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THE NATIONAL CONSUMERS' LEAGUE, 1932-1937

by

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PREFACE

Back when I was groping about for a manageable but exciting topic for a Master's thesis, I found myself torn between two ideas. One was to expand on a seminar paper about protective labor legislation for women in the first quarter of this century. The other was to do a biographical study of Lucy Randolph Mason, about whom I knew only that she worked for the C.I.O. in the South during the 1940s, and that she was my great-grandmother's sister. My dilemma was resolved when I made the startling discovery that before joining the C.I.O., Mason had for five years headed the National Consumers' League, a leading advocate of special labor laws for women. I decided to write about Mason during her tenure with the League, from 1932 to 1937. Once I began, however, my focus gradually shifted from Mason to the League itself, primarily because I was so struck by the discrepancy between its intense activity during this period and the silence of the historical record on the subject. I hope in a future project to devote more attention to Mason herself, attention certainly earned by her more than sixty years of participation in reform and labor organizations.

CONTENTS

INTRODUCTION AND HISTORIOGRAPHICAL REVIEW

This essay examines the activities of the National Consumers' League (NCL), an organization dedicated since 1899 to improving industrial labor standards, during the period from 1932 to 1937. One of my objectives is to demonstrate that, contrary to much scholarly opinion, the League remained a vital and effective organization during the New Deal years. Not only did the NCL survive the conservative 1920s, it survived the death in 1932 of Florence Kelley. Her successor, Lucy Randolph Mason, competently pursued the League's traditional agenda as well as extending the League's efforts to the South on a major scale for the first time. Under Mason, the NCL made important contributions to the development of the U.S. welfare state, contributions which have been largely forgotten. I focus here on the League's action for labor legislation, although the League supported diverse welfare policies including social security, mother's pensions, and maternity insurance.

During the 1930s the NCL contributed heavily to the acceptance by the public and by the Roosevelt Administration of the idea that the government should regulate industrial wages and hours. To a degree, this success undermined the NCL's leadership of the labor legislation movement, because the League now shared initiative with the federal government; however, the NCL continued to propose new legislation at

the state level and to press for more adequate federal policies. The NCL also developed a close working relationship with government agencies in backing and enforcing such pioneering federal measures as the NRA. In doing so, the NCL bolstered the credibility of such measures and laid crucial foundations for subsequent legislation, such as the Fair Labor Standards Act of 1938.

The NCL's advocacy of an expanded welfare state incorporated a commitment to eliminating the inequalities between women and men. Because the League valued protective labor legislation for women over an equal rights amendment, certain scholars -- most recently, Susan Lehrer, in the first monograph on protective labor laws -- have questioned the strength of this commitment. In discussing the split during the 1920s over the ERA, Lehrer follows the example of William O'Neill, whose 1969 study created a dichotomy between "hard-core" or "extreme" feminists who supported the ERA and "social feminists" who opposed it; while O'Neill's distinction is useful in some respects, its legacy has been an exaggeration of the difference between the opposing groups' objectives.[1] I have concluded that protective legislation advocates such as the NCL were as committed as ERA advocates to both formal and substantive equality between men and women, and that the two feminist groups essentially differed over means of achieving that equality.

This essay is organized as follows: after a review of the previous scholarship on the League, I summarize its history to 1932 and provide some background on Lucy Mason. I then discuss the League's objectives and tactics in its major activity, campaigning for

state wage and hour laws. Sections on the League's relationship to the National Recovery Administration and on its debate with the National Woman's Party follow. Lastly, I examine the movement, led by the League in response to Supreme Court rulings against New Deal legislation, for a Constitutional Amendment in favor of labor laws.

Historians of the National Consumers' League have assumed or asserted that the League faded into insignificance in the early 1920s or in 1932 with the death of Florence Kelley, the League's General Secretary for over three decades. Very little has been written about League activities after 1932, a fact that has perpetuated the tendency to overlook its vitality during the New Deal years. The only book-length scholarly work on the National Consumers' League, an unpublished 1965 doctoral dissertation by Louis Lee Athey, is limited to the 1890-1923 period. Although Athey acknowledges that "the history of the reform efforts of the Leagues since 1923, its successes and failures, is yet to be told," he argues that the NCL was in decline after 1915. William O'Neill's influential book, *Everyone Was Brave: The Rise and Fall of Feminism in America* (1969), draws heavily on Athey's work. O'Neill and Athey agree that financial and political difficulties occasioned by World War I and its aftermath, combined with the Supreme Court's 1923 ruling against minimum wage laws for women in the *Adkins* v. *Children's Hospital* case, drained much of the NCL's momentum. According to O'Neill, the uphill battle for ratification of the Child Labor Amendment, which lasted from 1922 to 1930 but was essentially lost after Massachusetts rejected the

Amendment in 1924, "cut the heart out of both her [Florence Kelley] and the league." Other factors that O'Neill sees as permanently crippling the NCL include an internal conflict in 1923 between Kelley and NCL President Newton D. Baker, who was ultimately forced to resign over his conservative stand on labor issues, and the conflict with the National Woman's Party (NWP) over the Equal Rights Amendment (introduced by the NWP in 1921). League history after the mid-twenties, O'Neill implies, is the tale of an obsolete and impotent organization that was spending the waning energies of its indispensable General Secretary on futile causes. O'Neill does perfunctorily acknowledge that the League "rallied during the depression by working closely with various government agencies," but for the most part he interprets the League's history to support his thesis that "the struggle for women's rights ended during the 1920s," and that the women's organizations were themselves to blame for the "failure" of their movement.[2]

Robert Bremner's *From the Depths: The Discovery of Poverty in the United States* (1956), which examines the years from 1830 to 1925, documents the crucial role of the NCL in drafting early wage and hour laws. Like Athey and O'Neill, Bremner sees 1923 as an abrupt endpoint to the League's influence. According to Bremner, Supreme Court Justice Sutherland's ruling in the *Adkins* case "blocked further progress in minimum-wage legislation for a decade and a half . . . it signified not only a revival of extreme conservatism but also a repudiation of factualism." This repudiation, he believes, effectively disarmed the League, which had pioneered the use of the

Brandeis Brief and other fact-based reform tactics. Unlike O'Neill, Bremner blames the general intellectual climate of the early twenties, rather than the League itself, for the decline in League influence that they both assume was utter and permanent.[3]

In "Women, Consumerism, and the National Consumers' League in the Progressive Era, 1900-1923" (1976), Allis Rosenberg Wolfe argues that the NCL ultimately failed because its strategy of organizing women for "ethical consumption" was hampered by its failure to attract working women to its membership. After World War I, Wolfe concludes, "various controversies crippled [the NCL] . . . by 1931, the NCL was very much on the wane. Its most effective years had been during the Progressive Era." Wolfe overemphasizes the League's efforts in the area of ethical consumption, at the expense of its concern with reform legislation. The League's "White List" and "White Label" programs, while central in its first two decades, were supplemented by major lobbying efforts; by the thirties, the League was concentrating on developing public support for reform legislation, not on influencing purchasing decisions to reward "decent" manufacturers. In failing to examine the history of the League after the early 1920s, Wolfe, like Athey, O'Neill, and Bremner, precludes an understanding of the League's adaptability and persistence.[4]

Other scholars have hinted at the importance of the League after the early 1920s, but they have not provided detailed analysis of these later activities, and they rarely mention the League after Kelley's death. In an excellent 1957 article, "The National Consumers' League and the Brandeis Brief," Clement Vose documents the leading role of

the League in developing and passing early hours and minimum wage legislation. He concludes that to gain its ends,

> the League was forced into the legislative, administrative, litigious and constituent processes at both state and national levels. The activities of the League, especially those from 1908 to 1938, when many of its initial goals had been achieved, make up a veritable model of the strategies available to an interest group in modern America.

Unfortunately, Vose never actually discusses the 1930s in his article.[5] Similarly, Arthur M. Schlesinger, Jr., in *The Age of Roosevelt: The Crisis of the Old Order, 1919-1933* (1957), recognizes the League's importance in "educat[ing] a whole generation in social responsibility," including New Deal figures such as Frances Perkins, Eleanor and Franklin Roosevelt and Robert Wagner, but in the few pages he devotes to the League, he does not mention its existence after Kelley's death. Schlesinger appreciates the power wielded by the "apparatus" of the NCL and other social reform groups such as the Women's Trade Union League (WTUL) and the settlements, but his tone towards these reformers, who were generally women, both idealizes and patronizes them: "the subtle and persistent saintliness of the social workers was in the end more deadly than all the bluster of business. Theirs was the implacability of gentleness."[6]

Clarke Chambers provides a relatively detailed account of the NCL's activities through the beginning of the New Deal, in *Seedtime of Reform: American Social Service and Social Action, 1918-1933* (1969). Chambers argues that voluntary associations like the NCL, WTUL, National Child Labor Committee and American Association for Labor Legislation remained vigorously active during the post-war "decade of

normalcy and reaction" and laid indispensable foundations for New Deal achievements in areas such as labor standards, social security, and housing reform. His argument is fascinating and convincing, but again, the NCL's story after 1932 is untold.[7]

Where Chambers' argument might lead one to infer that the expansion of the welfare state during the New Deal rendered organizations like the NCL superfluous, Susan Ware's 1981 study, *Beyond Suffrage: Women in the New Deal*, illustrates the extent and importance of the "women's network," which linked public and private agencies during the New Deal. Ware's scope is broad, and she does not comprehensively discuss the League's New Deal-era activities. Her focus is on women in government positions, and she tends to refer to the private organizations in the context of their providing common backgrounds for the women in government. Ware also emphasizes the cases in which government workers such as Frances Perkins and Mary Anderson "mobilized" their network allies, perhaps inadvertently obscuring the fact that women in the private organizations often took the initiative and mobilized their allies in government. The point is a fine one, because so many of the women in the network moved back and forth between public and private agencies, or represented both at the same time. However, it is important to recognize that the New Deal Administration did not completely eclipse the private organizations that had helped put it in power, at least not in the case of the National Consumers' League.[8]

One might wish that the author of the first monograph on protective labor legislation for women had read Ware's *Beyond*

Suffrage. In *Origins of Protective Labor Legislation for Women, 1905-1925* (1987), Susan Lehrer implies that the sex-based legislation debate died in 1925, as if the arguments of the National Woman's Party, whom Lehrer like other scholars labels the "militant feminists," suddenly vanquished the opposition of the National Consumers' League and other "social feminists." In fact, the conflict over sex-based legislation and the Equal Rights Amendment raged through the 1930s and beyond. Lehrer relies almost exclusively on the Women's Trade Union League for her description of the pro-sex-based legislation camp; oddly, key figures such as Josephine Goldmark and Molly Dewson (NCL affiliates who drafted the bills that became sex-based wage and hour laws) are mentioned only a few times.[9]

One article that does recognize the vigor of the debate over sex-specific minimum wage legislation in the 1930s is Robert Ingalls' "New York and the Minimum Wage Movement, 1933-1937" (1974). Ingalls describes the NCL as the chief agitator for state minimum wage laws, and he correctly perceives the adverse 1923 ruling as a temporary halt, not a final blow, to the NCL's campaign. Ingalls documents the League's leadership of the New York State minimum wage movement and asserts that "New York's successes and failures measured the progress of the entire national movement." Because Ingalls' study is limited to New York, he cannot do justice to the League's extensive campaigns in other states and at the national level.[10]

What little has been written about Lucy Randolph Mason has focussed on the years after 1937, when she left the NCL to work for the CIO in the South and became involved with southern organizations

such as the Highlander Folk School and the Southern Conference for Human Welfare (SCHW). At least two works on southern women mention Mason's earlier efforts: Anne Scott's *The Southern Lady* (1970) credits Mason with defeating a segregation statute in Richmond in 1929, and Jacquelyn Dowd Hall's *Revolt Against Chivalry* (1979) mentions Mason's organization of a Virginia chapter of the American Society of Women for the Prevention of Lynching during the 1930s.[11] The only two works devoted entirely to Lucy Mason are her 1952 memoir and John Salmond's 1988 biography. In *To Win These Rights: A Personal Story of the CIO in the South*, Mason discusses her NCL years in a few pages. Salmond's *Miss Lucy of the CIO: The Life and Times of Lucy Randolph Mason, 1882-1959* treats the NCL years in a brief chapter before rushing on to her dramatic adventures as an "ambassador to the South" for the CIO from 1937 to 1952. Thus the measure of success and prominence Mason achieved with the CIO has tended to divert scholarly attention from her five busy years with the NCL. Salmond's chapter provides a useful chronological outline of Mason's League activities, but it generally is descriptive rather than analytical. Furthermore, Salmond does not question Athey's and O'Neill's assertions that the League's influence dwindled after 1915, and he echoes O'Neill's and Chambers' reduction of the NCL-NWP conflict to an "irrelevant wrangle" amongst social reformers, even though Salmond's own evidence suggests it is time to reconsider these historiographical clichés. This essay attempts to do so, in examining for their own sake the activities of the National Consumers' League under the leadership of Lucy Randolph Mason, from 1932 to 1937.[12]

HISTORY OF THE NATIONAL CONSUMERS' LEAGUE TO 1932

Founded in New York in 1890 by affluent women and men concerned by the long hours, low pay and unhealthy conditions of retail clerks ("shopgirls"), the Consumers' League pioneered the movement for improved labor standards. The League's name has caused confusion among historians as well as among its contemporaries: its objective was the protection of workers through pressure from consumers, not the protection of consumers through anti-monopoly and price control efforts. Other branches formed in Massachusetts, Pennsylvania, and Illinois, and in 1899 they united as the National Consumers' League under the leadership of Florence Kelley, formerly Chief Factory Inspector of Illinois. A few years later, Kelley could count ninety local leagues, twenty state leagues, thirty-five auxiliaries, and various college branches; in the years before the first world war, influential branches flourished in various European countries as well. Kelley's ideas and spirit dominated the League until her death in 1932, by which time she had earned a substantial reputation as a champion of social reform. The League was not entirely a one-woman show, however, because Kelley attracted competent and devoted individuals to the cause. League activists over the years included other settlement and social workers such as Grace and Edith Abbott, Jane Addams, Josephine and Pauline Goldmark, Alice Hamilton, Julia Lathrop, and Lillian Wald; affluent philanthropists such as Josephine Shaw Lowell, Maud Nathan, and Eleanor Roosevelt; and professional and

academic men such as Newton D. Baker, Louis Brandeis, John Graham Brooks, John R. Commons, Paul U. Kellogg, and Felix Frankfurter, to name only a few. The League trained many individuals who later became prominent public figures, with Frances Perkins and Molly Dewson as the most obvious examples, and Josephine Roche, Clara Beyer, and Elinore Herrick as others. Several historians have noted that the commitment and prominence of many NCL members gave the group an influence far beyond its financial resources and its actual numbers, which never exceeded several thousand members.[13]

The League's tactics in its fight to improve working standards for women reflected a philosophy typical of Progressive Era reform organizations: a belief that education and moral suasion were the most effective ways to correct social problems.[14] Kelley believed that appeals to American reason and morality were practical methods of changing public policy. Kelley was also a socialist, however, and where publicity and persuasion did not work, she was quick to advocate mandatory state controls over industry. The League's motto was "investigate, agitate, legislate." In the prewar years, the League secured state laws restricting child labor, regulating sanitary and safety conditions, and establishing maximum hours and minimum wages for women. The League often drafted model bills for sympathetic legislators to introduce, and it provided much of the data supporting such laws.

The League's role in the 1908 *Muller* v. *Oregon* decision, which upheld the state's maximum hours law for women, made legal history as well as social welfare history. The League prepared a massive brief,

crammed with sociological data demonstrating the injurious effect of long hours on women workers, and enlisted Louis Brandeis to present it. This successful legal tactic represented a departure from the exclusive reliance on legal precedent, and though it became known as "the Brandeis brief," it could justly have been named "the Consumers' League brief." After the Oregon victory, defending reform legislation against court challenges became a League specialty; Kelley teamed League researchers such as Josephine Goldmark and later Molly Dewson with prestigious liberal lawyers. In 1917, for example, Felix Frankfurter used the "Brandeis brief" method to win a victory for minimum wage laws for women in the *Stettler* v. *O'Hara* case (this decision would be reversed a few years later).

The League was also influential in the women's suffrage campaign and in securing pure food and drug legislation, compulsory school attendance laws, and infant and maternal health measures. The League lobbied hard for the creation of the U.S. Children's Bureau in 1912 and the Women's Bureau in 1920, and it was a crucial member of the Women's Joint Congressional Council (WJCC), which formed in 1920. Historian J. Stanley Lemons noted that "friends called the WJCC 'the most powerful lobby in Washington,' and its enemies sometimes agreed." Perhaps because of its effectiveness, the WJCC (and Florence Kelley in particular) was a favorite target of redbaiters, who circulated a "spider web" chart in 1923 linking women's organizations to Moscow.[15]

The latter half of the 1920s resulted in little progress in labor legislation, but this fact should not be interpreted as

demonstrating that the League became apathetic or conservative during that period. The League did suffer major blows in the 1920s, but it fought vigorously to defend past gains and to articulate its traditional agenda. One major setback was the 1923 *Adkins* v. *Children's Hospital* decision, in which the Supreme Court ruled the Washington, D.C. minimum wage law for women unconstitutional, notwithstanding the heroic efforts of Molly Dewson and Felix Frankfurter on that law's behalf. Another drain on League energies during the 1920s was the conflict with the National Woman's Party over the Equal Rights Amendment, which stemmed from the accurate perception by the NCL that the ERA would invalidate all sex-based legislation. Though the League was by no means cowed or dormant during the 1920s, it did spend more time struggling to protect earlier gains than it did winning new reforms.

The Great Depression created new opportunities for the National Consumers' League, fostering a new receptiveness to government solutions that to the League was most refreshing after its uphill battles of the 1920s. The Depression discredited Herbert Hoover's philosophy of "voluntaryism," which asserted that industry would guarantee stability and prosperity for all through voluntary adherence to guidelines agreed on in cooperation with the government. The national crisis also confirmed the League's faith in the vigilance of voluntary organizations such as its own. Bad times could undercut hard-won gains, and legislative reforms could be undone, if such organizations did not keep the public alert and informed. To Nicholas Kelley, chairman of the NCL board (and son of Florence Kelley), the

Depression proved that "the leadership of business does not know what is good for itself." Kelley cited the Interstate Commerce Commission and the Federal Reserve Law as examples of governmental measures fought by business that were now saving business.[16] According to Molly Dewson, changing conditions had demonstrated that matters could not be left even to organized labor and business alone:

> I am beginning to feel about labor as I feel about the employers: the action, or lack of action, of the employers, has driven us all to the brink of terrific changes. We no longer consider the manufacturers free agents but that society has a right to a say as to how they conduct their business. Have we not an equal right to a say as to how labor conducts its affairs? Those of us who are neither employers nor organized labor have a heavy stake in their plans. We know it to our cost today.[17]

The Depression enabled the NCL to bring one of its oldest arguments to the foreground: that reformed labor standards not only alleviated suffering but also were in the long-term interest of society as a whole. Dewson argued in 1932 that "not only are thousands of wage earners being exploited, but legitimate industry is undermined by unfair competitive practices, and the purchasing power of wage earners in many industries is dangerously reduced."[18] The League portrayed itself as not a charity but an expert on macro-economic affairs, and it tried to gain credibility by emphasizing scientific expertise over humanitarian concerns. Thus Nicholas Kelley proclaimed,

> The leadership is with the reformers, as long as business is willing to go into depressions rather than organize itself and stabilize itself so it can work in a civilized society. Why should the people who are for shorter hours and a mandatory minimum wage, who see the daylight, who understand *not merely the humanitarian side of the question, but the statesmanship of it*,

> why should they at any rate ask for less than what they want? [italics mine][19]

In its mission to aid exploited groups, the League stressed the organicism and interdependence of society. By calling itself a representative of "society," the League presented itself as the impartial voice of all, rather than as the narrow-visioned agent of one group or class. Whatever the personal beliefs of various League leaders, they projected a common vision of society that minimized structural class conflict and emphasized the moral flaws of individual employers, "the chiseling minority," as explanation for capitalism's inequities and as justifications for government regulation of industrial practices.[20] This de-emphasis on structural flaws survived the Depression and predisposed the League to incrementalist, "within the system" tactics; they called themselves reformers, not revolutionaries.

LUCY RANDOLPH MASON: BACKGROUND AND APPOINTMENT

After Kelley's death in February 1932, the League's board of directors briefly discussed whether the League should carry on at all. The conclusion was an emphatic "yes," and the first step was to find a successor for Kelley. The board agreed it was especially important to find someone who was a good speaker, and who would initiate campaigns for state wage and hour laws in the South. In October 1931, Florence Kelley had recommended to Molly Dewson that Lucy Mason replace her as the League's General Secretary. Kelley had been impressed with Mason's performance when she hired Mason for two months in early 1931 to undertake a survey of working hours and conditions for women workers in fourteen southern states. Back in 1923, Kelley had offered Mason a full-time job as secretary for the southern states; flattered as she was, Mason had declined, because she had just accepted the secretaryship of the Richmond YWCA and "preferred to remain in Richmond at that time." At a May 23 board meeting, it was announced that two of three candidates, Elizabeth Magee and Estelle Lauder, had withdrawn their candidacies. The board unanimously supported Dewson's motion to appoint the third candidate, Lucy Mason, for one year at $5,000, effective September 15, 1932. In mid-1932, the National League had 2,510 members and an annual budget of approximately $23,000.[21]

That Mason was a Southerner was a key factor in her appointment. The League's previous efforts in the South had been

minimal, but as the South industrialized and as northern manufacturers began using fear of southern competition as an excuse to oppose labor laws, Kelley increasingly had seen the South as crucial to the success of legislation anywhere in the country. In 1931, after expressing regret that Mason could not be persuaded to leave the Richmond YWCA, Kelley suggested that the League needed to hire an agent for the South, adding that "we ought to try to get a person with Southern accent and Northern energy."[22] The same commitment to the South, and perhaps a similar skepticism of Southerners, was reflected in Dewson's 1931 observation to Grace Abbott that Mason seemed

> pretty pale beside FK and you, but she has personality, devotion to industrial women, experience, prestige in her State and the South where I believe we should do a lot of work, and is, I understand, a good speaker and well respected by conservative men although they consider her "advanced."[23]

Before she even got started at the NCL, Mason carried the double disadvantages of following in the footsteps of the venerable Florence Kelley and of being, as a Southerner, somewhat outside of the established network of northeastern women reformers, many of whom had worked together on a range of issues since the early 1900s.

If she was outside the northeastern network, Mason was well-positioned to become a key figure in a coalescing network of southern liberals. Born to an Episcopalian minister and Confederate Army veteran and to a mother who was an activist for penal reform, Mason also was related to most of Virginia's "first families" and a direct descendant of George Mason, who drafted the Virginia Bill of Rights (on which that section of the U.S. Constitution was modeled). Mason

thus inherited a legacy of social activism along with impeccable credentials as a "true" Southerner, which helped her get away with unconventional stands before, during, and after her NCL years. Before joining the NCL, she had earned a reputation in Virginia as an advocate for blacks, women, and workers; she had headed the Richmond YWCA and the Richmond League of Women Voters, and she had served on committees on "Negro economic status" and as organizer of the Virginia chapter of the American Society of Women for the Prevention of Lynching. During World War I, Samuel Gompers appointed her Virginia Chairman of the Committee on Women in Industry of the National Advisory Committee on Labor. Mason's many associations brought her into contact with the men whom historians such as Daniel Singal, Morton Sosna, and Harvard Sitkoff have identified as the small but influential nucleus of southern white liberalism. She knew Chapel Hill academics Frank Graham and Howard Odum, journalists Jonathan Daniels, Virginius Dabney, and W.J. Cash, politicians Hugo Black and Bibb Graves, and interracial cooperationists Will Alexander and Aubrey Williams. Mason also knew influential southern women such as Virginia Durr, Brownie Lee Jones, Lois MacDonald, and Louise McClaren, who founded the Southern Summer School for Workers. Lillian Smith sought Mason out to write an article on labor legislation for Smith's *North Georgia Review*, "the most militant white-run advocate of Negro rights in the South." Although Mason is rarely mentioned in histories of southern liberalism, she was clearly a member of the southern liberal community.[24]

NCL CAMPAIGNS FOR STATE WAGE AND HOUR LAWS

A few weeks after moving to New York ("feeling too small for the work but impelled to go into it"), Mason attended her first meeting with the NCL board, at which the League set its priorities for the coming year. The League's "federal program" for 1933 included restoration of the federal maternity and infancy appropriation; support of the Child Labor Amendment; opposition to the Equal Rights Amendment; support of the Children's Bureau and Women's Bureau; and continued activity in the Women's Joint Congressional Council. Most urgent, the board agreed, was the need for effective labor laws, to raise workers' livings standards and to regulate production. Believing that federal wage and regulation was unattainable, the board thought the League should mount a renewed, systematic campaign for shorter hours and higher wages through legislation at the state level. To get the ball rolling, the League held an inter-organizational "Conference on the Breakdown of Industrial Standards" in conjunction with its annual meeting in December 1932.[25]

In defining its objectives for state labor laws, the League had to negotiate between many interests and make many compromises. When in doubt, the League tended to back "safe" measures rather than more ambitious ones that closer met League principles but seemed less likely to be adopted. Perhaps in part because of its frustrating experiences in the 1920s, the League often fell back on the adage that "half a loaf is better than none;" whether its leadership failed to

take full advantage of changed circumstances during the early 1930s remains an open question. How great were the opportunities offered by the Great Depression and the FDR Adminstration, and to what degree did the League adapt its tactics to capitalize on those opportunities? Might a brand new organization, unencumbered by years of confrontation with redbaiters and *laissez-faire* doctrines, have taken an uncompromising stand and succeeded in securing more sweeping labor laws than the NCL did? Probably not; such an organization would still have had to contend, as the NCL did, with organized labor's lack of commitment to wage and hour legislation, and with the constraints imposed by the South. The League believed that the sweeping policies demanded by its own principles were in practice unobtainable, and the League's legislative compromises represented its efforts to secure material benefits for at least some segments of the group of workers it believed most urgently needed those benefits.

In defining the provisions of its model bills for state wage laws and hour laws, the NCL first needed to decide which workers it should include. In theory, it was agreed, labor legislation should apply to all workers.[26] However, progressives differed over how realistic a goal was such universal legislation, covering both sexes and all occupations. Most fundamental was the issue of men's inclusion in state labor laws, which surfaced regularly at League board meetings and League-sponsored conferences. The chief obstacles raised against including men were the question of constitutionality and the position of the American Federation of Labor (AFL).

NCL leaders wanted to avoid at all costs any action that might precipitate further unfavorable Supreme Court rulings on labor legislation for women workers. The League's 1932 plan to revive the minimum wage campaign represented the first such effort since the 1923 *Adkins* ruling against the Washington D.C. wage law. Reformers who had experienced the trauma of that setback were extremely nervous about inviting judicial scrutiny even of the less controversial hours laws. The Supreme Court had clearly distinguished between laws for men and laws for women, striking down an hours law that included men (*Lochner* v. *New York*, 1905) but sustaining an hours law for women (*Muller* v. *Oregon*, 1908). The *Muller* decision and subsequent League legal victories were based in part on arguments that women had special needs for state protection.[27] Veterans like Dewson and Goldmark worried that extending coverage to men might raise questions about earlier laws passed on the basis of women's unique need for protection.

In January 1934, the joint suggestion of Clara Beyer, Grace Abbott and Charles Wyzanski of the U.S. Department of Labor that the time was ripe to promote minimum wage laws for women *and* men provoked a flurry of correspondence between those parties, Mason, Josephine Goldmark, Ben Cohen, and Felix Frankfurter. Goldmark declared that she was "*totally opposed* to including men in any state minimum wage legislation until a statute for women is sustained by the U.S. Supreme Court"(emphasis Goldmark's). According to Goldmark, DOL solicitor Wyzanski underestimated the difficulty of getting even a women's bill through after three adverse decisions. Frankfurter, Cohen, and Dewson, who with Goldmark had drafted the League's 1933 model minimum

wage bill, concurred, anxious above all not to lose the laws they had just gotten passed in six states. When the matter arose at that month's board meeting, the board voted unanimously to send a strong letter of disapproval to its Rhode Island branch, who under Alice Hunt had announced its intention to sponsor a minimum wage bill that included men. Mason apologetically reported the decision to Beyer, saying she had to agree with the board.[28]

Did the NCL gauge the mood of the Supreme Court more accurately than certain representatives of the Department of Labor? Wyzanski had argued that as the *Adkins* case had not distinguished between men and women, as at least three and maybe five of the current justices would back labor laws, and as FDR would be appointing liberal judges, the time was ripe. However, in light of the June 1936 *Tipaldo* decision, the NCL appears to have been a better judge of the judges.[29]

Another factor that made the League believe that the inclusion of men in state labor laws was an impracticable, as well as uninspiring, objective was the ambivalence of the American Federation of Labor toward government regulation of wages and hours, particularly men's wages and hours. The AFL preferred to win hours reductions, wage increases, and other improvements through collective bargaining rather than through legislation, and it worried that legislation would undercut organizing efforts as well as interfere with union contract negotiations. As Molly Dewson once explained to a prospective League member, "our organization is a very old one and has just one object: the prevention of the exploitation of the labor of women and children. We should have included men if they had not preferred to

fight their own battles through the Federation of Labor."[30] Implicit in Dewson's comment is her perception that the AFL's battles were generally for the rights of male workers. The League strongly supported unionization and the right to strike, and it had crucial alliances with organized labor, notably with the International Ladies' Garment Workers' Union and the Women's Trade Union League. However, the AFL's indifference to women workers, as well as its suspicion of labor legislation, diminished the NCL's incentive to devote extensive energy to winning laws for men, particularly as the constitutional issue suggested that such efforts were likely to delay passage of laws for women.[31]

At the NCL-sponsored Conference on the Breakdown of Industrial Standards in December 1932, participants voted to include men in the model hours bill "when practicable." Rose Schneiderman got in the last words before the vote, and they illustrate the nature of the compromise:

> I should leave it to the state committee as to whether the bill limiting men's hours of work should be separate from the women's bill. But there should be this understanding, that no committee should hold up legislation for women if the men were not ready to come in on it.

Schneiderman stressed the importance of actively encouraging the "local labor people" (i.e., representing working men) to join the state committees proposing new labor laws; the League would put the ball in the AFL's court.[32]

Advocates of including men in state hours and wage bills stressed the benefits to the national economy of shortening all

workers' hours, thereby reducing production, raising prices, spreading employment more evenly, and increasing all wage-earners' purchasing power. They also argued that resistance to men's legislation was rapidly fading as manufacturers and unions both grasped the need to regulate production and limit competition.[33] At the 1932 Conference, Fannia Cohn of the International Ladies Garment Workers' Union and Rose Schneiderman of the WTUL suggested that times had changed, and that the national interest clearly pointed towards hours reduction for all workers. Cohn stressed the interdependence of the sexes and all social groups:

> Let us not be selfish or just hide ourselves behind women . . . It is not only the women's standards, it is not only the wage-earners' standards, but everybody's standards that are broken. If anything can be done, if we can help the professional, the intellectual, the middle class people, we will help them to rebuild the standards and we will be glad to join hands.

On the one hand, Cohn implied, it would be "selfish" to try to shorten only women's hours (reflecting her perception that reformers were primarily women). On the other hand, those who would help men get shorter hours would be cowardly to rely on the fact that improved standards for women usually implied improvement for men as well, as their tasks in the heavily sex-segregated factories tended to be somewhat interdependent.[34]

The arguments surrounding the passage of the first minimum wage law applying to men as well as women, in Oklahoma in 1937, help explain why the League's attitude towards including men in labor laws was so complicated. A local editorial supported the law under the reasoning that "it is obvious that men need the protection even more

than women do . . . Of course, a woman should not be exploited, nor hired at niggardly pay, no matter what her reasons for working, but it is of greater importance that the head of a family receive adequate pay."[35] Thus certain justifications for including men in labor laws could conflict with the NCL's explicitly stated goals of increasing women's equality with men in the labor force; the League assumed "equality" would require abolishing sex-based wage differentials as well as the myth that women worked not for necessities but for a little extra cash, or "pin money." However exasperating such responses to the Oklahoma law must have been to the NCL, Mason was quick to congratulate the state commissioner of labor on its passage: "I am delighted that you think the bill effectively covers both men and women." Mason added a pointed comment that suggests how the League resented the AFL's lack of cooperation: "I hope that the attitude of state Federations of Labor toward the inclusion of men in state hours and wage legislation will soon reflect the endorsement of federal regulation for all workers by so many of the important union groups."[36]

Not only were men's laws more difficult to pass, but women needed them more than men did anyway, according to the NCL. The League argued that all workers needed leisure time and adequate wages to maintain industrial efficiency and "social values," but that for various reasons, some biological and some circumstantial, women needed protection even more than men did. In arguing for the prohibition of night work for women, Mason quoted findings that women's "health and

energy" were more impaired by night work than were men's:

> Investigations have shown that the majority of women who work at night in factories do so under a heavy burden of caring for their homes by day and working in factories at night, and it is to their interest and that of the community that they should be protected against this double burden.[37]

Night work was considered to impose a more severe burden on women than day shifts because the demands of husbands and children were more likely to interrupt women's sleep during the day. For Mason and her allies in the cause of protective legislation, their sense of the injustice of women's "double burden" did not translate into an explicit challenge to the idea that caring for the home and children was primarily women's responsibility. They were never so out of touch with working women's reality as to suggest that mothers should not work (nor did they suggest it was women's obligation to choose marriage and motherhood). However, they did not spell out how they thought mothers banned from night work would maintain their income and also find child care. In its literature promoting shorter hours for women workers, the NCL often cited investigations that "have shown a lower resistance on the part of women to the strain and hazards incident to industry."[38] Proponents of this idea do not seem to have questioned whether women's "lower resistance" was biologically determined or a function of her "double burden." Another League argument emphasizing women's differences from men was the "future of the race" rationale, which the NCL had developed to successfully defend the Oregon hours law in 1908: "as healthy mothers are essential to vigorous offspring, the physical well-being of women

becomes an object of public interest and care . . ."[39]

Although League arguments about women's unique need for state protection were no doubt sincere, one should be careful in interpreting them as indications that League was "less feminist" than opponents of sex-based laws. The League's internal correspondence focused much more on constitutional questions than on biology, and the sex-specific arguments may well have evolved as legal stratagems to get women's laws on the books, as an "opening wedge" for further legislation to include men. As the League explained in 1935, describing its minimum wage efforts in 1910: "with an eye to possible court obstacles the laws were limited to women and children in the hope that they would meet the test of constitutionality."[40]

Whatever League leaders privately thought about women's lower resistance than men to equal amounts of exploitation, they clearly believed that women experienced greater amounts of exploitation than men. Foremost was the fact that most women workers were unorganized, for which the NCL blamed not women workers but the unions. Mason wrote in 1931 that "legislation is women's only hope of shorter hours as men control the unions and give scant attention to organizing women."[41] Employers as well as unions discriminated against women workers, the League believed, both by paying them lower wages (knowing they had children to feed and could not refuse), and by subjecting them to sexual harassment. NCL publicity materials criticize the widely held assumption that to be considered a good worker, a woman had to be pleasing as a woman. For example, a 1935 educational leaflet on the situation of waitresses featured a dialogue between

"Mary" and "John," a fictitious couple discussing whether to "dine out." John suggests a certain restaurant where the waitresses are "snappy" in their new uniforms. Mary observes sympathetically that the waitresses probably had to buy the uniforms themselves -- "I'll bet they worry every time . . . the place is painted a new color." John's response: "Spare me." Indignant, Mary points out his insensitivity. "All you care about is flirting with those pretty girls. No wonder they look so nice . . . and she would be out of luck if her hair wasn't set and her nails properly manicured."[42] The NCL's conviction that women workers were both more exploited and less able to resist exploitation than men gave the League a gender-specific agenda in which labor laws for women took top priority. Ideally, in the League's view, such laws would cover both men and women, but given the obstacles to legislation for men, women workers' especially urgent plight called for compromise on the League's part.

The League also compromised on the question of what occupations should be included in its model bills. For example, at the 1932 Conference on the Breakdown of Industrial Standards, it was decided after much debate not to include domestic and agricultural workers -- thus most black workers, and a sizeable percentage of the female labor force -- in the standard hours bill. Several Northerners argued that all occupations should be included. A Southerner and self-proclaimed farmer believed that "we might make ourselves most ineffective if we include agriculture," because cotton, corn, and wheat had to be harvested "from sunrise to sunset." However, she thought domestic

service should be regulated, observing that

> We have in the South, more people employed in domestic service, more women than in all of the other industries and occupations put together . . . It has weakened our position before legislators when we exclude domestic service because they say that we are trying to regulate other people's employees and not our own and women themselves are for the most part, employees of domestic labor.[43]

The issue of race was not mentioned, and arguments that hours laws for agricultural and domestic workers were unenforceable prevailed. As Josephine Goldmark saw it, the group was not setting forth principles but developing a plan "for action, and I think you must not make it too much of a blanket thing. We ought to have our feet on the ground." Although the League -- and certainly Mason -- was genuinely committed to economic and political equality for blacks, its focus on women industrial workers (most of whom were white) and its belief that any legislation was better than none led it to compromise its "ideal" bill. The League's experience with the difficulty of enforcing labor laws in factories led it to believe that enforcement in private homes and fields would be impossible and would undermine the laws' credibility.[44]

Mason's incrementalist approach led her to concede certain additional occupational exclusions to major interests in specific states. She wrote in 1935 to Clara Beyer, head of the Division of Labor Standards, U.S. Department of Labor, about the South Carolina hours bill that

> we just can't get by with general coverage in such a state. The bill would invite the hotels, canneries, banks and many others to fight it. No one I talked with is willing to see a bill go in with so broad a coverage . . . To jump from cotton and woolen

> mills only to all of these others will be a considerable step, and in the legislative fight doubtless some of them will be eliminated.[45]

Opposition to general coverage bills did not come only from employers. Mason noted in 1937 that "the Woman's party permeates the business and professional Womens Clubs in Michigan, and any effort to include office workers in an hours bill would make the bill impossible of passage."[46] Mason specifically explained her pragmatism in a 1937 letter to Louise Stitt of the Women's Bureau:

> I sometimes wish that people who draft Laws, and people who have spent years lobbying for them in Legislatures could make a more practical combination of their experience. If an hours Law is to contain reasonably high standards for some occupations, it must make a provision for other occupations on a different basis. I do not know of a single hours Law in a state this side of the Mississippi which does not have these variations. . . .
>
> I like aiming at the moon, and think that perfect Bills have a long time educational value, but on the other hand it is encouraging sometimes to get a Bill thru a Legislature. I apologize for the rather critical tone of this letter, but I have been in closest contact with three Legislatures, several Governors, and many other people in the last ten days, and my pessimism is somewhat in the ascendancy.[47]

Another instance in which the League opted to settle for less than it would have liked was in setting a maximum hours standard. A common goal for hours laws was necessary because, as Dewson pointed out, "[l]ack of uniformity of hours laws between states is the manufacturers' greatest argument against them." Establishing target maximum daily and weekly hours required consideration of varying state precedents, bargaining flexibility requirements, organized labor's position (then in flux), and the need to make the laws outlast the Depression. At the 1932 conference, it was resolved to strive for an

eight-hour day and forty-four-hour week (the "8/44" bill). This represented a compromise between those who wanted to take advantage of the national emergency to secure the thirty-hour week they believed technological advances had made possible; labor representatives who noted that men were bargaining for a forty-hour week; and veterans of recent failed bids for forty-eight-hour laws.[48]

After defining common objectives for state wage and hour laws, the League developed strategies for getting such laws passed and enforced. Its methods in doing so, which included drafting model bills and forming state Industrial Standards Committees, directly involved the League in building the "welfare state."

Months before the NRA established the first federal minimum wage codes, the NCL took advantage of the changing attitudes towards government intervention occasioned by the depression to revive the minimum wage movement. Molly Dewson and Josephine Goldmark enlisted the services of lawyers Felix Frankfurter and Ben Cohen to draft a new model minimum wage bill, which they hoped would meet the constitutional objections the Supreme Court had raised against the old bill (in the 1923 *Adkins* decision and in subsequent test cases brought by the League in Arizona, Arkansas and Kansas). The Court's chief objection to the District of Columbia law in 1923 had been that it "required payment of the sum fixed as a living wage whether the services rendered by the worker to whom it was to be paid were worth that sum or not." In drafting its 1933 standard Minimum Wage Bill, the League reasoned that a law which called for "the payment of a wage

fairly and reasonably commensurate with the service rendered, and condemned the payment of an oppressive or unreasonable wage, would be allowable under the Constitution." Accordingly, the new bill defined an unreasonable wage as one "less than the fair and reasonable value of the service rendered and less than sufficient to meet the cost of living necessary for health." The retained reference to cost of living would later precipitate a major setback, but in 1933, the new bill under League auspices became the basis for new minimum wage laws in six states. By 1936, seventeen states had minimum wage statutes, eight of which were survivals from pre-1933, and eight of which invoked the League's new "fair wage" concept.[49]

New York was the first state to pass a law based on the new bill, and according to Robert Ingalls, the step represented

> the first great victory of [Governor] Lehman's Little New Deal. . . . Credit for the successful campaign in the Empire State belonged to the Consumers' League . . . While mobilizing public opinion, NCL officials had drafted a new model bill, brought together a coalition of allies, and persuaded Lehman to assume leadership of the movement."

This achievement had required the League to win a reluctant governor over to the idea of wage legislation, which it did by documenting the ways in which less-than-subsistence wages were undermining both the health of workers and the stability of business. The League's judicious emphasis on the industrial stability argument effectively eliminated opposition among employers, which in turn assured "crucial support" from Republican legislators. The League also helped defeat the Desmond-Brownell bill, an alternative bill that included men and was backed by Republicans and the National Woman's Party, on the basis

that it would be found unconstitutional.[50]

The tactic of coalition-building, which the League had always used so successfully, took explicit form in the League's 1932 decision to form inter-organizational state Industrial Standards Committees to sponsor new laws and agitate for enforcement. These committees cut across the line between public and private to include representatives of state labor departments, organized labor, and various reform-oriented groups such as local Consumers' Leagues, the WTUL, YWCA, LWV, the Federated Women's Clubs, the Council of Jewish Women, church groups, settlements and welfare workers. The NCL served as a "clearinghouse" for the state Committees, circulating data and legislative schedules between states, providing drafts of bills, and generally coordinating operations to make sure the Committees acted "in concert." In 1933, Industrial Standards Committees were formed in at least eleven states, and Mason organized a regional Southern Committee.[51]

These Committees evolved into quasi-governmental agencies. Committee members built the state not only by lobbying for increased regulation, but also by actually becoming part of the state -- being hired to staff positions that they helped create (in labor departments, for example). In organizing educational campaigns for new laws and pressuring legislatures for adequate enforcement appropriations, the Committees expressed their faith that under a democratic government, social reform occurred when voluntary associations gathered scientific data and used it with moral suasion to rouse public opinion, and in turn, the enlightened public pressured

legislatures to bring unenlightened industrialists into line, thereby protecting "more advanced" industrialists.

The NCL's concept of educational campaigns did not mean simply distributing leaflets and hoping someone would read them, as the state Committees' tactics for strengthening labor law enforcement illustrate. The Committees worked to spotlight prosecutions of labor law violations, persuading newspapers to publish names of violating establishments as well as of judges and labor department officials, and they filled court rooms with "persons interested in seeing that the law is enforced and where it is enforced the fine shall be of such size as to impress the employer with the importance of observing the law." As one reformer noted drily, "this display of public interest has a very healthy effect on the magistrates." The Committees organized aggressive protests against the "false economy" of reducing labor department budgets, from which factory inspectors were paid. The Consumers' League of New Jersey brought to the state labor commissioner's attention a section in a local law which empowered the commissioner to "appoint volunteer inspectors to serve without compensation with the same powers as regular inspectors." Along the same lines of assuming state functions, this group made a list of "competent lawyers to serve as dollar-a-year men," and they persuaded the Governor to make labor law enforcement the Assistant Attorney General's sole responsibility. The League believed its duty was to compensate for inadequacies and discrepancies in the official government's administration: ". . . labor law administration . . . is one of [the League's] most important functions in view of the great

disparity in the strength and efficiency of labor departments in different states."[52]

Mason's single-handed management of the League's efforts for southern state labor laws was the NCL's first real effort in the South, and her tactics reflected her grasp of the ways in which the South presented unique challenges to reformers. In the Northeast and Midwest the NCL could wage its battle for wage and hour laws through local Leagues and a well-defined network of sympathizers, but in the South Mason more or less had to start from scratch. As of early 1933, small chartered Leagues existed in Kentucky and Louisiana alone. Unions were weak in the South, as were state departments of labor, where they existed. One of Mason's first tasks in many southern states was in fact to work for the creation or reorganization of the state's labor department, along with increasing its budget and improving the quality of its personnel; she often lamented the fact that southern departments of labor tended to be staffed by the governors' relatives or cronies of local industry. In the North, reformers often found their strongest allies in state labor departments; indeed, those departments were often staffed by influential progressive activists. The National Women's Trade Union League (WTUL) and the settlements, two major supporters of labor legislation, had relatively little presence in the South.[53]

Mason believed that in spite of these disadvantages, the potential for a network of southern reformers did exist; she seems to have felt that the newness of industrialization to the South, as well

as whites' racial prejudices, explained the lack of such a network. Morton Sosna has argued that a major theme for all southern liberals was the belief that a large percentage of southern whites were liberals at heart -- by which he means they recognized that the existing racial system was harmful and unjust - but had been silenced by decades of intimidation. Sosna's point is that, whether or not this "silent South" actually existed, spokespersons for southern liberalism believed it did; from this belief that the South "contained the seeds of racial justice," liberals drew their motivation and also their idea that the South could best solve its problems without outside intervention. Lucy Mason believed that a "silent South" existed, and she also understood southern resistance to federal intervention, though she herself favored such intervention and had no patience for "states' rights" advocates. Mason's efforts to develop a southern coalition for state labor laws represented her attempts to help isolated liberals break their silence and work together. Whether or not she recruited black as well as white liberals to the movement is not clear; her involvement with various organizations for interracial cooperation (and her absolute worship of Eleanor Roosevelt, whose anti-segregation activities are well-known) would suggest that she supported the idea in principle, but Mason may well have tolerated segregation in the labor reform movement in order to develop the broadest possible support from whites.[54]

During 1933, Mason established a regional Southern Committee to work for state wage and hours laws in the same ways that state Industrial Standards Committees were doing in the North. In January

and February, Mason spent five weeks in the South, meeting with governors and labor commissioners and stirring up interest for the Committee. An article entitled "A Southern Woman Succeeds Mrs. Florence Kelley" notified readers that the Committee sought "men and women who are interested in the wholesome and sane industrial development of the South . . ." Mason tapped a wide range of sources, from the NCL's existing branches, to scattered universities, YWCA chapters and LWV branches; she used Molly Dewson's name to establish connections with local Democratic women's organizations; she addressed church groups; and she sought out reporters, editors and ministers. By late February, she could report to the NCL board that the Southern Committee had 150 members, including economists, educators, governors and social workers. She also relayed the optimistic words of one academic: "The activity of the League promises greater industrial liberalism in the South and the drawing together of scattered forces." In April Mason reported that she had sent the League's standard bills to all southern states with legislatures in session, and that a Tennessee Committee had formed. At the December 1933 annual meeting, Mason reported a Southern Committee of nearly 200 in ten states; that the Virginia Committee was very active; and that the Kentucky and Louisiana Leagues were functioning as a "splendid nucleus" for League efforts in the South.[55]

The evidence suggests that Mason succeeded in fostering liberal-labor-government cooperation and in establishing herself as a major spokesperson for southern labor reform. In 1934 Mason persuaded

Frances Perkins to hold a southern regional labor standards conference, which was such a success that Perkins held similar regional and state conferences for the next several years. Mason supplied Perkins with lists of people to be invited, and she often spoke at these conferences as well. The NCL became the central source of data and model bills for all Southerners interested in labor legislation. In late 1935 Mason wrote to Clara Beyer that "even the Governor accepts me now as an S.C. institution . . . curiously, I'm a liaison between labor and social workers and liberals . . ."[56]

In the drive for state labor laws in the South, Mason's Committee faced considerably larger obstacles than the northern State Committees did. No minimum wage laws were passed in any southern state until Kentucky passed one for women and minors in 1938, and Mason spent most of her time on hours bills for women workers, with limited immediate success. The vociferousness of southern opposition to labor legislation in general, and especially to minimum wage laws, must be understood in the context of the South's race-based socio-economic system. Jill Quadagno has argued convincingly that "the political economy of the southern racial state" shaped southern opposition to the federal Old Age Assistance program, as southern congressmen demanded "maximum local autonomy so that relief would not undermine the control of black tenant labor by landlords." Quadagno's point has applications beyond the Old Age Assistance program. Southern cotton planters wielded disproportionate influence in Congress because of Congress's committee system structure and because of their dominance of the one-party South. Mason may have encountered

such furious opposition to wage and hours laws at least in part because of southern planters' concern that increased wages, or to a lesser extent, shorter hours, would lure away agricultural labor (which, as already noted, the NCL generally did not attempt to include in its bills). One might also argue that southern manufacturers, like southern planters, were accustomed to having tighter control over their laborers than northern industrialists.[57]

Mason's deep commitment to southern reform caused her to be at least as critical of the South as the NCL board and other northern reformers were. Mason condemned the old "Democratic machine types" and labelled southern conservatives "reactionaries," "Bourbon Dixiecrats" and "fascists." Mason's frustrating experiences with southern legislatures led her to confide to Clara Beyer in 1935: "How little the members of my own board realize conditions in the South and what one is up against . . . I wish some of them could work in this field for a week or two . . ." Mason often remarked on the seeming futility of her work. She observed to the Board in 1934 that Mississippi and South Carolina were "graveyards for labor bills," because their legislatures were dominated by cotton, saw-mill and agricultural interests. In 1937 she wrote that "Georgia and Mississippi vie with each other for being the darkest states in the union for labor legislation. A pall of silence and inactivity envelopes [*sic*] every effort to support labor bills."[58]

Even when Mason kept her expectations low, she found herself disappointed, as in her extended campaigns in Virginia and South Carolina in the winter of 1935-1936: "My goal is to amend the hours

law, getting all we possibly can on that, and put minimum wage before the public to break the ground for actual passage of the bill in 1938. The bill will go in, but I hardly dare hope for its passage. This program, plus some aid to South Carolina, is all I can attempt." A few months later, she reported bitterly that "Virginia killed every social and labor bill except a mutilated amendment to the child labor law. We got further with the hours bill than ever before and it would have been passed if it had gotten out of the Senate Committee where we lost it by one vote." Mason's attitude toward southern legislatures hardened considerably from 1932 to 1937, and her experiences seem to have undermined her confidence in gradualism and convinced her that the necessary legislation could not be won without unionization.[59]

Mason's southern work did secure some legislative results, as well as making a start towards mobilizing liberal opinion. New committees and new branch Leagues were formed, many well-attended and publicized conferences were held, and by 1936 Mason had far more speaking invitations than she could possibly accept. Mason was involved in organizing the Southern Policy Committee and in 1938 the Southern Conference for Human Welfare (SCHW), which Morton Sosna has described as southern liberals' attempt to forge links with FDR's New Deal.[60] In 1938, Richmond newspaper editor Virginius Dabney applauded new hours laws in Virginia and North and South Carolina, and the new minimum wage law in Kentucky, and he gave full credit to Mason and local Consumers' Leagues for the achievements. Of the Virginia campaign, Dabney wrote that

The secretary of the Consumers' League, a Richmond woman prominent

> in club circles, voluntarily took charge and lobbied the measure through both branches by overwhelming majorities. She spent hours at the capitol each day for seven weeks, and with the aid of Governor Price, organized labor and important newspapers, the bill was finally gotten through.[61]

Mason's efforts in the South resulted in small but significant steps towards the development of a welfare state in that region, where resistance to government intervention in labor relations had exceptionally deep roots; these steps also were crucial to the development of federal welfare policies outside the South, because of southern political clout in the federal government.[62]

THE NCL AND THE NATIONAL RECOVERY ADMINISTRATION

The League's response to the NRA, whose industrial codes represented the first federal regulation of wages, hours, and working conditions, was complicated. The NCL found itself in the unfamiliar position of reacting to government initiatives in what had for decades been the NCL's more or less exclusive territory. Primarily, the League was delighted at the prospect of improved working conditions in interstate industries and at the federal government's agreement that it could and should regulate wages and hours. However, the League regretted what it perceived as the many weaknesses and inequities of the NRA codes. The League handled its ambivalence by presenting a united front with the FDR Administration while pressuring from behind the scenes to make the NRA more effective and more progressive.

The NCL intentionally did not involve itself in the drafting and passage of the National Industrial Recovery Act (NIRA). The League apparently did not want to associate itself with any federal wage and hour legislation until its potential for success was clear. In April, the board decided

> it would be best to await developments in Washington as the Administration is supporting these measures and the Consumers' League had made its contribution in drafting the standard bill which has been commended by the President to the governors of industrial states and has served as a model for Miss Perkins in her suggestions for Federal wage boards. Miss Dewson pointed out that the administration of these measures will devolve upon the states and that the League can be of great help in creating the necessary public opinion for adequate enforcement of the law.[63]

The League also may have wanted to avoid taking sides because its liberal allies in Congress divided over the form that a national industrial recovery plan should take. Senator Hugo Black's thirty-hour week bill was opposed by FDR, for example, who with "planners" like Robert Wagner, Robert La Follette, and Frances Perkins hurriedly counter-proposed the NIRA bill. Both conservatives and liberals in the Senate assailed the administration's bill (Black called it a "sell-out"), but it finally became law June 16, 1933.[64]

The NCL tempered its appreciation of the new measure with reminders that its own thirty years of agitation for labor legislation at the state level had preceded and possibly precipitated federal attention to the issue. At the Second Annual Conference on Labor Standards in December 1933, Dewson and Mason expressed their gratification at finally securing "the government's stamp of approval on minimum wage, shorter hours, and the elimination of child labor, even for an emergency period . . ." However, the NCL had already drafted and passed its minimum wage bill in six states when "then, into the picture swept NRA with its codes of fair competition, embodying labor provisions for which this group was fighting."[65]

Not only did the federal action threaten to obscure the League's past efforts in investigating, educating, drafting, and lobbying on workers' behalf, the NRA threatened to steal momentum from the League's ongoing program. The League worried that the public would mistakenly believe that the federal government's new role eclipsed the need for the League's activities. This concern seems to have had some foundation in reality: in October 1933, the League's Associate

General Secretary noted that member contributions had dropped, and she attributed the decline to "the widespread public belief that the NRA had wiped out all industrial evils." A New Hampshire League member observed in December 1933 that while the codes "helped to make the public, employers, and labor wage-minded[, and] employers [get] used to the idea of keeping the records required by law, on the other hand they made the general public feel that the state regulations were superfluous." The League believed that that this perception was false and dangerous. One purpose of an extended Southern tour by Mason in early 1934 was to assess the actual impact of NRA codes. Mason's tour and many conversations with industrial workers and "those close to them," such as YWCA Industrial Secretaries, convinced her that

> NRA codes are best enforced where state laws are best and most efficiently administered. The same public opinion which has helped create good state laws and made their enforcement possible, is an indispensable aid in securing compliance with NRA codes.

Mason noted that because minimum wage laws made neglecting or falsifying of records a state misdemeanor, they greatly strengthened NRA codes. The League also sent out two thousand questionnaires about the local impact of the codes to labor commissioners and other relevant people. Over and over again, the League's evidence revealed that in states without hours or minimum wage laws, or worse, without even adequately staffed and funded labor departments, the NRA codes were virtually worthless to workers. In other words, the NRA codes made state labor laws not redundant but indispensable. Federal legislation made the League's work not superfluous but even more crucial. With federal action, the national government's credibility

was added to the list of things at stake in the drive for improved labor standards.[66]

From the start, the League recognized that the NRA fell far short of securing improved labor standards for all workers, even temporarily. The League threw itself into criticizing the codes in order to strengthen the enforcement of existing coverage and to extend that coverage to more groups of workers. The League made the problem of how to enforce NRA codes (and make them more permanent) the stated concern of the second meeting of the Labor Standards Conference, in December 1933. The NCL and its branches were involved with the details of local enforcement all over the country, gathering data, garnering public support and generally assisting local officials. NRA administrators often borrowed League tactics, in New York, for example, where "the Consumers' League white list technique of inspection had been used as part of the NRA set-up . . . and was probably responsible for the good enforcement in New York City." New York also offered an example of the most direct kind of support that the League could offer: the Executive Secretary of the New York League, Elinore Morehouse Herrick, became Acting Chairman of the NRA Regional Labor Board. Throughout the New Deal years, women moved from reform organizations to quasi-state committees to the government payroll and back, or served in various public and private capacities simultaneously. This pool of informed, experienced personnel gave the New Deal an unquantifiable but very real measure of support.[67]

Through participation at code hearings for various industries, Mason and other League representatives pressed for stronger codes and

extension of coverage to neglected groups. She explained to a Missouri correspondent that "we have written criticisms on countless codes, and occasionally I have spoken at code hearings. Also we have worked behind the scenes with deputy administrators." She concentrated "especially on codes that deal with unorganized labor, as that group most needs help." The League also filed criticisms of many codes for industries in which labor was partly organized, but "where unions were very strong we thought they could make their own terms with sufficient effect." The League thus addressed itself to the needs of groups neglected by both the government and organized labor. Southerners, blacks, and women were, of course, disproportionately represented in these groups.[68]

Under Mason, the League took more explicit stands on the behalf of black workers than it had in previous decades. Florence Kelley had been on the NAACP Board and supported blacks' civil rights in principle, but there is little evidence of specific lobbying activity by the NCL on blacks' behalf before Mason's time. In 1933 the League circulated to the NRA's 120 deputy administrators "general statements on such subjects as no code discriminations against unskilled workers, Negroes, beginners and special classes of workers." One "summary of principles" called for strong restrictions on child labor, shorter hours for all workers, and elimination of home work and night work for women. The NCL also went on record as opposed to minimum wage differentials based on sex or race, arguing that lower minimum wages hurt not only women and blacks but men and whites, because in both scenarios, the discriminated-against group became "underbidders" and

brought everyone's wages down. In August 1933 Mason filed a memorandum that directly addressed the race issue with all deputy administrators. She explained that certain "discussions" at code hearings had convinced her that "it is necessary to file an objection to provisions in any code for lower wages or longer hours for unskilled workers on the ground that many of them are Negroes." Mason noted that "in southern states legislative battles have been fought over excluding from women's hours laws occupations in which Negro women were chiefly employed. We do not want to set the stamp of Government approval on this attitude."[69]

Mason attacked three common rationales for discrimination against blacks in minimum wage provisions: first, that equal wages would result in the displacement of blacks by whites; second, that equal wages would "disturb sociological and economic conditions" in the South; and third, that black labor was less efficient and therefore worth less than white labor. Observing that "if it did not pay to employ Negroes they would not be employed at all," and that "it is frequently lack of incentive that makes both white and colored workers inefficient and undependable," Mason stated flatly that "there is nothing inherent in the Negro which disqualifies him from being a good worker." At the crushed stone, sand and gravel industry hearings, Mason became exasperated with southern manufacturers who opposed wage increases on the grounds that most of their employees "were Negroes, ignorant and unskilled, who, if they made more money, would work only two or three days a week and then get drunk and throw away their money." Mason ridiculed one employer who "said that if

these colored workers should get wages of 25 cents an hour it would *demoralize the economic and social status of the whole South!*" (Mason's emphasis)[70]

As well as seeking to make NRA codes more inclusive and fair, the League under Mason pressed for new state laws to cover groups unprotected by the NRA, such as workers in intrastate industries. (These efforts supplemented the ongoing drive for state laws for all workers, still necessary in light of the NRA's temporary status and weak enforcement). In April 1935, Mason proposed to the board that the NCL undertake a study of working conditions in intrastate industries "such as laundries, hotels, restaurants, beauty parlors and dry cleaning plants." When Mason referred to intrastate industries, she apparently was thinking about black workers, perhaps black women in particular. When the prospect of national wage and hour legislation re-emerged in 1937, Mason observed to the Board that with federal regulation of manufacturing, "the League will be able to devote more energy to state laws covering the exploited groups of workers in intrastate occupations. In the South this will include Negro workers." As noted previously, Mason in her southern legislative work and elsewhere often abandoned general coverage bills for compromise bills that excluded certain occupations. The foregoing suggests that her flexibility stemmed not from hostility or indifference to black workers, but from her conviction (right or wrong) that blanket bills would not be passed.[71]

In helping enforce NRA codes, the NCL took on a quasi-governmental role, but the League was wary of becoming a propaganda

arm for government programs with which it was not completely satisfied. Mason earned such a reputation for expertise on the NRA codes that General Johnson's assistant Charles Horner asked Mason to join the NRA on a temporary basis, to spearhead an educational publicity campaign. At a special meeting in April 1934, the board divided over whether or not Mason should accept. Some directors -- notably Molly Dewson and Josephine Goldmark -- argued that Mason's acceptance would be an excellent opportunity for the League. Other directors maintained that the NCL would be "much more useful outside the NRA than within;" that "the League might lose rather than gain from such an experiment," and, furthermore, that "the League might find itself in the position of whitewashing the NRA." The dissenters "expressed skepticism of NRA and did not wish to have the Consumers' League so closely tied up with it." Mason did not accept the job, "fearing that it might be impossible as an employee of NRA to maintain that friendly, but impartial and critical judgement which has animated the NCL's many criticisms of code labor provisions." Because of her reservations about the NRA, Mason was perhaps "one of the very few people to turn down an opportunity to join the New Deal Administration in those heady first few months."[72]

Mason's strong commitment to unionization may have been another factor in her reluctance to join General Hugh Johnson's NRA. Mason welcomed the resurgence of unionism that was stimulated in part by the NIRA's Section 7(a), which granted workers the right to organize and bargain collectively. A wave of strike activity in 1934 prompted various concessions to labor by FDR, and the CIO and AFL in turn

backed FDR's 1936 re-election. Dramatic sit-down strikes in 1936 and 1937 gave the movement further momentum, though the 1937 "Roosevelt recession" slowed organization, especially for the CIO. Despite its limitations, the union movement -- and the upstart CIO in particular -- made important gains during the 1930s in overcoming skill, race, nationality and gender divisions within the workforce. The number of unionized employees increased from 2.8 million in 1933 to 8.4 million in 1941, with major gains made in manufacturing, mining, and transportation. By 1940, the AFL had 4.2 million members and the CIO 3.6 million; 800,000 women workers were unionized, about a quarter of them in the ILGWU.[73]

Back in early 1934, however, when Mason was invited to join the NRA, Section 7(a) offered workers little real protection and was in some ways weakening the labor movement because employers used the provision to set up company unions. In late April 1934, Mason joined a small group of liberals, including Paul Kellogg, Helen Hall, and Oswald Garrison Villard, in drafting an open letter to the President calling for the creation of a national Labor Board that would among other things ban company unions, blacklisting, and other anti-union practices. The letter stated that

> higher wages, higher purchasing power, higher living standards, can, short of government dictation, come only through the bargaining power of labor so well organized that it has an effective voice in determining working conditions. In the process of stimulating revival the NRA has made no determined effort to bring unionization and collective bargaining to a point where the codes can be enforced. If we are to find a democratic solution, things can no longer be allowed to drift.[74]

Mason and most, but not all, NCL board members backed workers'

right to strike; Mason's suspicion that General Johnson was less than fully committed to justice for workers was probably another reason she decided to keep some distance between herself and the NRA. In September 1934, Mason drafted a letter of protest to FDR about Johnson's denunciation of the textile strike:

> . . . it is a matter of common report that the Cotton-Textile Industry has disregarded Section 7A, and that the whole set-up of enforcement in this industry leaves final control with management.
>
> When the cotton-textile employees at last attempt to secure widespread organization, we believe it to be unwise and unfair for the Administrator of NRA to use his position and prestige to arouse public opinion against workers who are exercising a right specifically given them by the organization he heads.[75]

Mason circulated the letter to the NCL board for approval and was disappointed when five members voted against it and twelve did not respond, though fifteen did endorse the letter. In March 1935, the board did vote unanimously to support the Wagner Bill "to put teeth in Section 7A." Not until March 1937 would the Supreme Court uphold the Wagner Act and finally set the National Labor Relations Board's enforcement machinery to work.[76]

On May 27, 1935, "Black Monday" for New Deal legislation, the Supreme Court ruled the NRA unconstitutional. The 9-0 decision in favor of the Schechter brothers, Brooklyn poultry jobbers, in what became known as the "sick chicken" case, held that NIRA represented an excessive delegation of legislative power, and also that the Schechters' business was intrastate and hence not subject to federal regulation. London's *Daily Express* headline read, "AMERICA STUNNED: ROOSEVELT'S TWO YEARS' WORK KILLED IN 20 MINS."[77]

The NCL was not stunned. "Our prophecy comes true," they announced. "The NCL, never having deviated from its chief function of building up a bulwark of state labor laws, stopped long enough to express its regret at losing *what was good* in NRA and then continued on its way" (italics mine).[78] The wording aptly expresses the ambivalence that the NCL felt for the NRA throughout its existence.

THE NCL, THE ERA, AND THE WOMEN'S CHARTER

Not all women's groups shared the NCL's commitment to labor laws if those laws applied only to women. The ongoing conflict with the National Woman's Party over the Equal Rights Amendment, which the NWP had reintroduced in Congress in late 1935 and which threatened all sex-based legislation, has been misunderstood by scholars. Too often, the debate over the ERA has been depicted as fatally dividing the movement for women's emancipation in the post-suffrage years. In fact, both the parties and the debate remained very much alive throughout the 1930s. Not only has discussion of the ERA been restricted to the early 1920s, the conflict has been portrayed as a pitched battle between irreconcilable opposites. Susan Lehrer and William O'Neill, for example, have cast the NWP as "principled," "militant" feminists who were more specifically pro-woman and more far-sighted than their opposition, the traditionalist "social feminists." J. Stanley Lemons and, at the furthest extreme, Sylvia Hewlett have presented the anti-ERA group as caring, realistic and democratic relative to the individualistic, abstract, and elitist NWP faction.[79]

In fact, the two groups shared similar visions of a feminist welfare state but differed over the best means of attaining it. These differences seem to have been based more on the groups' different perceptions of working women and understandings of U.S. organized labor than on differing gender ideologies. The NCL and the NWP agreed that in theory, the government should protect both men and women from

exploitation at work. They disagreed on whether, given the opposition of both the courts and organized labor to legislation for men, legislation for women alone would help or hinder women. In sum, the NWP argued that special treatment of women under the law would institutionalize inequalities in wages and in opportunities for employment, and that women were as able to protect themselves from employer exploitation as men. ERA advocates argued that women with children should be allowed to work any hours at any time to support the family, and that women were no more liable than men to injury or exhaustion from long hours or night work.[80]

The NCL did not deny the appeal of the NWP's arguments but asserted that they ignored the "practical facts:" that women's "equal" competition with men was only dragging everyone's wages down; that "legislation [was] women's only hope of shorter hours as men control the unions and give scant attention to organizing women[;]" that women bore the extra responsibility of housework and also a "more intimate relation" to children than fathers did; and that "the mother's relationship to her family is such that her absence at night or her excessively long workday . . . reacts unfavorably on her children." Mason and the NCL never suggested adjusting "the mother's relationship to the family," but for that matter, neither did the NWP; they simply disagreed over whether different roles warranted different treatment under the law. The NCL denied that special legislation hindered women (or at least, the NCL argued, it helped much more than it hindered).[81]

The crux of the disagreement was over NCL arguments that women

needed labor laws even more than male workers did. One League bulletin, a February 1936 issue devoted to a critique of the ERA, stressed that "women are peculiarly subject to exploitation at work . . . with weaker bargaining power and less organization than men they are at the mercy of unscrupulous employers unless their rights are protected by law." The NWP did not agree. The NCL explained this disagreement by arguing that NWP members were privileged individualists incapable of understanding the realities of working-class women's lives. Mason wrote that ERA advocates were

> found in the class already economically secure, and among business and professional women who think in terms of the opportunity for advancement on the part of individuals with ability and education, rather than of industrial women employed under entirely different conditions and with different equipment and background.

Mason implied that, whether or not by design, the NWP's arguments suited employers' interests. "The NWP . . . is a very small body. . . but its members are immensely articulate, and are enthusiastically received by many manufacturers." Criticizing "women of the professional, business, and leisure groups" for trying to end discrimination "in one fell swoop," the League claimed its forty years of experience illustrated that "we must inch along," and it brandished letters from working women who supported labor laws.[82]

The composition of the NCL was probably no more working class than the NWP's,[83] and the groups' disagreement over whether women suffered from more exploitation than men stemmed not from different class backgrounds but from different images of working women. Nancy Cott has recently observed that where the NWP pictured robust,

confident women working their way up the career ladder in their occupation of choice, the NCL saw exhausted women, harassed by unscrupulous employers, working all night in unskilled, unorganized occupations to feed their children. Whose image was more accurate? Much evidence suggests that the extreme segregation of occupations by sex kept most women working under miserable, disproportionately unfair circumstances. If we grant that the NWP generally underestimated the degree to which ordinary women industrial workers were exploited even more than their male counterparts, the NCL's opposition to the ERA seems less conservative. Though the NWP was right that protective legislation in the long run worsened the problem whose side-effects it was trying to remedy -- sex segregation -- the ERA would have done little to challenge this segregation, and it would have swept away legislation that in the short run provided material benefits to hundreds of thousands of women. Furthermore, the NWP's solutions went little further than the NCL's in challenging the sexual division of labor in the home that created women's "double burden."[84]

Different perceptions of the American labor movement also contributed to the two groups' conflict over the best means to a feminist welfare state. The NWP's advocacy of replacing sex-based legislation with gender-neutral policies based on European models did not take into account the ambivalence of most American labor leaders toward labor legislation (and toward women workers). The NCL, which was both closer to the union movement and more familiar with the actual process of public policy development than the NWP, maintained that universal protection was not an immediate possibility in the

American context, primarily because the union movement was not committed to that objective; as Florence Kelley had argued years earlier, "women wage-earners should not have to wait until American labor leaders caught up to the rest of the industrial world."[85]

The "Women's Charter" movement illustrates both how irreconcilable were the NCL's and NWP's positions on protective labor legislation and how fundamentally similar were the groups' long-term objectives for women and society. Mary Anderson described the Charter as a "completely unsuccessful movement" that developed in 1936 in response to the increased intensity of the ERA campaign. Largely instigated by Mary van Kleeck of the Russell Sage Foundation, the Women's Charter movement represented anti-ERA women's groups' effort to "set up a positive program to work for, instead of just opposing the amendment" and to develop some compromise measure that would satisfy all women's organizations, including the NWP. At the initial meeting for the Charter, attended by representatives of the YWCA, LWV, WTUL, American Association of University Women, Federation of Business and Professional Women, and the New York Department of Labor, among others, the group discussed "the necessity of knowing what responsibilities and opportunities women have or should have in our society" and "whether women's organizations are generally in support of or in opposition to an 'equal rights' treaty as advocated by one group; . . ." They decided to formulate a statement of women's objectives that "could become a basis for common action by the women of the world." Anderson sent Mason the first draft of the charter

(drawn up by a sub-committee including van Kleeck, Frieda Miller, Mary Beard, and Rose Schneiderman) and asked Mason to join the "Joint Conference Group" (JCG) as a representative of the NCL. Mason accepted enthusiastically and was appointed convenor of a committee to promote the Charter among women's organizations and the general public. By December, the group arrived at a version that the NCL endorsed and that Mason's committee circulated widely along with a detailed explanatory memorandum. The drafters made every effort to preserve sex-based legislation without alienating the NWP; for example, as Mason later explained, "We tried to avoid the use of the phrase 'protective legislation for women' and to say instead 'legislation which affects women only.' The word 'protective' acts as a red flag to the bull, to the Woman's Party type of mind."[86]

The JCG's hopes that its document would please everyone were not fulfilled. The day after the Charter's release, the *New York Times* quoted the NWP's national chairperson: "Only by presenting a united front against the menace of restrictive labor laws applying to women and not to men can women preserve the opportunities they have gained and prevent new discriminations from being written into the law."[87] In February 1937, the NWP circulated a revised version of the Charter that explicitly removed the provisions for sex-based legislation. Both versions of the Charter are presented below; brackets enclose words that the NWP inserted or used to replace italicized words.

WOMEN'S CHARTER

> Women shall have full political and civil rights; full opportunity for education; full opportunity for employment according to their individual abilities, with safeguards [for all

> workers] against physically harmful conditions of employment and economic exploitation; they shall receive compensation, without discrimination because of sex. They shall be assured security of livelihood, including the safeguarding of *motherhood* [parenthood]. The provisions necessary for the establishment of these standards shall be guaranteed by government, which shall insure also the right of united action toward the attainment of these aims.
>
> Where special exploitation of *women workers* [workers, male or female] exists, such as low wages which provide less than the living standards attainable, unhealthful working conditions, or long hours of work which result in physical exhaustion and denial of the right to leisure, such conditions shall be corrected through social and labor legislation, *which the world's experience shows to be necessary* [without discriminations because of sex].
>
> [As the world's experience has shown that protective labor legislation for women only affects adversely the status and earning power of women, all protective labor laws, such as minimum wage laws, no-night-work laws, hours laws, etc., shall apply to the job and not to the sex of the worker.][88]

Mason's response to the NWP's Edith Houghton Hooker was curt: "It seems hardly necessary to say that I completely disagree with the changes made by you and your associates, and would under no circumstances support such a revision."[89]

Despite the obvious disagreements, the two versions suggest that certain differences between the groups have been exaggerated. Their essential agreement on the obligations of government and the right to collective action suggests, for example, that portrayals of the NWP as *laissez-faire* individualists have been overdrawn. The Charter's outline of women's expectations included a strong critique of unregulated capitalism. Defining "security of livelihood" as the "assurance of receiving continously and every day 'our daily bread' for the individual and the family," the Charter's accompanying memorandum announced that "women challenge modern industry to eliminate economic crises and industrial depressions, which make it

impossible for women to 'give bread' daily and throughout the year, to their families; . . ." The Charter called for the provision of social insurance, including unemployment, disability and maternity insurance, and old-age pensions, to all people of the world. The NWP's revised version amended none of these demands.[90]

Based on the usual descriptions of the "social feminist" camp, one would expect the JCG document to assert the primacy of women's reproductive and domestic roles and generally to emphasize women's differences from men -- her physical vulnerability, her moral sense, and so on. However, the Charter was not a subtle reaffirmation of women's traditional roles. The accompanying primer defined full political, civil, and educational opportunities to include the right to hold office, the right to "the individual's full and rightful share in the power to control the conditions affecting human life and happiness;" and the right of access to "the training which develops fully the individual's abilities for work and for creative leisure." Full opportunity for work included

> the chance to share, in accordance with individual ability and choice, in the tasks of producing goods and rendering services which the community requires; the chance to receive the individual's full share in the fruits of industry and in the cultural services of society; and as prerequisite, the right to be safeguarded against the physical harm and social injustice to which the machine and the forms of organization of modern industry expose women *to an even greater degree than men*, unless the tendency to any form of human exploitation is controlled or eliminated [italics mine].[91]

Though the Charter's claim that "the machine" subjected women more than men to physical harm is reminiscent of the old Brandeis brief approach, the Charter on the whole did not emphasize men's and

women's differences. It looked forward to a time when women would not need to press their claims separately; in the meantime,

> while discrimination or exploitation continues in the special handicaps *imposed by custom or tradition* upon women because of their sex, so long will it be necessary for women to formulate and to promote their claims for equality in their own interest and in the interest of society [italics mine].

In calling for the "safeguarding of motherhood," the Charter did not suggest restrictions on women's occupational choices but stated simply that mothers "shall be assured security of livelihood by maternity insurance before and after childbirth . . ."[92]

Implicit in the Charter's language are critiques of both patriarchy and unregulated capitalism. One might argue that in a sense, the JCG Charter advocates were more "militant" than the NWP, in their insistence that women be compensated for the fact that they were exploited "to an even greater degree than men." The NWP did not see or did not acknowledge the degree to which employers took advantage of women's disproportionately desperate economic needs to discriminate against them in various ways. As suggested previously, the JCG Charter advocates tended to perceive more clearly than the NWP that "the forms of organization of modern industry" were dominated by men and put women at a disadvantage to men in "equal competition." The NWP's deletion of references to gender in effect weakened the Charter's critique of women's unique forms of exploitation under *laissez-faire* capitalism. The NWP may have been right that gender-neutral laws would serve women better in the long run, but the NCL may have been right that an explicit challenge to women's particular

oppression was necessary before formal equality would translate into substantive equality.[93]

The Woman's Charter idea fizzled out in the late 1930s. Mary Anderson later suggested that the "chief snag" was that the Charter "cut across too many programs of the national women's organizations. No one group would take responsibility for it and the national organizations could not act jointly because of the limitations of their setups. . . . in the end it came to nothing."[94] Much more effective, she claimed, was the method of having one or two individuals introduce resolutions at major conferences; for example, in June 1937, Anderson and Frances Perkins persuaded Grace Abbott to present resolutions (based on the Women's Charter) to the International Labor Organization, which passed the resolutions.[95]

Though the Women's Charter movement did not succeed in reuniting all women's groups and ending the conflict over the ERA, it offers an important message for historians: in spite of their differences over the surest means to equality for women, sex-based legislation advocates and ERA advocates shared more in their feminist visions than has generally been recognized. In 1939, Molly Dewson wrote to Sue Shelton White about the NWP that "Outside of this one enormous point [sex-based legislation] I sympathize with what they had in mind altho being a practical old humdrummer I did not care for their dramatic methods." White belonged to both the NWP and the NCL; this dual affiliation may not have been typical, but it was made possible by the fact that the organizations' agendas were fundamentally similar. Both groups sought to increase women's opportunities in the public arena

and at work. Neither directly challenged the sexual division of labor in the home or in the labor force that was at the heart of women's inferior status.[96]

"CLARIFYING" THE CONSTITUTION

The popular outrage at the Supreme Court's ruling against the New York minimum wage law for women in June 1936 demonstrated how effective the League's minimum wage campaigns had been and resulted in calls for a constitutional amendment to legitimize labor legislation. The 5-4 Supreme Court decision in the *Morehead* v. *Tipaldo* case horrified and outraged the NCL. Since 1933, the League had been maneuvering to bring a test case in New York, "keeping off in other states [Ohio, Oregon, California] an appeal to the courts on minimum wage law," because it believed that the best data and experts were available in New York. When the Court held that the New York law did not differ in principle from the overturned Washington, D.C. law, because it retained reference to the cost of living, invalidation of all other state laws based on the NCL's model bill seemed possible. Editorials all over the country reflected the unpopularity of the ruling, and a consumer boycott forced Joseph Tipaldo, the Brooklyn laundry owner who had brought the suit, out of business. The *Cleveland Plain Dealer* predicted that "Once the public is stirred, a selfish obstruction and a narrow legalism cannot long withstand the demand for a decent wage and fair working conditions."[97]

The League did not intend to wait passively for the Court to change its mind. At a meeting immediately following the *Tipaldo* decision, Mason made one of her lengthiest and most forceful presentations to the board.

> We must take positive and prompt action because the heart of our program has been cut out by the minimum wage decision. Hours legislation alone is not enough, for wages are even more vital than hours of work.[98]

Mason noted that "other national organizations seem to be looking to the League to take leadership at this time" and listed eight proposals that had been suggested to the League or in the newspapers. Five of these called for some form of constitutional amendment. The other ideas were for Congress to enact legislation with a proviso that the Supreme Court had no right of review; to rehear the New York case or take up another case, "attempting to change the defense points sufficiently to let the Court reverse itself;" or, to draft a new type of minimum wage law. The last three suggestions were not given much consideration. Mason strongly recommended that

> the Consumers' League take the leadership to which it has historically won the right, and announce its intention of supporting a constitutional amendment giving both the federal and state governments power to enact labor and social legislation, with the federal standard controlling unless the states create higher standards. Labor legislation to apply to both men and women.

Mason rejected out of hand a proposal for a states' rights amendment (though Josphine Goldmark suggested that a states' rights amendment would be most certain of ratification, reflecting her legalistic and northern orientations). The board wholeheartedly adopted Mason's recommendation; no discussion of the application of laws to both sexes appears in the minutes. If they were going to amend the Constitution, why not ask for everything they wanted? This rapid endorsement of gender-neutral legislation confirms that legislation

for all workers was the League's ultimate objective, and that fears about constitutionality had been at the heart of the NCL's advocacy of sex-based legislation.[99]

Mason put her field work for state laws on hold for the latter half of 1936 while she worked feverishly to get the constitutional amendment drafted. The amendment was dubbed a "clarifying amendment," because reformers argued that they were simply making explicit the intentions of the Constitution's framers, intentions which, if not spelled out, reactionary courts could continue to thwart. The League recruited and coordinated legal experts, organized conferences, and published pamphlets on the proposed amendment; then, two developments in early 1937 slowed the campaign's momentum.

On February 5, 1937, FDR unveiled his notorious "court-packing plan." The plan to "liberalize the judiciary," as the League preferred to call it, sparked a lengthy debate at the next board meeting. Mason offered to testify before the Senate Judiciary Committee on behalf of the measure. Others had strong reservations; in the end the board voted its reluctant support for the bill, in the name of progressive legislation.[100]

The other development that undermined the drive for a clarifying amendment was the Supreme Court's March 1937 decision sustaining the Washington State minimum wage law for women. The court's reversal caught the League by surprise. Only in January, a League bulletin had noted that, as the Washington State law was "the old fashioned type based on cost of living, . . . only an incurable optimist can find much cause for hope in this prospect." When Justice Owen Roberts

reversed the stance he had taken on the *Tipaldo* decision, the Washington law was upheld by a 5-4 majority. The League recovered quickly and participated in Department of Labor meetings on redrafting the standard bill to resemble the sustained law. At a board meeting in late April, Emily Marconnier could already report progress on minimum wage laws in ten states.[101]

At the same meeting, the board decided to postpone the campaign for a clarifying amendment, citing the minimum wage and Wagner Labor Relations Act decisions and also the uproar over "the President's Supreme Court reform plan."[102] Although the program for a clarifying amendment was short-lived, it suggests the extent of the NCL's commitment to improved industrial labor standards for women and men. Further research on the drafting of the amendment, and the conferences organized to promote it, could yield valuable insights into how far the League was willing to go in redistributing power from employers to the government.[103] For the time being it must suffice to observe that the League's commitment to workers impelled it to respond creatively and aggressively to the challenge posed by an unsympathetic Supreme Court.

CONCLUSION

The National Consumers' League was anything but a dying or obsolete organization in the years from 1932 to 1937, partly as a result of Lucy Mason's efforts. One historian's recent declaration that "[b]esides being crippled by lack of funds during the Depression, the organization was undercut further by the dramatic success of the New Deal" is overstated and misleading.[104] During those years, the League campaigned successfully for state labor laws for women, strengthened the NRA, and forestalled progress on the Equal Rights Amendment. It also engaged in many other activities that I have not discussed in this essay, such as lobbying for the Social Security Act and continued agitation for the Child Labor Amendment. Although the League now had to share leadership with the federal government in the quest for improved labor standards, the League carved out a role for itself, gathering data on and evaluating federal measures, and spearheading campaigns for state laws. Mason earned a place in the national reform network and was much sought after as a speaker, author, and committee chairperson by various liberal groups all over the country, disproving the 1932 prediction of Women's Bureau head Mary Anderson that Mason was "allright in her own bailiwick, but as a national figure would make no dent."[105]

In July 1937, just a few months after the Supreme Court legitimized minimum wage laws for women and just before Mason left for the CIO, she wrote an article entitled "Banner Year for Labor Legislation," which describes the League's recent successes and

disappointments and also reveals the ways in which the League changed and did not change during the 1930s. Mason noted that twenty-two states now had minimum wage laws, one of which -- Oklahoma's -- applied to men as well as women, and four of which -- in California, Colorado, Oregon, and Wisconsin -- made no occupational exclusions (i.e., they included agricultural and domestic workers). All but six states imposed some limit on daily working hours, many for men as well as women. However, much remained to be done: many of these laws, especially older ones, were "so defective as to be really dead-letter statutes," and progress in the South was excruciatingly slow. Mason wrote hopefully of the Black-Connery labor standards bill then before Congress, and she asserted that "state regulation alone is not sufficient to insure sound minimum labor standards in industries of an interstate nature." Thus the League's attitude toward federal regulation had changed since 1932, when such legislation seemed unattainable, and since 1933, when the League constantly emphasized that the NRA was impotent without state laws to back it up. However, the League still believed that state laws were necessary: "the states will continue to have responsibility to protect workers and the more enlightened employers in all that great area of intrastate employment . . . " Furthermore, the League's basic premise about consumer responsibility remained intact: "Consumers of goods and services are increasingly aware of their interest in sound labor practices and we may look for further advances in safeguards set by both federal and state laws in the next year or two."[106]

Historians of the New Deal too often portray its successes as sudden miracles wrought by an enlightened Administration; the history of the NCL during the 1930s suggests that New Deal social welfare policies represented the culmination of years of reform effort and relied on the cooperation of numerous private organizations; furthermore, the Administration's policies were often less progressive than contemporary reformers would have liked. William Leuchtenburg has called the Fair Labor Standards Act of 1938 (FLSA) a weak and "highly unsatisfactory law," but he also correctly observes that it "established a foundation on which later Congresses could build" and forced immediate pay raises for many workers.[107] Mason noted in her autobiography that the FLSA "was a result of much that had gone before." League counsel Benjamin Cohen had helped draft the Black-Connery bill, which Frances Perkins modified and which became the basis for the FLSA. Mason spent part of June 1937 speaking before the Senate Committee on Labor on behalf of the bill.[108] As with the NRA, the League was gratified by the FLSA's passage but by no means saw it as obviating the need for League campaigns at the state level. A contemporary analyst of labor laws agreed with Mason's prediction that the FLSA would leave "a large field for State action," because it applied only to interstate commerce, and because it placed an upper limit on the minimum wage rates (and a lower limit on the maximum hours) that could be established federally. Writing just after the FLSA's passage, the author concluded that "state minimum wage legislation seems destined to spread and, whether applicable to women and minors or to all workers, to provide the detail in the foundations

of the wage structure in most of the occupations in which wages are not effectively determined by collective bargaining."[109]

The NCL's persistent opposition of the ERA in favor of sex-based legislation did not represent an inability to keep up with the times or to grasp the long-term implications of sex-specific laws (as some scholars, notably Susan Lehrer, have implied). The League's fears about the Supreme Court's attitude towards gender-neutral labor laws were well founded: only in 1941 did the Supreme Court approve minimum wage legislation for men, and as late as 1949, only four state minimum wage laws applied to men.[110] The League's extensive data on women workers and its familiarity with organized labor convinced the League that the immediate material gains that protective laws offered working women far outweighed the uncertain future benefits to working women of an ERA. The conflict between the NCL and the NWP should be understood not as a purely destructive battle between groups of radically differing ideologies but as a disagreement between two genuinely feminist groups over the best means to equality for women in light of the differences among women and between women and men. Feminists still grapple with this dilemma today.[111]

The NCL's success in shortening hours and increasing wages for many women in many states, and through its support of the NRA and FLSA in regulating standards for men and women workers in interstate commerce, must be weighed against the fact that, during Mason's years as General Secretary, it accomplished little for non-industrial workers, and very little in particular for domestic and agricultural workers, many of whom were black. The NCL's gradualist, "within the

system" methods of social reform consistently led it to compromise and settle for half a loaf, rather than hold out for a whole one for workers, women, and blacks. However, the evidence suggests that Mason and the League fully intended to keep working towards more perfect laws. Mason's July 1937 article, for example, hoped that passage of the Black-Connery labor standards bill would free the League to work for state laws protecting workers in "service industries such as hotels, restaurants, laundries and beauty parlors and the retail trade;" most of such workers would have been women, and many would have been black.[112] Whether one credits or criticizes the NCL for its pragmatism depends on one's assessment of the obstacles it faced in its drive for improved labor standards during the New Deal period. The NCL experience -- and particularly Mason's experience with southern opposition -- suggests that those obstacles were formidable.

NOTES

1. Susan Lehrer, *Origins of Protective Labor Legislation for Women, 1905-1925* (Albany: State University of New York Press, 1987). William O'Neill, *Everyone Was Brave: The Rise and Fall of Feminism in America* (Chicago: Quadrangle Books, 1969).

2. Louis Lee Athey, "The Consumers' Leagues and Social Reform, 1890-1923" (unpublished Ph.D. dissertation, University of Delaware, 1965), 251. O'Neill, 237, 262, vii. One example of the legacy of O'Neill's distinction between "hard-core" and "social" feminists is J. Stanley Lemons, *The Woman Citizen: Social Feminism in the 1920s* (Urbana: University of Illinois Press, 1973). Lemons sympathizes with the social feminists more than O'Neill does, and he qualifies O'Neill's assertion of feminism's failure in the 1920s, but Lemons perpetuates O'Neill's interpretation of the ERA debate as having purely negative, destructive consequences for feminism (and as disappearing after the 1920s).

3. Robert H. Bremner, *From the Depths: The Discovery of Poverty in the United States* (New York: New York University Press, 1956), 242-43.

4. Allis Rosenberg Wolfe, "Women, Consumerism, and the National Consumers' League in the Progressive Era, 1900-1923," *Labor History* 16 (1976): 388-93.

5. Clement E. Vose, "The National Consumers' League and the Brandeis Brief," *Midwest Journal of Political Science* 1 (1957): 289.

6. Arthur M. Schlesinger, Jr., *The Age of Roosevelt: The Crisis of the Old Order, 1919-1933* (Boston: Houghton Mifflin, 1957), 25.

7. Clarke A. Chambers, *Seedtime of Reform: American Social Service and Social Action, 1918-1933* (Minneapolis: University of Minnesota Press, 1963).

8. Susan B. Ware, *Beyond Suffrage: Women in the New Deal* (Cambridge: Harvard University Press, 1981).

9. Lehrer, *Origins of Protective Labor Legislation for Women, 1905-1925.* On NCL activities during the 1940s, see Josephine Goldmark, "50 Years -- The National Consumers' League," *The Survey* 85 (December 1949): 674-76.

10. Robert P. Ingalls, "New York and the Minimum-Wage Movement, 1933-1937," *Labor History* 15 (1974): 179-98.

11. Anne Firor Scott, *The Southern Lady: From Pedestal to Politics* (Chicago: University of Chicago Press, 1970), 192-97. Jacqueline Dowd Hall, *Revolt Against Chivalry: Jessie Daniel Ames and the Women's Campaign Against Lynching* (New York: Columbia University Press, 1979), 178-79. For references to Lucy Mason's work with the CIO, see Harvard Sitkoff, *A New Deal for Blacks: The Emergence of Civil Rights as a National Issue* (New York: Oxford University Press, 1978), 123-31, 180; and Barbara S. Griffith, *The Crisis of American Labor: Operation Dixie and the Defeat of the CIO* (Philadelphia: Temple University Press, 1988), 110-11, 119, 121. On Mason's involvement with CIO and the Highlander Folk School, see John M. Glen, *Highlander: No Ordinary School, 1932-1962* (Lexington: University Press of Kentucky, 1988). For brief mentions of Mason at Highlander and with the Southern Conference for Human Welfare, see Anthony Dunbar, *Against the Grain: Southern Radicals and Prophets, 1929-1959* (Charlottesville: University

Press of Virginia, 1981), 187, 219; and Morton Sosna, *In Search of the Silent South: Southern Liberals and the Race Issue* (New York: Columbia University Press, 1977), 77, 102, 143. Two recent histories of Southern social thought in the interwar period do not mention Mason, though they discuss men who shared her ideas and with whom she corresponded extensively, such as Frank Graham and Howard Odum; see Daniel J. Singal, *The War Within: From Victorian to Modernist Thought in the South, 1919-1945* (Chapel Hill: University of North Carolina Press, 1982) and Michael O'Brien, *The Idea of the American South, 1920-1941* (Baltimore: Johns Hopkins University Press, 1979).

12. Lucy Randolph Mason, *To Win These Rights: A Personal Story of the CIO in the South* (New York: Harper & Row, 1952), 10-16. John A. Salmond, *Miss Lucy of the CIO: The Life and Times of Lucy Randolph Mason, 1882-1959* (Athens: University of Georgia Press, 1988), 50-74. Quotation from Chambers, 78.

13. My discussion above and in the following pages of League history to 1932 is based on Josephine Goldmark, "Fifty Years -- The National Consumers' League;" Maud Nathan, *The Story of an Epoch Making Movement* (New York: Doubleday, 1926); Chambers, 4-7, 61-83; O'Neill, 95-96, 232-40; Wolfe, 378-92; Lemons, 142-44; Ware, *Beyond Suffrage*, 33-37; Ware, *Partner and I: Molly Dewson, Feminism, and New Deal Politics* (New Haven: Yale University Press, 1987), 93-95; and Salmond, 49-53.

14. Examples of typically Progressive NCL methods include the "white list" and "white label" tactics. The League's "white label" program certified clothing manufacturers whose labor standards met League

criteria. By 1914 seventy manufacturers used the label. The League also undertook major studies and reports on various industries, thereby collecting some of the earliest data on working conditions.

15. O'Neill, 228. The WJCC still managed to win increased appropriations for the Women's and Children's Bureaus each year through 1924, and it played a major role in the passage of the Sheppard-Towner Maternity- and Infancy-Protection Act of 1921, over the opposition of influential groups such as the American Medical Association. Florence Kelley noted that the 1921 Act was the first measure providing federal funds for a social welfare purpose; Lemons called it a major link between the Progressive and New Deal eras. See Lemons, 56.

16. Report of the Conference on the Breakdown of Industrial Standards, December 12, 1932, p.21, in the National Consumers' League Papers, Library of Congress [hereafter NCLP], box J22.

17. Ibid., 36.

18. Ibid., 1.

19. Ibid., 21.

20. See, for example, Report of the Second Annual Conference on Labor Standards, December 12, 1933, pp.7-8, NCLP box J22.

21. Minutes of NCL board meetings, March 15, May 23, 1932, NCLP reel 2. Ware, *Partner and I*, 157. Mason's study was published in November 1931 as *Standards for Workers in Southern Industry*. Mason's autobiography noted that "being the first compilation of this kind, this pamphlet was widely used. Two years later, when the Roosevelt program was being worked out, Frances Perkins distributed the pamphlet

at the first National Labor Legislation Conference." Mason's close companion Katherine Gerwick lived in Richmond; Mason was more willing to leave after Gerwick's early death in 1927 (Mason, *To Win These Rights*, 7,10). It is not clear whether Mason was the "last choice" candidate; the other candidates' withdrawals may have been formalities that allowed them to save face after the board had effectively settled on Mason. No evidence confirms Ware's implication that Mason was selected only after Dewson, Grace Abbott, and the Goldmarks refused consideration; see Ware, *Partner and I*, 156-57. The NCL's effective membership was signifcantly higher than 2,510, because not all branch members joined the national organization.

22. Minutes of NCL board meeting, February 11, 1931, NCLP reel 2.

23. Dewson to Abbot, October 4, 1931, quoted in Ware, *Partner and I*, 157.

24. On southern liberalism, see for example Sosna, Singal, and Sitkoff. For general biographical information on Mason, see Mason, *To Win These Rights* and Salmond, especially chapters 1-3, 8. Quotation from Sitkoff, 128.

25. Mason, *To Win These Rights*, 12; minutes of NCL board meetings, October 6, November 10, 1932, NCLP reel 2.

26. See, for example, Report of the Conference on the Breakdown of Industrial Standards, December 12, 1932, pp.32-37, NCLP box J22.

27. Lemons, 143.

28. Josephine Goldmark to Mason, January 24, 1934, NCLP box C51. Minutes of NCL board meeting, January 26, 1934, NCLP reel 2. Mason to Clara Beyer, January 26, 1934, NCLP reel 93. It is not clear why

Beyer and Abbott were suggesting universal labor laws at this particular time, or whether their position reflected that of the entire Department of Labor. Beyer and Wyzanski dropped the matter after receiving the opinions of Goldmark, Frankfurter, and Cohen.

29. Charles Wyzanski to Mason, January 23, 1934, NCLP reel 93.

30. Dewson to Reva Beck Bosone, February 19, 1934, NCLP reel 23.

31. The AFL often did support labor laws for women, both because it tended to perceive women as temporary and unorganizable workers who thus needed protective laws, and because these laws restricted employers' incentive to hire women rather than (union) men. On AFL attitudes toward legislation and toward women workers, see Lehrer, chapter 7.

32. Report of the Conference on the Breakdown of Industrial Standards, December 12, 1932, p.37, NCLP box J22.

33. Ibid., 32-37.

34. Ibid., 25.

35. "Fair Wages for All," *Oklahoma City News*, April 4, 1987, NCLP reel 96.

36. Mason to W.A. Pat Murphy, May 20, 1937, NCLP reel 96.

37. Mason, *Standards for Southern Workers in Industry* (New York: National Consumers' League, 1931), 26.

38. Ibid.

39. Ibid., 27.

40. NCL, *35 Years of Crusading* (New York: National Consumers' League, 1935), 8, NCLP reel 117.

41. Mason, *Standards*, 29.

42. NCL, "Dining Out," 1935 leaflet, NCLP box J20. This pamphlet underscores the League's belief in women's special role as reformers. Mary ends up converting John, and they both decide to join the NCL; the middle-class woman defends her working-class sister from exploitation, by enlightening the men upon whom the working women are forced to depend.

43. Report of the Conference on the Breakdown of Industrial Standards, December 12, 1932, p.33, NCLP box J22.

44. Ibid., 32.

45. Mason to Beyer, November 17, 1935, NCLP reel 36.

46. Mason to Louise Stitt, February 19, 1937, NCLP reel 36.

47. Ibid.

48. Report of the Conference on the Breakdown of Industrial Standards, December 12, 1932, pp.28-33, NCLP box J22.

49. Alice S. Cheyney, "The Course of Minimum Wage Legislation in the United States," *International Labour Review* 38 (July 1938): 28-31. One state passed a law after January 1, 1933 that was not based on the League's new standard bill.

50. Ingalls, 186-87.

51. Report of the Conference on the Breakdown of Industrial Standards, December 12, 1932, NCLP box J22; minutes of NCL board meetings, February 28, April 28, May 31, 1933, NCLP reel 2; minutes of Thirty-Fourth Annual Meeting of the NCL, December 13, 1933, NCLP reel 5.

52. Report of the Conference on the Breakdown of Industrial Standards, December 12, 1932, p.26, NCLP box J22; minutes of NCL

board meeting, April 23, 1933, NCLP reel 2.

53. The WTUL did make a foray into the South for the 1930-31 Danville strike, where according to Clarke Chambers the confrontation with violent southern opposition was such a shock, even to the experienced WTUL, that it essentially gave up on organizing the South after the strike failed. See Chambers, 238-40.

54. See Sosna. On Mason's relationship with Eleanor Roosevelt, see Roosevelt's foreword to Mason, *To Win These Rights*, also p.13; Salmond, 57, 83-84.

55. "A Southern Woman Succeeds Mrs. Florence Kelley," *World Outlook*, December 1932, p.577, NCLP reel 101; C.T. Murchison (of North Carolina State University and head of the new North Carolina Committee), quoted in minutes of NCL board meeting, February 28, 1933, NCLP reel 2; minutes of NCL board meeting, April 28, 1933, NCLP reel 2; minutes of Thirty-Fourth Annual Meeting of the NCL, December 13, 1933, NCLP reel 5.

56. Mason to Beyer, November 18, 1934, NCLP reel 35; Mason to Beyer, October 26, 1935, NCLP reel 36; minutes of Thirty-Fifth Annual Meeting of the NCL, December 11, 1934, NCLP reel 5; Pauline Goldmark conveys Perkins' gratitude to Mason for making South Carolina conference a success, minutes of NCL board meeting, February 18, 1936, NCLP reel 2; minutes of Thirty-Seventh Annual Meeting of the NCL, December 14, 1936, NCLP reel 6; Mason to Beyer, November 17, 1935, NCLP reel 36.

57. Jill Quadagno, "From Old Age Assistance to Supplemental Security Income: The Political Economy of Relief in the South, 1935-1972," in

The Politics of Social Policy in the United States, ed. Margaret Weir, Ann Shola Orloff, and Theda Skocpol (Princeton: Princeton University Press, 1988), 236.

58. Mason to Samuel Collins, December 20, 1937, NCLP reel 23; Mason to Beyer, November 17, 1935, NCLP reel 36; minutes of NCL board meeting, March 25, 1934, NCLP reel 2; Mason to Beyer, March 29, 1937, NCLP reel 36.

59. Mason to Anna Settle, November 7, 1935, NCLP reel 15; Mason to Settle, March 30, 1936, NCLP reel 15. A preliminary analysis of Mason's lobbying tactics during her years at the NCL suggests a trend away from moral suasion toward power politics. It seems likely that her confrontation (through her southern work) with more extreme opposition than other League leaders faced led to Mason's disillusionment with League methods and impelled her to join the CIO's southern textile organizing drive.

60. Minutes of Thirty-Seventh Annual Meeting of the NCL, December 14, 1936, NCLP reel 6; Thomas A. Krueger, *And Promises to Keep: The Southern Conference for Human Welfare, 1938-1948* (Nashville: Vanderbilt University Press, 1967), 13,16,41; Sosna, chapter 5.

61. Virginius Dabney, "Wage and Hour Beginnings in Dixie," *The South Today*, May 1938, NCLP reel 23. Note that Dabney did not mention Mason's CIO affiliation.

62. Ibid.; Dabney reviews the progress in wage and hour legislation and in state workingmen's compensation laws in the South in the years immediately preceding 1938, and he assigns much credit to Mason and her allies. For an analysis of how southern opposition to government

regulation of labor constrained the development of welfare policies not only in the South but at the federal level, see Quadagno. She argues that

> a major factor impeding welfare state growth in the United States was that, contained within the borders of an industrialized, democratic nation with a strong labor movement, existed an agricultural sector, almost feudal in character, in which there was no democracy, and in which a dominant planter class exerted a negative, controlling influence on national legislation . . . (p.263)

Southern resistance also hindered state legislation outside of the South; northern manufacturers and legislatures resisted laws in their own states as long as they felt threatened by cheap-labor competition from the South. If Mason succeeded to any degree either in changing the attitudes of the dominant class or in loosening its grip on southern legislatures, she contributed not only to the improvement of southern labor standards but to the expansion of national welfare programs.

63. Minutes of NCL board meeting, April 28, 1933, NCLP reel 2.

64. William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York: Harper and Row, 1963), 58.

65. Report of the Second Annual Labor Standards Conference, December 12, 1933, p.1, NCLP box J22. Alice Cheyney's 1938 article in the *International Labour Review* also asserted that reform groups' action pre-dated federal action, noting that "before the inauguration of the codes there had developed a new movement for permanent minimum wage legislation" led by the Consumers' League; see Cheyney, 29.

66. Minutes of NCL board meeting, October 9, 1933, NCLP reel 2;

Report of the Second Annual Labor Standards Conference, December 12, 1933, p.13, NCLP box J22; Mason, "Report on Southern Trip from January 22 to March 25, 1934," NCLP reel 6.

67. Report of the Second Annual Labor Standards Conference, December 12, 1933, pp.7-8, NCLP box J22.

68. Mason to Martha Adamson, September 4, 1933, NCLP reel 54.

69. Ibid.; NCL, "Proposed Principles for Labor Provisions of NRA Codes," December 11, 1933, NCLP reel 54; Mason, "Objection to Minimum Wage Discriminations Against Negro Workers," August 29, 1933, NCLP reel 101.

70. NCL, "Proposed Principles for Labor Provisions of NRA Codes," December 11, 1933, NCLP reel 54; Mason, "Objection to Minimum Wage Discriminations Against Negro Workers," August 29, 1933, NCLP reel 101; Mason, *To Win These Rights*, 15.

71. Minutes of NCL board meetings, April 23, 1935, April 26, 1937, NCLP reel 2.

72. Minutes of NCL board meeting, April 4, 1934, NCLP reel 2; Salmond, 57.

73. On American labor in the 1930s, see James Green, *The World of the Worker: Labor in Twentieth-Century America* (New York: Farrar, 1980), 133-73.

74. "Liberals to FDR," signed by Mason and others, April 27, 1934, NCLP reel 92.

75. Mason for NCL to FDR, April 18, 1934 draft, NCLP reel 92. Mason had written a much longer and angrier draft the previous day, demanding Johnson's removal from office. It is not clear in what

form, if at all, the letter was sent.

76. Minutes of NCL board meetings, October 2, 1934, March 1, 1935, NCLP reel 2; the minutes do not include the dissenting members' explanations of their decisions at the 1934 meeting. Green, 165.

77. Leuchtenburg, 145.

78. NCL, September 1936 *Supplement* to *Thirty-Five Years of Crusading*, NCLP reels 116-17.

79. See Lehrer, O'Neill, Lemons; and Sylvia Hewlett, *A Lesser Life: The Myth of Women's Liberation in America* (New York: Morrow, 1986).

80. Mason, *Standards*, 28.

81. Ibid., 28-29; Landon Storrs, "Protection or Restriction: Sex-Based Labor Legislation in the United States, 1900-1925" (Seminar paper, University of Wisconsin, May 1988); Ware, *Partner and I*, 96.

82. Mason, *Standards*, 28; NCL, "Equal Rights?" February 1936 bulletin, NCLP reel 6. That the bulletin made no mention of the motherhood argument, and only briefly mentioned women's lower resistance to industrial strain, suggests that the NCL may have been modifying its arguments in response to NWP criticism; however, further examination of the chronological development of NCL arguments relative to NWP arguments would be necessary to corroborate this hypothesis. Wendy Sarvasy has made a strong case for an active dialogue between the groups during the 1920s, arguing that the discourse on the ERA strengthened feminism as the two groups learned from each others' critiques. See Wendy Sarvasy, "Mothers' Pensions and Post-Suffrage Equality Versus Difference Politics: Towards a Feminist Welfare State Discourse," paper presented at Annual Meeting

of the Western Political Science Association, San Francisco, March 10-12, 1988.

83. Sarvasy, 8-9; O'Neill, 286.

84. See Storrs, 14-17; Nancy Cott, *The Grounding of Modern Feminism* (New Haven: Yale University Press, 1987), chapter 4.

85. Sarvasy, 10; Florence Kelley, "The New Woman's Party," *The Survey* 45 (March 1921): 827-28.

86. Mary Anderson and Mary N. Winslow, *Woman at Work: The Autobiography of Mary Anderson as told to Mary N. Winslow* (Minneapolis: University of Minnesota Press, 1951), 213. Mary Anderson to Mason, September 16, 1936, NCLP reel 54; Mason to Anderson, September 23, 1936, NCLP reel 54; Salmond, 68-70; Mason to Ruth Hanna, May 13, 1937, NCLP reel 54.

87. *New York Times*, December 29, 1936; Salmond, 70. Clearly the NWP's attitudes toward sex-based laws had hardened considerably since the early 1920s, when many of the ERA's drafters hoped the ERA and protective legislation could coexist. Further research might shed light on the reasons for this shift.

88. Joint Conference Group, "Proposal for a Women's Charter," December 1936, and NWP, "Amended Charter," February 1937, both on NCLP reel 54.

89. Mason to Hooker, March 1, 1937, NCLP reel 54.

90. Joint Conference Group, "The Women's Charter: What and Why?", December 1936, and NWP, "Amended Charter," both on NCLP reel 54. William O'Neill and, more recently, Nancy Cott, have documented the socialist orientation of many NWP members in the 1920s. To what

degree socialist sympathies characterized the NWP in the 1930s is unclear. See O'Neill, 286, and Cott, 73-74.

91. Joint Conference Group, "The Women's Charter: What and Why?", December 1936, NCLP reel 54.

92. Ibid.

93. Ibid.

94. Anderson, 213; on the Charter's demise, see also Ware, *Beyond Suffrage*, 118, and Salmond, 7.

95. Anderson, 212-14. Though Anderson does not discuss the international context, the contraction of opportunities for women in some European countries that had given impetus to the Charter in the first place may also have contributed to its demise. Nervousness about antifeminist developments in Germany, Austria and Italy characterized American women's leaders on both sides of the sex-based legislation question. Women such as Genevieve Parkhurst, Dorothy McConnell, Ellen Woodward and Eleanor Roosevelt warned against an "it can't happen here" attitude, often citing Section 213 of the National Economy Act (which limited the employment of married women in federal government) as evidence of increasing discrimination against American women. Certainly the recognition of German women's contribution to the rise of the fascism that was restricting their own public roles intensified hostilities between ERA advocates and opponents, as each called the other "reactionary" and made analogies between their opposition and the German women who deliberately or unwittingly supported fascist anti-feminism. Women on both sides called for the safeguarding of women's opportunities through the revitalization of

democracy at home, in part through women's activism in public roles. As Dorothy McAllister (who would be NCL President from 1947 to 1954) put it, "It is through political power and participation in government that women can best safeguard past and future progress." Dorothy McAllister speech, "Why Women Should Go into Politics," 1940, quoted in Ware, *Beyond Suffrage*, 188. On women and the international situation, see Ware, *Beyond Suffrage*, 117-20.

96. Dewson to Sue Shelton White, October 13, 1939, quoted in Ware, *Partner and I*, 286*n*.

97. Josephine Goldmark to board, minutes of NCL board meetings, October 9, 1933, October 28, 1935, NCLP reel 2; Cheyney, 32; *Cleveland Plain Dealer*, September 17, 1936, also *New York Times*, September 16, 1936, NCLP box J20.

98. Minutes of NCL board meeting, June 11, 1936, NCLP reel 2. The League had long since realized that hours laws without minimum wage laws to protect women's earnings were unpopular with women workers and difficult to enforce.

99. Ibid.

100. Minutes of NCL board meeting, March 9, 1937, NCLP reel 2. This decision angered some members and provoked the (temporary) resignation of Maud Nathan, the venerated former head of the New York League; Nathan to Mason, July 29, 1937, NCLP reel 1.

101. NCL, January 1937 *Supplement* to *Thirty-Five Years of Crusading*, NCLP reels 116-17; Leuchtenburg, 236. Leuchtenburg notes that two weeks later, Roberts again joined in a series of 5-4 rulings, which found the Wagner Act constitutional. He calls these decisions "a

turning point in the history of the Supreme Court." It would be interesting to examine Roberts' papers for clues to his change of heart; one wonders whether the League played any role. Within a few years of the Washington State minimum wage law decision, the Court would include at least three longstanding NCL allies: Louis Brandeis, Hugo Black, and Felix Frankfurter. Minutes of NCL board meeting, April 27, 1937, NCLP reel 2.

102. Minutes of NCL board meeting, April 27, 1937, NCLP reel 2.

103. For example, it was suggested that the NCL endorse a "Worker's and Farmer's Amendment" to give "complete power over all industry," but the response was not recorded; see minutes of NCL board meeting, June 11, 1936, NCLP reel 2.

104. Ware, *Partner and I*, 157.

105. Mary Anderson quoted in Clara Beyer to Pauline Goldmark, April 19, 1932, cited in Ware, *Partner and I*, 157, 295*n*. By the mid-thirties, Mason was corresponding frequently and affectionately with both Anderson and Beyer, and she also took vacations with Mary Anderson; see Salmond, 58-59, 71-72. Mason's stature as a national reformer during the thirties is indicated not only by her job offer from the NRA but by the following partial list of affiliations, 1932-1937: YWCA fraternal delegate; Board of Directors, NAACP; member, National Sponsoring Committee for the Episcopal Church; member of various state, regional, and national committees on labor standards; member, Steering Committee of Division of Labor Standards and Federal Advisory Council of U.S. Employment Service, both U.S. Dept. Labor; member, various committees of International Labor Organization;

Associate Chairman of Committee on Industrial Social Security, Southern Policy Council; speaker, various National Federation of Settlements conferences; member, Advisory Committee on Revising the Social Security Act. See Reports of the General Secretary, minutes of NCL board meetings, 1932-1937, NCLP reel 2.

106. Cheyney, 39. Mason, "Banner Year for Labor Legislation," July 6, 1937 draft, NCLP reel 101.

107. Leuchtenburg, 261-64: "In 1937, twelve million employees in industries affecting interstate commerce earned less than forty cents an hour," the new national minimum wage for such employees.

108. Mason, *To Win These Rights*, 16.

109. Cheyney, 43.

110. Ware, *Partner and I*, 102; Goldmark, "Fifty Years." As late as 1949, the League was sponsoring an alternative to the ERA, the "Equal Status" bill. Further research is needed to determine how, if at all, NCL arguments against the ERA changed during the 1940s.

111. In a future paper, I would like to argue that the conflict strengthened feminist ideology, as the NWP pushed the NCL to recognize the antifeminist potential of certain biological arguments, and as the NCL forced the NWP to recognize the extent of discrimination against women in the workplace. Such an argument must await further study of the NWP.

112. Mason, "Banner Year for Labor Legislation," July 6, 1937 draft, NCLP reel 101.

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