will come to drive away the lion, the leopard, and the she-wolf. This does not mean that there is to be no struggle,—the mountain must still remain,—but rather that the life of the poorest toiler shall not be a hopeless thing from which many must turn in despair. In other words, the process of Justice is to lift stony barriers, against which the noblest beat their brains out, and from which the ignoble (but who shall say not more sensible?) turn away in despair. Let it be this, rather than a barren relief system, administered by those who must stand by, watching the struggle, lifting no hand to aid the toilers, but ever succoring those who flee and those who are bruised and beaten.

DOCUMENT TEN

Justice Holmes Dissents
in Lochner v. New York
1905

In the case of Lochner v. New York, the Supreme Court found unconstitutional a New York law establishing a sixty-hour work week for bakers. Speaking for the Court in this five-to-four decision, Mr. Justice Peckham stigmatized the law as another instance of "mere meddlesome interferences with the rights of the individual," and found it contrary to those rights as protected by the Fourteenth Amendment. Although Justice Oliver Wendell Holmes, Jr. was by no means a typical Progressive in his thinking, his vigorously phrased dissent in this case made him the intellectual leader of liberal jurisprudence in the United States. This dissent, Roscoe Pound wrote four years later, was "the best exposition we have" of "the sociological movement in jurisprudence, the movement for pragmatism as a philosophy of law, the movement for the adjustment of principles and doctrines to the human conditions they are to govern rather than to assumed first principles, the movement for putting the human factor in the central place and relegating logic to its true position as an instrument." See also Docs. 11 and 12. Lochner v. New York, 198 U.S. 45, 74.

Holmes, J., dissenting. . . . The case is decided upon an economic theory which a large part of the country does not entertain. If it were a question whether I agreed with that theory, I should desire to study it further and long before making up my mind. But I do not conceive that to be my duty, because I strongly believe that my agreement or disagreement has nothing to do with the right of a majority to embody their opinions in law. It is settled by various decisions of this court that state constitutions and state laws may regulate life in many ways which we as legislators might think as injudicious, or if you like as tyrannical, as this, and which, equally with this, interfere with the liberty to contract. Sunday laws and usury laws are ancient examples. A more modern one is the prohibition of lotteries. The liberty of the citizen to do as he likes so long as he does not interfere with the liberty of others to do the same, which has been a shibboleth for some well-known writers, is interfered with by school laws, by the post-office, by every state or municipal institution which takes his money for purposes thought desirable, whether he
likes it or not. The Fourteenth Amendment does not enact Mr. Herbert Spencer's Social Statics. . . . United States and state statutes and decisions cutting down the liberty to contract by way of combination are familiar to this court. . . . Some of these laws embody convictions or prejudices which judges are likely to share. Some may not. But a constitution is not intended to embody a particular economic theory, whether of paternalism and the organic relation of the citizen to the state or of laissez faire. It is made for people of fundamentally differing views, and the accident of our finding certain opinions natural and familiar, or novel and even shocking, ought not to conclude our judgment upon the question whether statutes embodying them conflict with the Constitution of the United States.

General propositions do not decide concrete cases. The decision will depend on a judgment or intuition more subtle than any articulate major premise. But I think that the proposition just stated, if it is accepted, will carry us far toward the end. Every opinion tends to become a law. I think that the word liberty in the Fourteenth Amendment is perverted when it is held to prevent the natural outcome of a dominant opinion, unless it can be said that a rational and fair man necessarily would admit that the statute proposed would infringe fundamental principles as they have been understood by the traditions of our people and our law. It does not need research to show that no such sweeping condemnation can be passed upon the statute before us. A reasonable man might think it a proper measure on the score of health. Men whom I certainly could not pronounce unreasonable would uphold it as a first instalment of a general regulation of the hours of work. Whether in the latter aspect it would be open to the charge of inequality I think it unnecessary to discuss.

Louis D. Brandeis Presents
An Unconventional Brief
1907

In the case of Muller v. Oregon Louis D. Brandeis represented the state of Oregon, defending the constitutionality of a law establishing a ten-hour working day for women. In his brief, Brandeis gave relatively little attention to matters of law and concentrated heavily on matters of fact, piling up evidence from many kinds of sources to show that long hours of work are indeed dangerous to the health and safety of women. In the decision of the Court sustaining the law (Doc. 12) Justice Brewer took judicial cognizance of this aspect of his brief. Louis D. Brandeis, Women in Industry (New York, 1907), pp. 1, 10-11, 16-17, 18-21.

This case . . . presents the single question whether the Statute of Oregon, . . . which provides that "no female [shall] be employed in any mechanical establishment or factory or laundry" "more than ten hours during any one day," is unconstitutional and void as violating the Fourteenth Amendment of the Federal Constitution.

The decision in this case will, in effect, determine the constitutionality of nearly all the statutes in force in the United States, limiting the hours of labor of adult women . . .

The facts of common knowledge of which the Court may take judicial notice . . . establish, we submit, conclusively, that there is reasonable ground for holding that to permit women in Oregon to work in a "mechanical establishment, or factory, or laundry" more than ten hours in one day is dangerous to the public health, safety, morals, or welfare . . .

The leading countries in Europe in which women are largely employed in factory or similar work have found it necessary to take action for the protection of their health and safety and the public welfare, and have enacted laws limiting the hours of labor of women . . .

Twenty States of the Union . . . have enacted laws limiting the hours of labor for adult women . . .

In the United States, as in foreign countries, there has been a general movement to strengthen and to extend the operation of these laws. In no State has any such law been held unconstitutional, except in Illinois . . .
I. THE DANGERS OF LONG HOURS

A. Causes

(1) Physical Differences between Men and Woman

The dangers of long hours for women arise from their special physical organization taken in connection with the strain incident to factory and similar work.

Long hours of labor are dangerous for women primarily because of their special physical organization. In structure and function women are differentiated from men. Besides these anatomical and physiological differences, physicians are agreed that women are fundamentally weaker than men in all that makes for endurance: in muscular strength, in nervous energy, in the powers of persistent attention and application. Overwork, therefore, which strains endurance to the utmost, is more disastrous to the health of women than of men, and entails upon them more lasting injury.

REPORT OF SELECT COMMITTEE ON SHOPS EARLY CLOSING BILL,
BRITISH HOUSE OF COMMONS, 1895

Dr. Percy Kidd, physician in Brompton and London Hospitals:
The most common effect I have noticed of the long hours is general deterioration of health; very general symptoms which we medically attribute to over-action, and debility of the nervous system; that includes a great deal more than what is called nervous disease, such as indigestion, constipation, a general slackness, and a great many other indefinite symptoms.

Are those symptoms more marked in women than in men?

I think they are much more marked in women. I should say one sees a great many more women of this class than men; but I have seen precisely the same symptoms in men, I should not say in the same proportion, because one has not been able to make anything like a statistical inquiry. There are other symptoms, but I mention those as being the most common. Another symptom especially among women is anaemia, bloodlessness or pallor, that I have no doubt is connected with long hours indoors. (Page 215.)

REPORT OF COMMITTEE ON EARLY CLOSING OF SHOPS BILL,
BRITISH HOUSE OF LORDS, 1901

Sir W. MacComac, President of the Royal College of Surgeons:
Would you draw a distinction between the evil resulting to women and the evil resulting to men?
You see men have undoubtedly a greater degree of physical capacity than women have. Men are capable of greater effort in various ways than women. If a like amount of physical toil and effort be imposed upon women, they suffer to a larger degree. (Page 219.)

REPORT OF THE MAINE BUREAU OF INDUSTRIAL AND LABOR
STATISTICS, 1888

Let me quote from Dr. Ely Van der Warker (1875):
Woman is badly constructed for the purposes of standing eight or ten hours upon her feet. I do not intend to bring into evidence the peculiar position and nature of the organs contained in the pelvis, but to call attention to the peculiar construction of the knee and the shallowness of the pelvis, and the delicate nature of the foot as part of a sustaining column. The knee joint of woman is a sexual characteristic. Viewed in front and extended, the joint in but a slight degree interrupts the gradual taper of the thigh into the leg. Viewed in a semi-flexed position, the joint forms a smooth ovate spheroid. The reason of this lies in the smallness of the patella in front, and the narrowness of the articular surfaces of the tibia and femur, and which in man form the lateral prominences, and thus is much more perfect as a sustaining column than that of a woman. The muscles which keep the body fixed upon the thighs in the erect position labor under the disadvantage of shortness of purchase, owing to the short distance, compared to that of man, between the crest of the ilium and the great trochanter of the femur, thus giving to man a much larger purchase in the leverage existing between the trunk and the extremities. Comparatively the foot is less able to sustain weight than that of man, owing to its shortness and the more delicate formation of the tarsus and metatarsus. (Page 142.)
REPORT OF THE MASSACHUSETTS BUREAU OF LABOR STATISTICS, 1875

A "lady operator," many years in the business, informed us: "I have had hundreds of lady compositors in my employ, and they all exhibited, in a marked manner, both in the way they performed their work and in its results, the difference in physical ability between themselves and men. They cannot endure the prolonged close attention and confinement which is a great part of type-setting. I have few girls with me more than two or three years at a time; they must have vacations, and they break down in health rapidly. I know no reason why a girl could not set as much type as a man, if she were as strong to endure the demand on mind and body." (Page 96.)

REPORT OF THE NEBRASKA BUREAU OF LABOR AND INDUSTRIAL STATISTICS, 1901-1902

They (women) are unable, by reason of their physical limitations, to endure the same hours of exhaustive labor as may be endured by adult males. Certain kinds of work which may be performed by men without injury to their health would wreck the constitution and destroy the health of women, and render them incapable of bearing their share of the burdens of the family and the home. The State must be accorded the right to guard and protect women as a class against such a condition, and the law in question to that extent conserves the public health and welfare. (Page 52.)

HYGIENE OF OCCUPATIONS. BY DR. THEODORE WEYL. JENA, 1894

The investigations of Schuler and Burkhardt embracing 18,000 members of Swiss insurance against sickness (about 25 per cent of the Swiss factory workers and fifteen industries), show that factory work, even in a short period, produces very unfavorable effects upon the development of the body of young men. It is even more conspicuous in the case of women. Thus of 1000 men in the manufacture of embroidery, 302 were sick to 332 women. In bleaching and dyeing, 279 men, 316 women; also in cotton spinning and weaving, the morbidity of women was much greater than of men.

Similarly the number of working days lost through illness was more among women than among men, being 6.47 among women to 6.25 among men.

With increasing years, both frequency and duration of illness increase. (Page 7.) . . .
David J. Brewer in
Muller v. Oregon
1908

In this case, the Court was far more sympathetic to a law regulating hours of work than it had been in the Lochner case (Doc. 10), for it responded to Brandeis’ impressive brief (Doc. 11) by sustaining the Oregon law. Since this decision related specifically to the number of hours worked by women, it could not be taken as overruling Lochner v. New York, though it betokened a change of heart. Nine years afterward, in Bunting v. Oregon (1917) the Court went all the way and upheld a ten-hour law affecting both men and women. Muller v. Oregon, 208 U. S. 412.

Brewer, J. . . . The single question is the constitutionality of the statute under which the defendant was convicted, so far as affects the work of a female in a laundry. . . .

It is the law of Oregon that women, whether married or single, have equal contractual and personal rights with men. . . .

It thus appears that, putting to one side the elective franchise, in the matter of personal and contractual rights they stand on the same plane as the other sex. Their rights in these respects can no more be infringed than the equal rights of their brothers. We held in Lochner v. New York, 198 U. S. 45, that a law providing that no laborer shall be required or permitted to work in a bakery more than sixty hours in a week or ten hours in a day was not as to men a legitimate exercise of the police power of the State, but an unreasonable, unnecessary, and arbitrary interference with the right and liberty of the individual to contract in relation to his labor, and as such was in conflict with, and void under, the federal Constitution. That decision is invoked by plaintiff in error as decisive of the question before us. But this assumes that the difference between the sexes does not justify a different rule respecting a restriction of the hours of labor.

It may not be amiss, in the present case, before examining the constitutional question, to notice the course of legislation as well as expressions of opinion from other than judicial sources. In the brief filed by Mr. Louis D. Brandeis for the defendant in error is a very copious collection of all these matters . . .

The legislation and opinions referred to [in the Brandeis brief] . . .
each, in the amount of physical strength, in the capacity for long-continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation, and upholds that which is designed to compensate for some of the burdens which rest upon her. . . .

For these reasons, and without questioning in any respect the decision in *Lochner v. New York*, we are of the opinion that it cannot be adjudged that the act in question is in conflict with the federal Constitution, so far as it respects the work of a female in a laundry, and the judgment of the supreme court of Oregon is Affirmed.

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**Theodore Roosevelt on Conservation**

**December 3, 1907**

This appeal in *Roosevelt’s Seventh Annual Message to Congress* provides an ample statement in brief compass of his sense of the urgency of the conservation issue. It followed an aggressive policy of the sequestration of valuable governmental reserves and preceded a National Conservation Congress in 1908. The latter was attended by forty-four governors and many conservation experts, and it issued a strong statement favoring conservation policies. Soon afterward, forty-one states had conservation commissions of their own. H. R. Richardson, Messages and Papers of the Presidents (New York ed., 1925) vol. XV, pp. 7094-99.

. . . The conservation of our natural resources and their proper use constitute the fundamental problem which underlies almost every other problem of our National life. . . . As a nation we not only enjoy a wonderful measure of present prosperity but if this prosperity is used aright it is an earnest of future success such as no other nation will have. The reward of foresight for this Nation is great and easily foretold. But there must be the look ahead, there must be a realization of the fact that to waste, to destroy, our natural resources, to skin and exhaust the land instead of using it so as to increase its usefulness, will result in undermining in the days of our children the very prosperity which we ought by right to hand down to them amplified and developed. For the last few years, through several agencies, the Government has been endeavoring to get our people to look ahead and to substitute a planned and orderly development of our resources in place of a haphazard striving for immediate profit. Our great river systems should be developed as National water highways, the Mississippi with its tributaries, standing first in importance, and the Columbia second, although there are many others of importance on the Pacific, the Atlantic, and the Gulf slopes. The National Government should undertake this work, and I hope a beginning will be made in the present Congress; and the greatest of all our rivers, the Mississippi, should receive special attention. From the Great Lakes to the mouth of the Mississippi there should be a deep waterway, with deep waterways leading from it to the East and the West. Such a waterway would practically mean the extension of our coastline into the very
The effort of the Government to deal with the public land has been based upon the same principle as that of the Reclamation Service. The land law system which was designed to meet the needs of the fertile and well-watered regions of the Middle West has largely broken down when applied to the drier regions of the Great Plains, the mountains, and much of the Pacific slope, where a farm of 160 acres is inadequate for self-support. . . . Three years ago a Public Lands commission was appointed to scrutinize the law, and defects, and recommend a remedy. Their examination specifically showed the existence of great fraud upon the public domain, and their recommendations for changes in the law were made with the design of conserving the natural resources of every part of the public lands by putting it to its best use. Special attention was called to the prevention of settlement by the passage of great areas of public land into the hands of a few men, and to the enormous waste caused by unrestricted grazing upon the open range. The recommendations of the Public Lands Commission are sound, for they are especially in the interest of the actual home-maker; and where the small homemaker cannot at present utilize the land they provide that the Government shall keep control of it so that it may not be monopolized by a few men. The Congress has not yet acted upon these recommendations; but they are so just and proper, so essential to our National welfare, that I feel confident, if the Congress will take time to consider them, that they will ultimately be adopted.

Some such legislation as that proposed is essential in order to preserve the great stretches of public grazing land which are unfit for cultivation under present methods and are valuable only for the forage which they supply. These stretches amount in all to some 300,000,000 acres, and are open to the free grazing of cattle, sheep, horses, and goats, without restriction. Such a system, or lack of system, means that the range is not so much used as wasted by abuse. As the West settles, the range becomes more and more overgrazed. Much of it cannot be used to advantage unless it is fenced, for fencing is the only way by which to keep in check the owners of nomad flocks which roam hither and thither, utterly destroying the pastures and leaving a waste behind so that their presence is incompatible with the presence of home-makers. The existing fences are all illegal. . . . All these fences, those that are hurtful and those that are beneficial, are alike illegal and must come down. But it is an outrage that the law should necessitate such action on the part of the Administration. The unlawful fencing of public lands for private grazing must be stopped, but the necessity which occasioned it must be provided for. The Federal Government should have control of the range, whether by per-
mit or lease, as local necessities may determine. Such control could secure the great benefit of legitimate fencing, while at the same time securing and promoting the settlement of the country. . . . The Government should part with its title only to the actual home-maker, not to the profit-maker who does not care to make a home. Our prime object is to secure the rights and guard the interests of the small ranchman, the man who ploughs and pitches hay for himself. It is this small ranchman, this actual settler and home-maker, who in the long run is most hurt by permitting thefts of the public land in whatever form.

Optimism is a good characteristic, but if carried to an excess it becomes foolishness. We are prone to speak of the resources of this country as inexhaustible; this is not so. The mineral wealth of the country, the coal, iron, oil, gas, and the like, does not reproduce itself, and therefore is certain to be exhausted ultimately; and wastefulness in dealing with it today means that our descendants will feel the exhaustion a generation or two before they otherwise would. But there are certain other forms of waste which could be entirely stopped—the waste of soil by washing, for instance, which is among the most dangerous of all wastes now in progress in the United States, is easily preventable, so that this present enormous loss of fertility is entirely unnecessary. The preservation or replacement of the forests is one of the most important means of preventing this loss. We have made a beginning in forest preservation, but . . . so rapid has been the rate of exhaustion of timber in the United States in the past, and so rapidly is the remainder being exhausted, that the country is unquestionably on the verge of a timber famine which will be felt in every household in the land. . . . The present annual consumption of lumber is certainly three times as great as the annual growth; and if the consumption and growth continue unchanged, practically all our lumber will be exhausted in another generation, while long before the limit to complete exhaustion is reached the growing scarcity will make itself felt in many blighting ways upon our National welfare. About twenty per cent of our forested territory is now reserved in National forests; but these do not include the most valuable timberlands, and in any event the proportion is too small to expect that the reserves can accomplish more than a mitigation of the trouble which is ahead for the nation. . . . We should acquire in the Appalachian and White Mountain regions all the forest lands that it is possible to acquire for the use of the Nation. These lands, because they form a National asset, are as emphatically national as the rivers which they feed, and which flow through so many States before they reach the ocean. . . .

Edward A. Ross on

The Criminaloid Type

1907

Edward A. Ross, the vigorous professor of sociology at the University of Wisconsin and one of the former advisers of Governor La Follette’s regime (Doc. 23), was among the foremost academic thinkers who participated heartily in the Progressive movement. In his book, Sin and Society, from which this passage is excerpted, he tried to make it clear that old conceptions of morals were not adequate for a sound system of social morality that recognized the realities of industrialism and an impersonal society. Old sins were still condemned, but new ones, in many ways more important because they were more far-reaching, were ignored. “You show,” wrote Theodore Roosevelt to Ross, “that the worst evils we have to combat have inevitably evolved along with the evolution of society itself, and that the perspective of conduct must change from age to age. . . .” Sin and Society (Boston, 1907), pp. 46-57, 59-66.

The real weakness in the moral position of Americans is not their attitude toward the plain criminal, but their attitude toward the quasi-criminal. The shocking leniency of the public in judging conspicuous persons who have thriven by antisocial practices is not due, as many imagine, to sycophancy. Let a prominent man commit some offense in bad odor and the multitude flings its stones with a right good will. The social lynching of the self-made magnate who put away his faded, toil-worn wife for the sake of a soubrette, proves that the props of the old morality have not rotted through. Sex righteousness continues to be thus stifly upheld simply because man has not been inventing new ways of wronging woman. So long ago were sex sins recognized and branded that the public, feeling sure of itself, lays on with promptness and emphasis. The slowness of this same public in lashing other kinds of transgression betrays, not sycophancy or unthinking admiration of success, but perplexity. The prosperous evil-doers that bask undisturbed in popular favor have been careful to shun—or seem to shun—the familiar types of wickedness. Overlooked in Bible and Prayer-book, their obliquities lack the brimstone smell. Surpass as their misdeeds may in meanness and cruelty, there has not yet been time enough to store up strong emotion about
profit and money loss, and try as he will, he cannot yet think in any other terms. . . .

Women, since society became an organized body, have been engaged in the rearing, as well as the bearing of children. They have made the home, they have cared for the sick, ministered to the aged, and given to the poor. The universal destiny of the mass of women trained them to feed and clothe, to invent, manufacture, build, repair, contrive, conserve, economize. They lived lives of constant service, within the narrow confines of a home. Their labor was given to those they loved, and the reward they looked for was purely a spiritual reward.

A thousand generations of service, unpaid, loving, intimate, must have left the strongest kind of a mental habit in its wake. Women, when they emerged from the seclusion of their homes and began to mingle in the world procession, when they were thrown on their own financial responsibility, found themselves willy-nilly in the ranks of the producers, the wage earners; when the enlightenment of education was no longer denied them, when their responsibilities ceased to be entirely domestic and became somewhat social, when, in a word, women began to think, they naturally thought in human terms. They couldn’t have thought otherwise if they had tried.

They might have learned, it is true. In certain circumstances women might have been persuaded to adopt the commercial habit of thought. But the circumstances were exactly propitious for the encouragement of the old-time woman habit of service. The modern thinking, planning, self-governing, educated woman came into a world which is losing faith in the commercial ideal, and is endeavoring to substitute in its place a social ideal. She came into a generation which is reaching passionate hands towards democracy. She became one with a nation which is weary of wars and hatreds, impatient with greed and privilege, sickened of poverty, disease, and social injustice. The modern, free-functioning woman accepted without the slightest difficulty these new ideals of democracy and social service. Where men could do little more than theorize in these matters, women were able easily and effectively to act.

I hope that I shall not be suspected of ascribing to women any ingrained or fundamental moral superiority to men. Women are not better than men. The mantle of moral superiority forced upon them as a substitute for intellectual equality they accepted, because they could not help themselves. They dropped it as soon as the substitute was no longer necessary.

That the mass of women are invariably found on the side of the new ideals is no evidence of their moral superiority to men; it is merely evidence of their intellectual youth.

Jane Addams Indicts

An Ancient Evil

1912

When Jane Addams wrote this moving account of the circumstances that impelled girls to take up prostitution, she had had almost a quarter of a century of close observation of slum conditions, for her social settlement, Hull House, had been opened in 1889. Her account of this problem was one of the least sensational of the era, and one of the most humane. Jane Addams, A New Conscience and an Ancient Evil (New York, 1912), pp. 56-61, 89-94. Reprinted with the permission of The Macmillan Company.

Successive reports of the United States census indicate that self-supporting girls are increasing steadily in number each decade, until 59 per cent of all the young women in the nation between the ages of sixteen and twenty are engaged in some gainful occupation. Year after year, as these figures increase, the public views them with complacency, almost with pride, and confidently depends upon the inner restraint and training of this girlish multitude to protect it from disaster. Nevertheless, the public is totally unable to determine at what moment these safeguards, evolved under former industrial conditions, may reach a breaking point, not because of economic freedom, but because of un-toward economic conditions.

For the first time in history multitudes of women are laboring without the direct stimulus of family interest or affection, and they are also unable to proportion their hours of work and intervals of rest according to their strength; in addition to this, for thousands of them the effort to obtain a livelihood fairly eclipses the very meaning of life itself. At the present moment no student of modern industrial conditions can possibly assert how far the superior chastity of woman, so rigidly maintained during the centuries, has been the result of her domestic surroundings, and certainly no one knows under what degree of economic pressure the old restraints may give way.

In addition to the monotony of work and the long hours, the small wages these girls receive have no relation to the standard of living which they are endeavoring to maintain. Discouraged and over-fatigued, they are often brought into sharp juxtaposition with the women who are obtaining much larger returns from their illicit trade. Society also ven-
tures to capitalize a virtuous girl at much less than one who has yielded to temptation, and it may well hold itself responsible for the precarious position into which, year after year, a multitude of frail girls is placed.

The very valuable report recently issued by the vice commission of Chicago leaves no room for doubt upon this point. The report estimates the yearly profit of this nefarious business as conducted in Chicago to be between fifteen and sixteen millions of dollars. Although these enormous profits largely accrue to the men who conduct the business side of prostitution, the report emphasizes the fact that the average girl earns very much more in such a life than she can hope to earn by any honest work. It points out that the capitalized value of the average working girl is six thousand dollars, as she ordinarily earns six dollars a week, which is three hundred dollars a year, or five per cent on that sum. A girl who sells drinks in a disreputable saloon, earning in commissions for herself twenty-one dollars a week, is capitalized at a value of twenty-two thousand dollars. The report further estimates that the average girl who enters an illicit life under a protector or manager is able to earn twenty-five dollars a week, representing a capital of twenty-six thousand dollars. In other words, a girl in such a life “earns more than four times as much as she is worth as a factor in the social and industrial economy, where brains, intelligence, virtue and womanly charm should bring a premium.” The argument is specious in that it does not record the economic value of the many later years in which the honest girl will live as wife and mother, in contrast to the premature death of the woman in the illicit trade, but the girl herself sees only the difference in the immediate earning possibilities in the two situations.

Nevertheless the supply of girls for the white slave traffic so far falls below the demand that large business enterprises have been developed throughout the world in order to secure a sufficient number of victims for this modern market. Over and over again in the criminal proceedings against the men engaged in this traffic, when questioned as to their motives, they have given the simple reply “that more girls are needed,” and that they were “promised big money for them.” Although economic pressure as a reason for entering an illicit life has thus been brought out in court by the evidence in a surprising number of cases, there is no doubt that it is often exaggerated; a girl always prefers to think that economic pressure is the reason for her downfall, even when the immediate causes have been her love of pleasure, her desire for finery, or the influence of evil companions. It is easy for her, as for all of us, to be deceived as to real motives. In addition to this the wretched girl who has entered upon an illicit life finds the experience so terrible that, day by day, she endeavors to justify herself with the excuse that the money she earns is needed for the support of someone dependent upon her, thus following habits established by generations of virtuous women who cared for feeble folk. I know one such girl living in a disreputable house in Chicago who has adopted a delicate child afflicted with curvature of the spine, whom she boards with respectable people and keeps for many weeks out of each year in an expensive sanitarium that it may receive medical treatment. The mother of the child, an inmate of the house in which the ardent foster-mother herself lives, is quite indifferent to the child’s welfare and also rather amused at such solicitude. The girl has persevered in her course for five years, never however allowing the little invalid to come to the house in which she and the mother live. The same sort of devotion and self-sacrifice is often poured out upon the miserable man who in the beginning was responsible for the girl’s entrance into the life and who constantly receives her earnings. She supports him in the luxurious life he may be living in another part of the town, takes an almost maternal pride in his good clothes and general prosperity, and regards him as the one person in all the world who understands her plight.

Most of the cases of economic responsibility, however, are not due to chivalric devotion, but arise from a desire to fulfill family obligations such as would be accepted by any conscientious girl. This was clearly revealed in conversations which were recently held with thirty-four girls, who were living at the same time in a rescue home, when twenty-two of them gave economic pressure as the reason for choosing the life which they had so recently abandoned. One piteous little widow of seventeen had been supporting her child and had been able to leave the life she had been leading only because her married sister offered to take care of the baby without the money formerly paid her. Another had been supporting her mother and only since her recent death was the girl sure that she could live honestly because she had only herself to care for.

Difficult as is the position of the girl out of work when her family is exigent and uncomprehending, she has incomparably more protection than the girl who is living in the city without home ties. Such girls form sixteen per cent of the working women of Chicago. With absolutely every penny of their meagre wages consumed in their inadequate living, they are totally unable to save money. That loneliness and detachment which the city tends to breed in its inhabitants is easily inten-
sified in such a girl into isolation and a desolating feeling of belonging nowhere. All youth resents the sense of the enormity of the universe in relation to the insignificance of the individual life, and youth, with that intense self-consciousness which makes each young person the very centre of all emotional experience, broods over this as no older person can possibly do. At such moments a black oppression, the instinctive fear of solitude, will send a lonely girl restlessly to walk the streets even when she is “too tired to stand,” and when her desire for companion-ship in itself constitutes a grave danger. Such a girl living in a rented room is usually without anyplace in which to properly receive callers. An investigation was recently made in Kansas City of 411 lodging-houses in which young girls were living; less than 30 per cent were found with a parlor in which guests might be received. Many girls quite innocently permit young men to call upon them in their bedrooms, pitifully disguised as “sitting-rooms,” but the danger is obvious, and the standards of the girl gradually become lowered.

Certainly during the trying times when a girl is out of work she should have much more intelligent help than is at present extended to her; she should be able to avail herself of the state employment agencies much more than is now possible, and the work of the newly established vocational bureaus should be enormously extended.

When once we are in earnest about the abolition of the social evil, society will find that it must study industry from the point of view of the producer in a sense which has never been done before. Such a study with reference to industrial legislation will ally itself on one hand with the trade-union movement, which insists upon a living wage and shorter hours for the workers, and also upon an opportunity for self-direction, and on the other hand with the efficiency movement, which would refrain from over-fatiguing an operator as it would from over-speeding a machine. In addition to legislative enactment: and the historic trade-union effort, the feeble and newer movement: on the part of the employers is being reinforced by the welfare secretary, who is not only devising recreational and educational plans, but is placing before the employer much disturbing information upon the cost of living in relation to the pitiful wages of working girls. Certainly employers are growing ashamed to use the worn-out, hypocritical pretense of employing only the girl “protected by home influences” as a device for reducing wages. Help may also come from the consumers, for an increasing number of them, with compunctions in regard to tempted young employees, are not only unwilling to purchase from the employer who underpays his girls and thus to share his guilt, but are striving in divers ways to modify existing conditions.

As working women enter fresh fields of labor which ever open up anew as the old fields are submerged behind them, society must endeavor to speedily protect them by an amelioration of the economic conditions which are now so unnecessarily harsh and dangerous to health and morals. The world-wide movement for establishing governmental control of industrial conditions is especially concerned for working women. Fourteen of the European countries prohibit all night work for women and almost every civilized country in the world is considering the number of hours and the character of work in which women may be permitted to safely engage.

Although amelioration comes about so slowly that many young girls are sacrificed each year under conditions which could so easily and reasonably be changed, nevertheless it is apparently better to overcome the dangers in this new and freer life, which modern industry has opened to women, than it is to attempt to retreat into the domestic industry of the past; for all statistics of prostitution give the largest number of recruits for this life as coming from domestic service and the second largest number from girls who live at home with no definite occupation whatever. Therefore, although in the economic aspect of the social evil more than in any other do we find ground for despair, at the same time we discern, as nowhere else, the young girl’s stubborn power of resistance. Nevertheless, the most superficial survey of her surroundings shows the necessity for ameliorating, as rapidly as possible, the harsh economic conditions which now environ her.

That steadily increasing function of the state by which it seeks to protect its workers from their own weakness and degradation, and insists that the livelihood of the manual laborer shall not be beaten down below the level of efficient citizenship, assumes new forms almost daily. From the human as well as the economic standpoint there is an obligation resting upon the state to discover how many victims of the white slave traffic are the result of social neglect, remedial incapacity, and the lack of industrial safeguards, and how far discontinuous employment and non-employment are factors in the breeding of discouragement and despair.

Is it because our modern industrialism is so new that we have been slow to connect it with the poverty and vice all about us? The socialists talk constantly of the relation of economic law to destitution and point out the connection between industrial maladjustment and individual
wrongdoing, but certainly the study of social conditions, the obligation to eradicate vice, cannot belong to one political party or to one economic school. It must be recognized as a solemn obligation of existing governments, and society must realize that economic conditions can only be made more righteous and more human by the unceasing devotion of generations of men.

Walter Weyl on
The Revolt of the Consumer
1913

Walter Weyl was a magazine writer with a scholarly background. He had taken his Ph.D. at the University of Pennsylvania in 1897, and, after some years of travel and association with the labor movement, turned to magazine work. Of his first important work, The New Democracy, from which this passage comes, he wrote: "It will be an argument for an American point of view in dealing with American conditions. It will be an argument for the Progressive Movement." Weyl was fascinated by the idea that the increasing wealth of the nation, far from discouraging discontent, had created a social surplus that gave the contending classes something to struggle for, and he believed that rising wealth was an aid to Progressive self-assertion. In this passage he analyzes the growing place of the consumer interest in the battle against the "plutocracy." Walter Weyl, The New Democracy (New York, 1913), pp. 249-54. Reprinted with the permission of The Macmillan Company.

... The plutocracy is more and more opposed by an ever larger number of social groups and individuals, not only for what it does and for what it is, but for the deeper economic tendencies which it represents. Different men are arrayed against the plutocracy for different reasons. While, however, such common hostility is a sufficient stimulus to an aggressive campaign, it is not a basis broad enough for a constructive program. Unless the opponents of the plutocracy have some common positive aim, their antagonism will dissipate itself in abortive assaults and waste heat, without permanent influence upon social conditions.

There exists, however, such a common aim. This aim, which holds together the opponents of an entrenched plutocracy, is the attainment of a common share in the conquered continent, in the material and moral accumulations of a century. When the trust raises prices, obtains valuable franchises or public lands, escapes taxation, secures bounties, lowers wages, evades factory laws, or makes other profitable maneuvers, it is diverting a part of the social surplus from the general community to itself. The public pays the higher prices, loses the franchises or lands, pays higher taxes, suffers in wages (and pays for the ill effects of low wages), and generally makes up dollar for dollar for all such gains. In
this perilous path remains doubtful. In any event, it is obvious that the development in this country of two such powerful and unscrupulous and well-organized special interests has created a condition which the founders of the Republic never anticipated, and which demands as a counterpoise a more effective body of national opinion, and a more powerful organization of the national interest.

Samuel Gompers Testifies on The Needs of Labor

1913

In striking contrast to the view of Croly (Doc. 19) is the direction of this argument by Samuel Gompers, president of the American Federation of Labor, and labor's most articulate spokesman. While labor leaders were pleased with gains made by the working class through social legislation, they regarded union organization, the wage bargain, and the strike as labor's surest protection. It had long rankled them that labor unions had been regarded by the courts as conspiracies in restraint of trade under the Sherman Act. When the following testimony was given before a Senate committee, Gompers himself was under a jail sentence (never served because of a Supreme Court ruling against the penalties) for activities held to be conspiratorial under the Sherman Act. The Clayton Act, which was the object of this testimony, never fulfilled Gompers's expectations, but in his crusade to lift the curse of court injunctions from the use of the strike as a weapon, he gave vent to many forthright expressions of the union point of view. Sixty-second Congress, Third Session, Senate Reports No. 1326 (Washington, 1913), Vol. II, p. 1728ff.

We are interested in securing relief from the interpretation placed upon the Sherman antitrust law by the Supreme Court of the United States, and the restoration of the working people, either as individuals or in association, to their status before the enactment of the law as interpreted by the court. In so far as the Sherman antitrust law is concerned, as now held as the law of the land, voluntary associations of the working people are regarded as combinations coming under the provisions of the antitrust law and amenable to its civil and penal provisions. . .

The Sherman antitrust law, as it has been interpreted, brings the men and women of labor under its civil and penal sections. As a consequence, any person or persons who may be injured in their business by reason of the normal and rightful action of working people, the person or persons so injured may bring suit and recover threefold damages. . .

The men of labor want to know their status in society in the United States. They hold that their organizations are essential to their safety and well-being. It is not a matter of mere desire; nor are these organizations the growth of a desire on the part of those who are designated “labor
leaders." Under modern industry there is no factor in all our governmental or civic life that undertakes to protect the working people against the power which wealth possesses in the hands of employers, corporations, combinations, and trusts of employers.

With the power of wealth and concentration of industry, the tremendous development in machinery, and power to drive machinery; with the improvement of the tools of labor, so that they are wonderfully tremendous machines, and with these all on the one hand; with labor, the workers, performing a given part of the whole product, probably an infinitesimal part, doing the thing a thousand or thousands of times over and over again in a day—labor divided and subdivided and specialized, so that a working man is but a mere cog in the great industrial modern plant; his individuality lost, alienated from the tools of labor; with concentration of wealth, concentration of industry. I wonder whether any of us can imagine what would be the actual condition of the working people of our country to-day without their organizations to protect them.

What would be the condition of the working men in our country in our day by acting as individuals with as great a concentrated wealth and industry on every hand? It is horrifying even to permit the imagination full swing to think what would be possible. Slavery! Slavery! Demoralized, degraded slavery. Nothing better.

To say that the men and women of labor may not do jointly what they may do in the exercise of their individual lawful right is an anomaly. . . .

Gentlemen, the individual working men accept conditions as they are, until driven to desperation. Then they throw down their tools and strike, without experience, without the knowledge of how best to conduct themselves, and to secure the relief which they need and demand. But the working men know where to go. It may be true that there are some workers who are opposed to organizations of labor, but they are very, very few. Those that do not come to us are either too helpless or too ignorant. But let no man fool himself. When in sheer desperation, driven to the last, where they can no longer submit to the lording of the master, they strike, they quit, and all the pent up anger gives vent in fury—they then come to us and ask us for our advice and our assistance, and we give it to them, whether they were indifferent to us or whether they were antagonistic to us. They are never questioned. We come to their assistance as best we can.

I do not pretend to say that with organizations of labor that strikes are entirely eliminated. I do not fool myself with any such beliefs, and I would not insult the intelligence of any other man by pretending to believe, much less to make, such a statement. But this one fact is sure: That in all the world there is now an unrest among the people, and primarily among the working people, with the present position they occupy in society—their unrequited toil; the attitude of irresponsibility of the employer toward the workers; the bitter antagonism to any effective attempt on the part of workers to protect themselves against aggression and greed, and the failure of employers to realize their responsibilities.

The demand of the workers is to be larger sharers in the product of their labor. In different countries they have unrest and this dissatisfaction takes on different forms. In our own country it takes on the form of the trade-union movement, as exemplified by the American Federation of Labor—a movement and a federation founded as a replica of the American governments, both the Federal Government and the State and city governments. It is formed to conform as nearly as it is possible to the American idea, and to have the crystallized unrest and discontent manifested under the Anglo-Saxon or American fashion; to press it home to the employers; to press it home to the lawmakers; to press it home to the law administrators, and possibly to impregnate and influence the minds of judges who may accord to us the rights which are essential to our well-being rather than guaranteeing to us the academic rights which are fruitless and which we do not want. . . .
The Progressive Party
Platform of 1912
August 5, 1912

The Progressive party's 1912 platform provides the most ample and ambitious statement of the national legislative aims of Progressivism. It was particularly noteworthy for spelling out in detail a program of social legislation. Although Theodore Roosevelt (Doc. 24) had succeeded in taking the leadership of the party away from La Follette, the platform reflects on most counts the inspiration of La Follette and his admirers. The most controversial plank in the platform, both inside and outside the party, was that on business, since a stronger antitrust statement had been rejected by Roosevelt and his associates. Roosevelt had never abandoned his conviction that an elaborate attack on big business along the lines of the Sherman Anti-Trust Act was futile (see Doc. 28). For his views on this subject he was strongly taken to task by Woodrow Wilson in the campaign (Doc. 35). Kirk H. Porter and Donald Bruce Johnson, National Party Platforms, 1840-1956 (Urbana, 1956), pp. 175-82.

The conscience of the people, in a time of grave national problems, has called into being a new party, born of the nation's sense of justice. We of the Progressive party here dedicate ourselves to the fulfillment of the duty laid upon us by our fathers to maintain the government of the people, by the people and for the people whose foundations they laid. . . .

THE OLD PARTIES

Political parties exist to secure responsible government and to execute the will of the people.

From these great tasks both of the old parties have turned aside. Instead of instruments to promote the general welfare, they have become the tools of corrupt interests which use them impartially to serve their selfish purposes. Behind the ostensible government sits enthroned an invisible government owing no allegiance and acknowledging no responsibility to the people.

To destroy this invisible government, to dissolve the unholy alliance between corrupt business and corrupt politics is the first task of the statesmanship of the day.

THE DELIBERATE BETRAYAL

The deliberate betrayal of its trust by the Republican party, the fatal incapacity of the Democratic party to deal with the new issues of the new time, have compelled the people to forge a new instrument of government through which to give effect to their will in laws and institutions.

Unhampered by tradition, uncorrupted by power, undismayed by the magnitude of the task, the new party offers itself as the instrument of the people to sweep away old abuses, to build a new and nobler commonwealth . . .

THE RULE OF THE PEOPLE

. . . In particular, the party declares for direct primaries for the nomination of State and National officers; for nation-wide preferential primaries for candidates for the presidency; for the direct election of United States Senators by the people; and we urge on the States the policy of the short ballot, with responsibility to the people secured by the initiative, referendum and recall. . . .

EQUAL SUFFRAGE

The Progressive party, believing that no people can justly claim to be a true democracy which denies political rights on account of sex, pledges itself to the task of securing equal suffrage to men and women alike.

CORRUPT PRACTICES

We pledge our party to legislation that will compel strict limitation of all campaign contributions and expenditures, and detailed publicity of both before as well as after primaries and elections.

PUBLICITY AND PUBLIC SERVICE

We pledge our party to legislation compelling the registration of lobbyists; public policy of committee hearings except on foreign affairs, and recording of all votes in committee; and forbidding federal appointees from holding office in State or National political organizations, or taking part as officers or delegates in political conventions for the nomination of elective State or National officials.

THE COURTS

The Progressive party demands such restriction of the power of the courts as shall leave to the people the ultimate authority to determine
fundamental questions of social welfare and public policy. To secure this end, it pledges itself to provide:

1. That when an Act, passed under the police power of the State, is held unconstitutional under the State Constitution, by the courts, the people, after an ample interval for deliberation, shall have an opportunity to vote on the question whether they desire the Act to become law, notwithstanding such decision.

2. That every decision of the highest appellate court of a State declaring an Act of the Legislature unconstitutional on the ground of its violation of the Federal Constitution shall be subject to the same review by the Supreme Court of the United States as is now accorded to decisions sustaining such legislation.

ADMINISTRATION OF JUSTICE

... We believe that the issuance of injunctions in cases arising out of labor disputes should be prohibited when such injunctions would not apply when no labor disputes existed.

We believe also that a person cited for contempt in labor disputes, except when such contempt was committed in the actual presence of the court or so near thereto as to interfere with the proper administration of justice, should have a right to trial by jury.

SOCIAL AND INDUSTRIAL JUSTICE

The supreme duty of the Nation is the conservation of human resources through an enlightened measure of social and industrial justice. We pledge ourselves to work unceasingly in State and Nation for:

Effective legislation looking to the prevention of industrial accidents, occupational diseases, overwork, involuntary unemployment, and other injurious effects incident to modern industry;

The fixing of minimum safety and health standards for the various occupations, and the exercise of the public authority of State and Nation, including the Federal Control over interstate commerce, and the taxing power, to maintain such standards;

The prohibition of child labor;

Minimum wage standards for working women, to provide a "living wage" in all industrial occupations;

The general prohibition of night work for women and the establishment of an eight-hour day for women and young persons;

One day's rest in seven for all wage workers;

The eight-hour day in continuous twenty-four-hour industries;

PLATFORM OF 1912

The abolition of the convict contract labor system; substituting a system of prison production for governmental consumption only; and the application of prisoners' earnings to the support of their dependent families;

Publicity as to wages, hours and conditions of labor; full reports upon industrial accidents and diseases; and the opening to public inspection of all tallies, weights, measures and check systems on labor products;

Standards of compensation for death by industrial accident and injury and trade disease which will transfer the burden of lost earnings from the families of working people to the industry, and thus to the community;

The protection of home life against the hazards of sickness, irregular employment and old age through the adoption of a system of social insurance adapted to American use;

The development of the creative labor power of America by lifting the last load of illiteracy from American youth and establishing continuation schools for industrial education under public control and encouraging agricultural education and demonstration in rural schools. . . .

We favor the organization of the workers, men and women, as a means of protecting their interests and of promoting their progress. . . .

BUSINESS

We demand that the test of true prosperity shall be the benefits conferred thereby on all the citizens, not confined to individuals or classes. . . .

We therefore demand a strong National regulation of inter-State corporations. The corporation is an essential part of modern business. The concentration of modern business, in some degree, is both inevitable and necessary for national and international business efficiency. But the existing concentration of vast wealth under a corporative system, unguarded and uncontrolled by the Nation, has placed in the hands of a few men enormous, secret, irresponsible power over the daily life of the citizen—a power insufferable in a free government and certain of abuse. . . .

We urge the establishment of a strong Federal administrative commission of high standing, which shall maintain permanent and active supervision over industrial corporations engaged in inter-State commerce, or such of them as are of public importance. . . .

Such a commission must enforce the complete publicity of those corporate transactions which are of public interest; must attack unfair competition, false capitalization and special privilege. . . .
We favor strengthening the Sherman Law by prohibiting agreement to divide territory or limit output; refusing to sell to customers who buy from business rivals; to sell below cost in certain areas while maintaining higher prices in other places; using the power of transportation to aid or injure special business concerns; and other unfair trade practices.

William Allen White on
The Revival of Democracy
1910

The information White collected on the democratic uprisings in many American states (see Doc. 21) led him to this optimistic estimation of the value of such reforms as initiative, referendum, and recall. (See also Doc. 27.) William Allen White, The Old Order Changeth (New York, 1910), pp. 47-61. Reprinted with the permission of William L. White.

The rise of democracy in the Middle and Southern states, across the Mississippi Valley, and along the Pacific coast has been marked by another indication that the people know, either consciously or unconsciously, where the dams are in the current of progress toward self-government. For not merely in the West and South, but all over the country, the people have passed laws compelling candidates and party committees to file statements of their expenditures and their sources of income, and many states have enacted laws limiting the amount of money that candidates or committees may spend in any primary campaign or in a campaign before a general election. These laws are becoming universal. Publicity of expenses is required of candidates and party committees in Alabama, West Virginia, Wisconsin, Nebraska, Kansas, Montana, and Washington; and campaign expenses are limited either as to amount or as to the right of corporations to contribute in Arizona, California, Colorado, Missouri, Oklahoma, Nebraska, North Dakota, Minnesota, Indiana, Pennsylvania, New York, Connecticut, Massachusetts, New Hampshire, Florida, Texas, Oregon, and Arkansas.

The movement to divorce the corporation from politics is so general that a federal law has been enacted limiting campaign contributions. And, for the first time in the history of the United States the people know exactly how much it costs to conduct a national campaign and from what sources the money comes. No more important step toward government by the people, for the people, has been taken in this Republic since its beginning. It is true that in many states the law is a form only; but the fact that it is a law indicates a tendency in American thought which eventually will express itself in custom and usage as it is now expressed in statute. For when the people know where to strike at an evil, they always hit it. And it is safe to say that the decree
serve to make of it an honest step towards the ideal of social democracy. It must be a genuine expression of the popular preference, and it must be adapted to the efficient accomplishment of its immediate purpose. If it conforms to these conditions, it will be constructive not merely in the obvious sense but in the sense of being educational. A nation which does not act sincerely and intelligently in the interest of its collective purpose will not learn much from its own experience. Societies will never be socialized out of scripts, speeches, exhortations and creeds, unless their interest has been aroused, their attention concentrated, and their will disciplined by loyal action on behalf of the social ideal. The attempt to redeem by practical action a comprehensive social responsibility derives its peculiar value less from the probability of any emphatic immediate success than from the demands which it makes upon its supporters. Every specific program which is honestly intended to work for social betterment issues a challenge to its advocates for careful preparation, for disinterested self-devotion, and for a candid appraisal of any possible results. The popular will cannot be sincerely expressed in such a program without also being strengthened and enlightened. A social atmosphere will be created of enterprise, of accomplishment, of moral earnestness, and of inexhaustible curiosity, which will help to make the systematic inculcation of the faith really fruitful. Progressive democracy is bound to keep its immediate and specific social program disengaged from its ideal of social righteousness. The immediate program is only the temporary instrument, which must be continually reformed and readjusted as a result of the experience gained by its experimental application. . . . It is the torch with which the nation gropes its way in the direction of the star. Dogmatic individualism and dogmatic socialism both conceive their specific programs, their immediate itineraries, as an adequate and a safe guide-book for the entire journey. Progressive democracy must abandon the illusion of any such assurance. No matter how firmly the progressive democrat may believe that his torch is radiating within the limits of its power the light of truth, no matter how confidently he may anticipate an acceleration of speed as a consequence of the increased power of the torch, he must still carefully distinguish between his itinerary and his goal. The goal is sacred. The program is fluid. The pilgrims can trust to the torch only in case they constantly alter and improve it, in order to meet the restless and exacting exigencies of the journey.

The Trusts and Big Business

Theodore Roosevelt on The Great Corporations

December 3, 1901

In his first annual message to Congress, Theodore Roosevelt stated a view of the problem of big business which in its essentials he never ceased to hold. Big business was an inevitable product of modern industrial organization. The way to cope with its abuses was not to try to break it up, which would be retrograde, but to accept its existence, subject it to regulation, and give to its affairs the widest publicity. These views, which were far more significant than T. R.'s occasional activities as a trustbuster (Doc. 29), provoked intense criticism, particularly within the Progressive movement (Doc. 25) and by Woodrow Wilson during the campaign of 1912 (Doc. 35).

H. R. Richardson, Messages and Papers of the Presidents, Vol. XVI, pp. 6645-49.

The tremendous and highly complex industrial development which went on with ever accelerated rapidity during the latter half of the nineteenth century brings us face to face, at the beginning of the twentieth, with very serious social problems. The old laws, and the old customs which had almost the binding force of law, were once quite sufficient to regulate the accumulation and distribution of wealth. Since the industrial changes which have so enormously increased the productive power of mankind, they are no longer sufficient.

The growth of cities has gone on beyond comparison faster than the growth of the country, and the upbuilding of the great industrial centers has meant a startling increase, not merely in the aggregate of wealth, but in the number of very large individual, and especially of very large corporate, fortunes. The creation of these great corporate fortunes has not been due to the tariff nor to any other governmental
action, but to natural causes in the business world, operating in other countries as they operate in our own.

The process has aroused much antagonism, a great part of which is wholly without warrant. . . . The captains of industry who have driven the railway systems across this continent, who have built up our commerce, who have developed our manufactures, have on the whole done great good to our people. Without them the material development of which we are so justly proud could never have taken place. . . . The slightest study of business conditions will satisfy anyone capable of forming a judgment that the personal equation is the most important factor in a business operation; that the business ability of the man at the head of any business, big or little, is usually the factor which fixes the gulf between striking success and hopeless failure.

An additional reason for caution in dealing with corporations is to be found in the international commercial conditions of today. . . . Business concerns which have the largest means at their disposal and are managed by the ablest men are naturally those which take the lead in the strife for commercial supremacy among the nations of the world. America has only just begun to assume the commanding position in the international business world which we believe will more and more be hers. It is of the utmost importance that this position be not jeopardized, especially at a time when the overflowing abundance of our own natural resources and the skill, business energy, and mechanical aptitude of our people make foreign markets essential. Under such conditions it would be most unwise to cramp or to fetter the youthfulness of our Nation.

Moreover, it cannot too often be pointed out that to strike with ignorant violence at the interests of one set of men almost inevitably endangers the interests of all. The fundamental rule in our national life—the rule which underlies all others—is that, on the whole, and in the long run, we shall go up or down together. . . .

The mechanism of modern business is so delicate that extreme care must be taken not to interfere with it in a spirit of rashness or ignorance. Many of those who have made it their vocation to denounce the great industrial combinations which are popularly, although with technical inaccuracy, known as "trusts," appeal especially to hatred and fear. These are precisely the two emotions, particularly when combined with ignorance, which unfit men for the exercise of cool and steady judgment. In facing new industrial conditions, the whole history of the world shows that legislation will generally be both unwise and ineffective unless undertaken after calm inquiry. . . .
a portion of its wealth from the existence of some monopolistic element or tendency in its business. There would be no hardship in such supervision; banks are subject to it, and in their case it is now accepted as a simple matter of course. Indeed, it is now probable that supervision of corporations by the National Government need not go so far as is now the case with the supervision exercised over them by so conservative a State as Massachusetts, in order to produce excellent results.

When the Constitution was adopted ... no human wisdom could foretell the sweeping changes, alike in industrial and political conditions, which were to take place by the beginning of the twentieth century. At that time it was accepted as a matter of course that the several States were the proper authorities to regulate, so far as it was then necessary, the comparatively insignificant and strictly localized corporate bodies of the day. The conditions are now wholly different and wholly different action is called for. I believe that a law can be framed which will enable the National Government to exercise control along the lines above indicated; profiting by the experience gained through the passage and administration of the Interstate Commerce Act. If, however, the judgment of the Congress is that it lacks the constitutional power to pass such an act, then a constitutional amendment should be submitted to confer this power.

**John Marshall Harlan in The Northern Securities Case**

1904

Although Roosevelt accepted the principle that large corporations were here to stay (Doc. 28), he recognized public concern over business consolidation as being in itself a major problem, and took steps to convince the public that the federal government was big enough to handle oversized corporations when this was necessary. One of the most highly publicized and objectionable of business consolidations was the Northern Securities Company, a holding company in which the Northern Pacific and the Great Northern railroads had been united, following a spectacular financial struggle between interests led by James J. Hill and Edward H. Harriman. In this emphatically written opinion, Justice John Marshall Harlan upheld the judgment of a lower federal court that the holding company violated the Sherman Anti-Trust Act. Four justices dissented from the majority decision. Northern Securities Company v. United States, 193 U. S., 197.

The Government charges that if the combination was held not to be in violation of the act of Congress, then all efforts of the National Government to preserve to the people the benefits of free competition among carriers engaged in interstate commerce will be wholly unavailing, and all transcontinental lines, indeed the entire railway system of the country, may be absorbed, merged and consolidated, thus placing the public at the absolute mercy of the holding corporation. . . .

In our judgment, the evidence fully sustains the material allegations of the bill. . . .

From the decisions in the above cases certain propositions are plainly deducible and embrace the present case. Those propositions are:

That although the act of Congress known as the Anti-Trust Act has no reference to the mere manufacture or production of articles or commodities within the limits of the several States, it does embrace and declare to be illegal every contract, combination or conspiracy, in whatever form, or whatever nature, and whoever may be parties to it, which directly or necessarily operates in restraint of trade or commerce among the several States or with foreign nations;

That the act is not limited to restraints of interstate and international
Robert M. La Follette Pleads For Railroad Regulation
April 23, 1906

This passage is taken from the end of a long and impressive speech delivered in the Senate by La Follette when the Hepburn Act was under debate. La Follette feared that the reform did not go far enough, and was particularly concerned to have the regulation of railroad rates based upon an assessment of the value of their properties and not upon their watered capital. This proposal, rejected in 1906, was embodied in the Progressive party platform (Doc. 25) and incorporated in the Physical Evaluation Act of 1913. The speech was the first La Follette made in the Senate after entering that body. Concerning it his wife wrote to their daughter, Fola: "Whatever comes, he has established himself right in the beginning, as the peer of any man on the floor of the Senate, and a new kind of leader." Fifty-ninth Congress, First Session, Congressional Record, pp. 5722-23.

This session of Congress will be but the preliminary skirmish of the great contest to follow. On the day that it is known that only the smallest possible measure of relief has been granted, the movement will begin anew all over the country for a larger concession to public right. That movement will not stop until it is completely successful. The only basis upon which it can be settled finally in a free country is a control of the public-service corporations broad enough, strong enough, and strict enough to insure justice and equality to all American citizens.

Why pursue a shortsighted, temporizing course? Is it not worse than folly to believe that a country like ours, with all its glorious traditions, will surrender in this war for industrial independence?

Mr. President, the people of this generation have witnessed a revolution which has changed the industrial and commercial life of a nation. They have seen the business system of a century battered down, in violation of State and Federal statutes, and another built on its ruins. They know exactly what has happened and why it has happened.

The farmer knows that there is no open, free competitive market for anything he may produce upon his farm. He knows that he must accept the prices arbitrarily fixed by the beef trust and the elevator combina-

tion. He knows that both of these organizations have been given control of the markets by the railroads.

The independent manufacturer knows that he no longer has an open field and a fairly competitive chance to market his product against the trust with its railroad interests.

The consumer knows that his prices are made for him by those who control the avenues of trade and the highways of commerce. The public has suffered much. It demands relief.

Mr. President, Senators in this discussion have avowed that they were not to be influenced by popular clamor; that they have no sympathy with bigotry that is blind to great railway enterprise and the value of the services which these corporations render to the public. It has been denounced as meddlesome interference for anyone to question the right of the railroads to fix the markets of this country and to control the destination of its commerce. Public discussion in support of this legislation is rebuked as "noisy declamation," and we are advised that public opinion should be scorned; that it is as shifting as the sands of the sea.

Sir, I respect public opinion. I do not fear it. I do not hold it in contempt. The public judgment of this great country forms slowly. It is intelligent. No body of men in this country is superior to it. In a representative democracy the common judgment of the majority must find expression in the law of the land. To deny this is to repudiate the principles upon which representative democracy is founded.

It is not prejudice nor clamor which is pressing this subject upon the attention of this body. It is a calm, well-considered public judgment. It is born of conviction—not passion—and it were wise for us to give it heed.

The public has reasoned out its case. For more than a generation of time it has wrought upon this great question with heart and brain in its daily contact with the great railway corporations. It has mastered all the facts. It is just. It is honest. It is rational. It respects property rights. It well knows that its own industrial and commercial prosperity would suffer and decline if the railroads were wronged, their capital impaired, their profits unjustly diminished.

But the public refuses longer to recognize this subject as one which the railroads alone have the right to pass upon. It declines longer to approach it with awe. It no longer regards the railroad schedule as a mystery. It understands the meaning of rebates and "concessions," the evasions through "purchasing agents" and false weights, the subterfuge
of "damage claims," the significance of "switching charges," "midnight tariffs," "milling in transit," "tap-line allowances," "underbilling," and "demurrage charges." It comprehends the device known as the "industrial railway," the "terminal railway," and all the tricks of inside companies, each levying tribute upon the traffic. It is quite familiar with the favoritism given to express companies, and knows exactly how producer and consumer have been handed over by the railroads, to be plundered by private car and refrigerator lines, in exchange for their traffic.

The public has gone even deeper into the subject. It knows that transportation is vital to organized society; that it is a function of government; that railway lines are the public highways to market; that these highways are established under the sanction of government; that the railway corporation dictates the location of its right of way, lays its tracks over the property of the citizen without his consent, and that he must market the products of his capital and his labor over this highway, if at all, on the terms fixed by the railway corporation. Or, to say it arrogantly and brutally, as did the president of the Louisville and Nashville Railway Company in his testimony before the Interstate Commerce Commission, that the public can pay the charge which the railroad demands, "or it can walk." In short, sir, the public has come to understand that the railway corporation is a natural monopoly, which has been created by act of government, and that under existing conditions the public is completely at the mercy of this natural monopoly.

Because it is a natural monopoly, because it is the creature of government, it becomes the duty of government to see to it that the railway company inflicts no wrong upon the public, to compel it to do what is right, and to perform its office as a common carrier.

Sir, it is much easier to stand with these great interests than against them....

At no time in the history of any nation has it been so difficult to withstand these forces as it is right here in America today. Their power is acknowledged in every community and manifest in every lawmaking body. It is idle to ignore it. There exists all over this country a distrust of Congress, a fear that monopolistic wealth holds the balance of power in legislation.

Mr. President, I contend here, as I have contended upon the public platform in Wisconsin, and in other States, that the history of the last thirty years of struggle for just and equitable legislation demonstrates that the powerful combinations of organized wealth and special interests have had an overbalancing control in State and national legislation.

For a generation the American people have watched the growth of this power in legislation. They observe how vast and far-reaching these modern business methods are in fact. Against the natural laws of trade and commerce is set the arbitrary will of a few masters of special privilege. The principal transportation lines of the country are so operated as to eliminate competition. Between railroads and other monopolies controlling great natural resources and most of the necessities of life there exists a "community of interests" in all cases and an identity of ownership in many. They have observed that these great combinations are closely associated in business for business reasons; that they are also closely associated in politics for business reasons; that together they constitute a complete system; that they encroach upon the public rights, defeat legislation for the public good, and secure laws to promote private interests.

Is it to be marveled at that the American people have become convinced that railroads and industrial trusts stand between them and their representatives; that they have come to believe that the daily conviction of public officials for betrayal of public trust in municipal, State, and national government is but a suggestion of the potential influence of these great combinations of wealth and power?

During this debate there has been much talk about the country having "hysteria." Magazine writers and press correspondents have been denounced, and there would seem to be an agreement that they are to be pursued and discredited, lest they lodge in the popular mind a wrongful estimate of the public service.

Sir, it does not lie in the power of any or all of the magazines of the country or of the press, great as it is, to destroy, without justification, the confidence of the people in the American Congress. Neither can any man on earth, whatever his position or power, alter the settled conviction of the intelligent citizenship of this country when it is grounded on fact and experience. It rests solely with the United States Senate to fix and maintain its own reputation for fidelity to public trust. It will be judged by the record. It cannot repose in security upon its exalted position and the glorious heritage of its traditions. It is worse than folly to feel, or to profess to feel, indifferent with respect to public judgment. If public confidence is wanting in Congress, it is not of hasty growth, it is not the product of "jaundiced journalism." It is the result of years of disappointment and defeat. It is the outgrowth of a quarter of a century of keen, discriminating study of public questions, public records, and the lives of public men....

For the first time in many years a great measure is before this body
for its final action. The subject with which it deals goes to the very heart of the whole question. Out of railroad combination with monopoly and its power over legislation comes the perilous relation which Mr. Justice Brewer says “lifts the corporation into a position of constant danger and menace to republican institutions.” . . .

Sir, we have the opportunity to meet the demands of the hour, or we may weakly temporize while the storm continues to gather. . . .

Mr. President, our responsibility is great; our duty is plain. If a true spirit of independent, patriotic service controls Congress, this bill will be reconstructed on the broad basis of public interest.

Woodrow Wilson Calls
For Tariff Revision
April 8, 1913

Wilson appeared in person before a special session of Congress to present an appeal for what he and many Progressives considered to be the long overdue downward revision of the tariff. Since no President after John Adams had appeared before the legislature, Wilson began by telling Congress that he wanted to verify that “the President of the United States is a person, not a mere department of the Government calling Congress from some isolated island of jealous power.” He then launched into this statement on the tariff issue. (For the outcome, see Doc. 32.) H. R. Richardson, Messages and Papers of the Presidents, Vol. XVI, pp. 7871-73.

I have called the Congress together in extraordinary session because a duty was laid upon the party now in power at the recent elections which it ought to perform promptly, in order that the burden carried by the people under existing law may be lightened as soon as possible, and in order, also, that the business interests of the country may not be kept too long in suspense as to what the fiscal changes are to be to which they will be required to adjust themselves. It is clear to the whole country that the tariff duties must be altered. They must be changed to meet the radical alteration in the conditions of our economic life which the country has witnessed within the last generation. While the whole face and method of our industrial and commercial life were being changed beyond recognition, the tariff schedules have remained what they were before the change began or have moved in the direction they were given when no large circumstance of our industrial development was what it is today. Our task is to square them with the actual facts. The sooner that is done the sooner we shall escape from suffering from the facts and the sooner our men of business will be free to thrive by the law of nature (the nature of free business) instead of by the law of legislation and artificial arrangement.

We have seen tariff legislation wander very far afield in our day—very far indeed from the field in which our prosperity might have had a normal growth and stimulation. No one who looks the facts squarely in the face or knows anything that lies beneath the surface of action can fail to perceive the principles upon which recent tariff legislation
Woodrow Wilson on
The Meaning of the New Freedom
1912

Wilson could not accept the idea, so often expressed by Roosevelt (Doc. 28), that large corporations are inevitable. He believed far more ardently in breaking them up, along the lines promised by the Sherman Act, arguing that any government that tried only to control big business would itself be dominated by the very corporations it sought to govern. He believed that both democracy and free enterprise depended upon an assault on the illicit large businesses, though he had difficulty in explaining how this assault could be safely carried on (See Doc. 36). In his 1912 campaign speeches, gathered later into The New Freedom, he explained his own conceptions of freedom and enterprise, no doubt voicing at the same time the feelings of a great many Americans engaged in farming and small business. Woodrow Wilson, The New Freedom (New York, 1913), pp. 5-7, 13-20, 58-65, 193-96, 200-203, 206-208. Also available in the Spectrum Classics in History Series.

We have come upon a very different age from any that preceded us. We have come upon an age when we do not do business in the way in which we used to do business—when we do not carry on any of the operations of manufacture, sale, transportation, or communication as men used to carry them on. There is a sense in which in our day the individual has been submerged. In most parts of our country men work, not for themselves, not as partners in the old way in which they used to work, but generally as employees—in a higher or lower grade—of great corporations. There was a time when corporations played a very minor part in our business affairs, but now they play the chief part, and most men are the servants of corporations.

You know what happens when you are the servant of a corporation. You have in no instance access to the men who are really determining the policy of the corporation. If the corporation is doing the things that it ought not to do, you really have no voice in the matter and must obey the orders, and you have oftentimes with deep mortification to co-operate in the doing of things which you know are against the public interest. Your individuality is swallowed up in the individuality and purpose of a great organization.
It is true that, while most men are thus submerged in the corporation, a few, a very few, are exalted to a power which as individuals they could never have wielded. Through the great organizations of which they are the heads, a few are enabled to play a part unprecedented by anything in history in the control of the business operations of the country and in the determination of the happiness of great numbers of people.

Yesterday, and ever since history began, men were related to one another as individuals. To be sure there were the family, the Church, and the State, institutions which associated men in certain wide circles of relationship. But in the ordinary concerns of life, in the ordinary work, in the daily round, men dealt freely and directly with one another. Today, the everyday relationships of men are largely with great impersonal concerns, with organizations, not with other individual men.

Now this is nothing short of a new social age, a new era of human relationships, a new stage-setting for the drama of life. . . .

Since I entered politics, I have chiefly had men's views confided to me privately. Some of the biggest men in the United States, in the field of commerce and manufacture, are afraid of somebody, are afraid of something. They know that there is a power somewhere so organized, so subtle, so watchful, so interlocked, so complete, so pervasive, that they had better not speak above their breath when they speak in condemnation of it.

They know that America is not a place of which it can be said, as it used to be, that a man may choose his own calling and pursue it just as far as his abilities enable him to pursue it; because to-day, if he enters certain fields, there are organizations which will use means against him that will prevent his building up a business which they do not want to have built up; organizations that will see to it that the ground is cut from under him and the markets shut against him. For if he begins to sell to certain retail dealers, to any retail dealers, the monopoly will refuse to sell to those dealers, and those dealers, afraid, will not buy the new man's wares. . . .

American industry is not free, as once it was free; American enterprise is not free; the man with only a little capital is finding it harder to get into the field, more and more impossible to compete with the big fellow. Why? Because the laws of this country do not prevent the strong from crushing the weak. That is the reason, and because the strong have crushed the weak the strong dominate the industry and the economic life of this country. No man can deny that the lines of endeavor have more and more narrowed and stiffened; no man who knows anything about the development of industry in this country can have failed to observe that the larger kinds of credit are more and more difficult to obtain, unless you obtain them upon the terms of uniting your efforts with those who already control the industries of the country; and nobody can fail to observe that any man who tries to set himself up in competition with any process of manufacture which has been taken under the control of large combinations of capital will presently find himself either squeezed out or obliged to sell and allow himself to be absorbed.

There is a great deal that needs reconstruction in the United States. I should like to take a census of the business men—I mean the rank and file of the business men—as to whether they think that business conditions in this country, or rather whether the organization of business in this country, is satisfactory or not. I know what they would say if they dared. If they could vote secretly they would vote overwhelmingly that the present organization of business was meant for the big fellows and was not meant for the little fellows; that it was meant for those who are at the top and was meant to exclude those who are at the bottom; that it was meant to shut out beginners, to prevent new entries in the race, to prevent the building up of competitive enterprises that would interfere with the monopolies which the great trusts have built up.

What this country needs above everything else is a body of laws which will look after the men who are on the make rather than the men who are already made. Because the men who are already made are not going to live indefinitely, and they are not always kind enough to leave sons as able and honest as they are.

The origination part of America, the part of America that makes new enterprises, the part into which the ambitious and gifted workingman makes his way up, the class that saves, that plans, that organizes, that presently spreads its enterprises until they have a national scope and character—that middle class is being more and more squeezed out by the processes which we have been taught to call processes of prosperity. Its members are sharing prosperity, no doubt; but what alarms me is that they are not originating prosperity. No country can afford to have its prosperity originated by a small controlling class. The treasury of America does not lie in the brains of the small body of men now in control of the great enterprises that have been concentrated under the direction of a very small number of persons. The treasury of America lies in those ambitions, those energies, that cannot be restricted to a special favored class. It depends upon the inventions of unknown men, upon the origins of unknown men, upon the ambitions of unknown men.
Every country is renewed out of the ranks of the unknown, not out of the ranks of those already famous and powerful and in control.

There has come over the land that un-American set of conditions which enables a small number of men who control the government to get favors from the government; by those favors to exclude their fellows from equal business opportunity; by those favors to extend a network of control that will presently dominate every industry in the country, and so make men forget the ancient time when America lay in every hamlet, when America was to be seen in every fair valley, when America displayed her great forces on the broad prairies, ran her fine fires of enterprise up over the mountainsides and down into the bowels of the earth, and eager men were everywhere captains of industry, not employees; not looking to a distant city to find out what they might do, but looking among their neighbors, finding credit according to their character, not according to their connections, finding credit in proportion to what was known to be in them and behind them, not in proportion to the securities they held that were approved where they were not known. In order to start an enterprise now, you have to be authenticated, in a perfectly impersonal way, not according to yourself, but according to what you own that somebody else approves of your owning. You cannot begin such an enterprise as those that have made America until you are so authenticated, until you have succeeded in obtaining the good-will of large allied capitalists. Is that freedom? That is dependence, not freedom.

We used to think in the old-fashioned days when life was very simple that all that government had to do was to put on a policeman's uniform, and say, “Now don't anybody hurt anybody else.” We used to say that the ideal of government was for every man to be left alone and not interfered with, except when he interfered with somebody else; and that the best government was the government that did as little governing as possible. That was the idea that obtained in Jefferson's time. But we are coming now to realize that life is so complicated that we are not dealing with the old conditions, and that the law has to step in and create new conditions under which we may live, the conditions which will make it tolerable for us to live....

The government of the United States at present is a foster-child of the special interests. It is not allowed to have a will of its own. It is told at every move: “Don't do that; you will interfere with our prosperity.” And when we ask, “Where is our prosperity lodged?” a certain group of gentlemen say, “With us.” The government of the United States in recent years has not been administered by the common people of the United States. You know just as well as I do—it is not an indictment against anybody, it is a mere statement of the facts—that the people have stood outside and looked on at their own government and that all they have had to determine in past years has been which crowd they would look on at; whether they would look on at this little group or that little group who had managed to get the control of affairs in its hands. Have you ever heard, for example, of any hearing before any great committee of the Congress in which the people of the country as a whole were represented, except it may be by the Congressmen themselves? The men who appear at those meetings in order to argue for or against a schedule in the tariff, for this measure or against that measure, are men who represent special interests. They may represent them very honestly, they may intend no wrong to their fellow-citizens, but they are speaking from the point of view always of a small portion of the population. I have sometimes wondered why men, particularly men of means, men who didn't have to work for their living, shouldn't constitute themselves attorneys for the people, and every time a hearing is held before a committee of Congress should not go and ask: “Gentlemen, in considering these things suppose you consider the whole country? Suppose you consider the citizens of the United States?”

I don't want a smug lot of experts to sit down behind closed doors in Washington and play Providence to me. There is a Providence to which I am perfectly willing to submit. But as for other men setting up as Providence over myself, I seriously object. I have never met a political savior in the flesh, and I never expect to meet one....

I am one of those who absolutely reject the trustee theory, the guardianship theory. I have never found a man who knew how to take care of me, and, reasoning from that point out, I conjecture that there isn't any man who knows how to take care of all the people of the United States. I suspect that the people of the United States understand their own interests better than any group of men in the confines of the country understand them. The men who are sweating blood to get their foothold in the world of endeavor understand the conditions of business in the United States very much better than the men who have arrived and are at the top. They know what the thing is that they are struggling against. They know how difficult it is to start a new enterprise. They know how far they have to search for credit that will put them upon an even footing with the men who have already built up industry in this country. They know that somewhere, by somebody, the development of industry is being controlled....
The government of our country cannot be lodged in any special class. The policy of a great nation cannot be tied up with any particular set of interests. I want to say, again and again, that my arguments do not touch the character of the men to whom I am opposed. I believe that the very wealthy men who have got their money by certain kinds of corporate enterprise have closed in their horizon, and that they do not see and do not understand the rank and file of the people. It is for that reason that I want to break up the little coterie that has determined what the government of the nation should do. The list of the men who used to determine what New Jersey should and should not do did not exceed half a dozen, and they were always the same men. These very men now are, some of them, frank enough to admit that New Jersey has finer energy in her because more men are consulted and the whole field of action is widened and liberalized. We have got to relieve our government from the domination of special classes, not because these special classes are bad, necessarily, but because no special class can understand the interests of a great community.

I believe, as I believe in nothing else, in the average integrity and the average intelligence of the American people, and I do not believe that the intelligence of America can be put into commission anywhere. I do not believe that there is any group of men of any kind to whom we can afford to give that kind of trusteeship.

I will not live under trustees if I can help it. No group of men less than the majority has a right to tell me how I have got to live in America. I will submit to the majority, because I have been trained to do it—though I may sometimes have my private opinion even of the majority. I do not care how wise, how patriotic, the trustees may be, I have never heard of any group of men in whose hands I am willing to lodge the liberties of America in trust.

Mr. Roosevelt attached to his platform some very splendid suggestions as to noble enterprises which we ought to undertake for the uplift of the human race; but when I hear an ambitious platform put forth, I am very much more interested in the dynamics of it than in the rhetoric of it. I have a very practical mind, and I want to know who are going to do those things and how they are going to be done. If you have read the trust plank in that platform as often as I have read it, you have found it very long, but very tolerant. It did not anywhere condemn monopoly, except in words; its essential meaning was that the trusts have been bad and must be made to be good. You know that Mr. Roosevelt long ago classified trusts for us as good and bad, and he said that he was afraid only of the bad ones. Now he does not desire that there should be any more bad ones, but proposes that they should all be made good by discipline, directly applied by a commission of executive appointment. All he explicitly complains of is lack of publicity and lack of fairness; not the exercise of power, for throughout that plank the power of the great corporations is accepted as the inevitable consequence of the modern organization of industry. All that it is proposed to do is to take them under control and regulation. The national administration having for sixteen years been virtually under the regulation of the trusts, it would be merely a family matter were the parts reversed and were the other members of the family to exercise the regulation. And the trusts, apparently, which might, in such circumstances, comfortably continue to administer our affairs under the mollifying influences of the federal government, would then, if you please, be the instrumentality by which all the humanistic, benevolent program of the rest of that interesting platform would be carried out!

I have read and reread that plank, so as to be sure that I get it right. All that it complains of is—and the complaint is a just one, surely—that these gentlemen exercise their power in a way that is secret. Therefore, we must have publicity. Sometimes they are arbitrary; therefore they need regulation. Sometimes they do not consult the general interests of the community; therefore they need to be reminded of those general interests by an industrial commission. But at every turn it is the trusts who are to do us good, and not we ourselves.

Again, I absolutely protest against being put into the hands of trustees. Mr. Roosevelt's conception of government is Mr. Taft's conception, that the Presidency of the United States is the presidency of a board of directors. I am willing to admit that if the people of the United States cannot get justice for themselves, then it is high time that they should join the third party and get it from somebody else. The justice proposed is very beautiful; it is very attractive; there were planks in that platform which stir all the sympathies of the heart; they proposed things that we all want to do; but the question is, Who is going to do them? Through whose instrumentality? Are Americans ready to ask the trusts to give us in pitty what we ought, in justice, to take?
is stronger than we are? We have been dreading all along the time when the combined power of high finance would be greater than the power of the government. Have we come to a time when the President of the United States or any man who wishes to be the President must doff his cap in the presence of this high finance, and say, "You are our inevitable master, but we will see how we can make the best of it?"

We are at the parting of the ways. We have, not one or two or three, but many, established and formidable monopolies in the United States. We have, not one or two, but many, fields of endeavor into which it is difficult, if not impossible, for the independent man to enter. We have restricted credit, we have restricted opportunity, we have controlled development, and we have come to be one of the worst ruled, one of the most completely controlled and dominated, governments in the civilized world—no longer a government by free opinion, no longer a government by conviction and the vote of the majority, but a government by the opinion and the duress of small groups of dominant men.

If the government is to tell big business men how to run their business, then don’t you see that big business men have to get closer to the government even than they are now? Don’t you see that they must capture the government, in order not to be restrained too much by it? Must capture the government? They have already captured it. Are you going to invite those inside to stay inside? They don’t have to get there. They are there. Are you going to own your own premises, or are you not? That is your choice. Are you going to say: “You didn’t get into the house the right way, but you are in there, God bless you; we will stand out here in the cold and you can hand us out something once in a while?”

At the least, under the plan I am opposing, there will be an avowed partnership between the government and the trusts. I take it that the firm will be ostensibly controlled by the senior member. For I take it that the government of the United States is at least the senior member, though the younger member has all along been running the business. But when all the momentum, when all the energy, when a great deal of the genius, as so often happens in partnerships the world over, is with the junior partner, I don’t think that the superintendence of the senior partner is going to amount to very much. And I don’t believe that benevolence can be read into the hearts of the trusts by the superintendence and suggestions of the federal government; because the government has never within my recollection had its suggestions accepted by the trusts. On the contrary, the suggestions of the trusts have been accepted by the government.

There is no hope to be seen for the people of the United States until the partnership is dissolved. And the business of the party now entrusted with power is going to be to dissolve it. . . .

The Roosevelt plan is that there shall be an industrial commission charged with the supervision of the great monopolistic combinations which have been formed under the protection of the tariff, and that the government of the United States shall see to it that these gentlemen who have conquered labor shall be kind to labor. I find, then, the proposition to be this: That there shall be two masters, the great corporation, and over it the government of the United States; and I ask who is going to be master of the government of the United States? It has a master now,—those who in combination control these monopolies. And if the government controlled by the monopolies in its turn controls the monopolies, the partnership is finally consummated.

I don’t care how benevolent the master is going to be, I will not live under a master. That is not what America was created for. America was created in order that every man should have the same chance as every other man to exercise mastery over his own fortunes. What I want to do is analogous to what the authorities of the city of Glasgow did with tenement houses. I want to light and patrol the corridors of these great organizations in order to see that nobody who tries to traverse them is waylaid and maltreated. If you will but hold off the adversaries, if you will but see to it that the weak are protected, I will venture a wager with you that there are some men in the United States, now weak, economically weak, who have brains enough to compete with these gentlemen and who will presently come into the market and put these gentlemen on their mettle. And the minute they come into the market there will be a bigger market for labor and a different wage scale for labor. . . .