

Protecting the Fairer Sex

Indiana's Failure to Improve the Lives of Working Women

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In 1900, there were 5,319,000 women in the national work force, but in just twenty years the number had risen to 8,637,000. The state of Indiana was experiencing similar growth of women with some 51,422 women working in 1880 and had climbed to 155,731 by 1910. Women's waged work drew political, social, and economic concerns and this influx of women brought working conditions to the forefront of the American conscious. Beginning with the Supreme Court decision of *Mueller v. Oregon* in 1908, Americans were making an active push for protective legislation of women in the workplace based on biological "difference between the sexes," as Justice Brewer noted in *Mueller*. This difference between the sexes refers to the concern that Progressive Era Americans had with the potential impact that poor working conditions would have on a woman's reproductive capability. As a result of the poor working conditions women endured and the American concern for the well-being of the more delicate sex, both government and private interest groups conducted studies based on the concern for women's wages, hours and working conditions. These studies were used as a means for state governments to determine the appropriate legislation to aid women in the workplace. Governor Ralston of Indiana started one such study in the early 1910's; he commissioned a committee to travel around the state and document the conditions of women engaged in waged work outside the home. The hope of this study was to decipher the needs of women in labor and turn those needs into protective legislation. As the committee found, there was no one clear answer when it came to handling women in the workplace; this project will explore the various answers that Indiana employed.

A 1910 United States Congress report examining labor conditions across the country, concluded, “The history of women’s work in this country shows that legislation has been the only force which has improved the working conditions of any large number of women wage-earners.”¹ Nationally, the government recognized that states needed to legislate in favor of women employees to correct their poor conditions. The issue of protective legislation had existed for a number of years, but it was not until the 1908 *Muller* Supreme Court decision that such laws were declared constitutional. Starting with Oregon and New York, states enacted legislation that would place a maximum hour limit, either by day or by week, for their working women. Laws limiting maximum hours were basic concepts of the Progressive plan to protect workers.² States began with labor commissions that examined the conditions of working women, and legislatures used this information to pass protective legislation that was proven constitutional. Distinguished commissions were created in New York (1911) and Wisconsin (1911), as well as a Department of Labor study of the conditions of working women across the nation, generally resulting in a variety of hour limitations for employees.

In 1913, Indiana followed the trend and began the work to legislate for a maximum hour law for its women workers. Although the initial bills failed, the Assembly created a commission to travel the state and gain data about working women’s conditions with the hope that a recommendation would prompt legislative action. However, by 1918, Indiana was one of just six states that did not limit the hours of its women laborers.³ For Indiana, a state with a strong progressive history, this was completely out of character. However, it was not for a lack of trying, as Indiana legislators had attempted to bring protective legislation before the General

¹ U.S. Senate, 61st Congress, 2nd Session. *Report on Conditions of Woman and Child Wage-Earners in the United States* (S. Rpt 645), (Washington: Government Printing Office, 1910), 12.

² Melvin Urofsky, “State Courts and Protective Legislation during the Progressive Era: A Reevaluation,” *The Journal of American History* 72, no. 1 (June, 1985): 64.

³ “Safeguard Urged for Children and Women in Plants,” *Indianapolis Star*, 24 December 1918, 7.

Assembly in 1913, 1915, and 1919. To an observer, it appeared that the Commission on Working Women created by Governor Ralston in 1913 would place Indiana on the path to protective legislation like so many other states at the time. Surprisingly, Indiana's commission did not perceive the public interest or the general welfare to be at stake, common rationale for such legislation.⁴ In light of Indiana's success with the public utilities commission, this is indeed a moment of curious failure. My project, "Protecting the Fairer Sex: Indiana's Failure to Improve the Lives of Working Women," addresses the circumstances in Indiana that led to this unexpected defeat when similar laws were being enacted across the nation.

In an era where women's protective labor legislation was the norm, Indiana stands out as an anomaly in its negligence to intervene. My research is an examination of the failure of Indiana to protect their working women as well as the underlying reasons for such oversight. The success of maximum hour laws for women has been widely documented but there has been little scholarship aimed at understanding their absence in some states.⁵ "Protecting the Fairer Sex" explores the refusal of Indiana lawmakers to place the well-being of their working women above "a can of corn," an accusation that was made by one legislature early in the legislative discussions.⁶ It tells the story of how Indiana women were pushed to the periphery of a state that prided itself on its seemingly progressive nature. Utilizing primary sources from local newspaper articles, the 1913 Indiana House journals, commission reports and transcripts, along with secondary sources address the legislative shortcomings that resulted in the creation of the

⁴ Ulla Wikander and Alice Kessler-Harris, *Protecting Women: Labor Legislation in Europe, the United States, and Australia, 1880-1920* (Champaign: University of Illinois Press, 1995), 340.

⁵ For scholarship on the success of protective legislation, see Susan Lehrer, *Origins of Protective Legislation for Women, 1905-1925* (Albany, NY: State University of New York Press, 1987). Alice Kessler-Harris, *Out to Work: A History of Wage-Earning Women in the United States* (New York, NY: Oxford University Press, 1983). Melvin Urofsky, "State Courts and Protective Legislation during the Progressive Era: A Reevaluation," *The Journal of American History* 72, no. 1 (June 1985): 63-91. Teresa Amott and Julie Matthaei, *Race, Gender and Work: A Multi-Cultural Economic History of Women in the United States* (Cambridge: South End Press, 1999).

⁶ "Keegan, Beaten in 8-Hour Day Fight, Resigns," *Indianapolis Star*, 14 February 1913, 1.

Commission. Historians writing about Indiana have paid little attention to the Commission, treating it as a historical footnote. This analysis is the first to study the event from the beginning of the 1913 House hearing to the final recommendations of the Commission in early 1915.

Several works have been written about Indiana during the Progressive Era, and many have labeled Indiana as a progressive state, going so far as to write entire dissertations about Indiana's legacy. However, historians have neglected aspects of Indiana's progressive history are celebrated, specifically housing reform, workmen's compensation laws, and the public utilities commission.⁷ Though, when looking at labor, Indiana was not regarded as progressive. In a majority of these works, the fight for women's protective legislation is glossed over, such as Barbara Springer's dissertation, "Ladylike Reformers: Indiana Women and Progressive Reform, 1900-1920" (1985), which highlights the divide between working and middle class women. Although Indiana clubwomen were incredibly influential in numerous progressive reforms, they played a much smaller role in advocating on behalf of working women, largely because working women's decision to take jobs outside the home weakened traditional gender roles. Although I disagree with her analysis of clubwomen as lacking political agency, her work is nonetheless important in grasping why protective legislation failed in light of Indiana's progressive nature. Similarly, Suellen Hoy's PhD. thesis, "Samuel Ralston: Progressive Governor, 1913-1917" (1975) argues that during the public utilities commission, Ralston "had not hesitated to give wholehearted support to a measure that was to redress the balance in favor of the weak nor had he faltered in the face of opposition."⁸ However, utilizing the same analysis proves inaccurate in light of the Commission on Working Women. Furthermore, Hoy's analysis all but ignores the

⁷ Suellen Hoy, "Samuel Ralston: Progressive Governor, 1913-1917," (Ph.D., Indiana University, 1975), 238.

⁸ *Ibid.*, 84.

failure to enact protective legislation. Similarly, extensive histories on the State have largely failed to mention the commission.⁹

Inspired by Sharon Wood's *Freedom of the Streets* (2005), a work focused on the mid-sized town of Davenport, Iowa, my analysis also looks at a handful of mid-sized Indiana cities and their reaction to impeding government interference in the lives of women workers. The use of middling industrial cities, both in my research and in Wood's, highlight the importance of the experiences of their citizens which were the norm for most Americans at the time.¹⁰ The experiences of citizens in Indianapolis, New Albany, and Lafayette were the norm more so than those who lived in Chicago or New York.

Prior to 1890, Indiana was a largely rural and agricultural state with mostly native white population. It grew from 169,164 in 1900 to 233,650 in 1910, making Indianapolis the twenty second largest city by 1910 and the ninth largest Midwestern city.¹¹ In many ways, the industrial era of the 1890s caught Indiana off guard, as it "catapult[ed] the state into an unprecedented epoch of both agricultural and industrial prosperity."¹² For many medium sized cities, one of the greatest concerns with this sudden ascent to industrialization was the dislocation of firmly established morals in Indiana society. Indianapolis was viewed as "a somewhat blurry but

⁹ For scholarship on other histories of Indiana, see: James Madison, *The Indiana Way*, Bloomington, IN: Indiana University Press, 1986. Phillips, Clifton. *Indiana in Transition: The Emergence of an Industrial Commonwealth, 1880-1920*. Bloomington, IN: Indiana University Press, 1968.

¹⁰ For this paper, I define mid-sized city as cities with populations between 20,000 to 70,000, which all of the cities analyzed fall into except for Indianapolis. The 1910 populations of the 10 cities selected fell between 20,081 in Lafayette and 69,647 in Evansville. Indianapolis is considerably larger at 233,650. "Indiana City/Town Census Counts, 1900 to 2010," STATS Indiana, accessed 17 March 2014, https://www.stats.indiana.edu/population/PopTotals/historic_counts_cities.asp

¹¹ "Indiana City/Town Census Counts"

In order of size, the following cities had larger populations than Indianapolis, according to the 1910 census: Chicago, St. Louis, Cleveland, Milwaukee, Cincinnati, Minneapolis, and Kansas City.

"Population of the 100 Largest Cities and Other Urban Places in the United States: 1790 to 1990," U.S. Census Bureau, accessed 17 March 2014, <http://www.census.gov/population/www/documentation/twps0027/twps0027.html>

¹² Richard Del Vecchio, "Indiana Politics during the Progressive Era, 1912-1916" (PhD. diss, University of Notre Dame, 1973), IV.

nevertheless authentic mirror of Hoosierdom at large.”¹³ Indianapolis, once a semi-rural town, became a blossoming and vibrant city. At the center of the state, “it became the transportation and commercial hub of Indiana...its manufacturing potential expanded twice as fast as the rest of urban America.”¹⁴ Likewise, an *Indianapolis Star* article from 1912 boasted that the city was “a good place in which to live because we have here, generally speaking, a decent, law-abiding citizenship...Our people are energetic and progressive and are possessed of a wonderful amount of civic pride.”¹⁵ By 1910, Indianapolis had passed its zenith and was in a slow, steady decline.

As industrialization swept across the nation, creating large urban areas all over a country that had been primarily rural, American citizens struggled to cope with new social issues, such as poverty, disease, and unsafe tenements. Nationwide, people turned to their governments—local, state, and federal—for an answer to these societal ills, through a regulation of economic problems, relieving social issues, and reconciling change with tradition. Reform became the rallying cry of Indiana politicians in both parties during this time, however, “until 1912, no one party, nor a faction of a party, endeavored to identify itself as the reform wing,” when the Progressive party split from the Republican Party.¹⁶ Although the Republican Party was the General Assembly for more than twenty years, the Republican and Progressive split proved too great to maintain a majority after the 1912 elections.

Generally, Indiana political parties were evenly matched, and the high stakes political game in Indiana made it difficult for legislators to disregard public opinion, as it could lead to a loss in seats for the following election. To garner a larger portion of the electorate in 1912, Governor elect Samuel Ralston maintained a rather bland platform, knowing the Progressive and

¹³ Irvin S. Cobb, *Indiana* (New York, 1924), 34, as quoted in James Madison, *The Indiana Way*, (Bloomington: Indiana University Press, 1986), 6.

¹⁴ Del Vicchio, “Indiana Politics,” 11.

¹⁵ “Why Indianapolis is a Good Place to Live,” *Indianapolis Star*, 24 December 1912, 8.

¹⁶ Del Vicchio, “Indiana Politics,” 43.

Republican split was sure to guarantee a Democratic victory. The Democratic strategy was to “defend their past records, offer a few popularly ‘safe reforms,’ and avoid the moral battles and personality feuds.”¹⁷ In the months leading to the election, a poll showed that on the whole, Indiana residents preferred progressivism, so Ralston updated his platform “by pledging himself to...labor legislation,” among other things.¹⁸

In the end, the Democrat’s strategy paid off and the Republican and Progressive split was so deep that in 1913 the Democratic Party had control of 40 of 50 senate seats and 95 of 100 house seats in the state legislature.¹⁹ With such a large Democratic majority, it was more difficult to control and keep the legislators faithful to the party platform. Believing that Democrats would always be in control, “the average legislature felt little need to endure the restrictions of party discipline or heed the commands of his leaders.”²⁰ This caused a variety of factions to form based on the issues, and led individual legislatures to “pursue some personal ambition, a local need, or a particular party commitment.”²¹

Personal agendas were not the only cause of downfall of the 1913 Assembly efforts at labor reform. Issues of reform brought with them a sense of political ambiguity; there was no clear-cut “balance between the common welfare and the rights of the individual citizen.”²² The Democratic Party “had no particular mandate from the people; no enduring legacy of reform activity; and their constituency was not noticeably liberal or conservative.”²³ The issue of protective legislation was one that straddled the line between popular and radical. Protective legislation became popular in the late nineteenth century, through the creation of laws that were

¹⁷ Ibid., 166.

¹⁸ Ibid., 167.

¹⁹ Hoy, “Samuel Ralston,” 54.

²⁰ Del Vicchio, “Indiana Politics,” 196.

²¹ Ibid.

²² Ibid., 197.

²³ Ibid., 199.

meant to protect a certain class of workers. Early on, the legality of such laws was questioned, but after the Supreme Court's affirmation of the law's constitutionality in the *Muller v. Oregon* case most states made the move to enact such legislation. In 1908, legendary attorney Louis Brandeis signed on to defend the state of Oregon against Curt Muller, a Portland laundry owner who required women to work beyond the ten hours that was stipulated in a law passed by the Oregon legislature in 1903. Disagreeing that his employees could not work overtime, Muller's lawyer believed this law violated his right to freedom of contract, and challenged the law in the Supreme Court.²⁴ Brandeis argued that freedom of contract could be overruled by the state to protect the health and welfare of its people.²⁵ In his famous Brandeis brief, he worked to prove the relationship between long hours, worker's health, and public welfare, proving it was in society's best interest to uphold protective legislation for women.²⁶

Brandeis drew from other states' decisions regarding protective legislation and their language of the inferiority of women. Since the early 1900s, states had been arguing that women were weaker than men were. The decision for a 1902 Nebraska law went so far as to say, "Women and children [had] always, to a certain extent, been wards of the state."²⁷ Likewise, the 1902 Washington decision upholding protective legislation stated:

It is a matter of universal knowledge...that continuous standing on the feet by women for a great many consecutive hours is deleterious to their health. It must logically follow that that which would deleteriously affect any great number of women who are the mother of succeeding generations must necessarily affect the public welfare and the public morals.²⁸

²⁴ Nancy Woloch, *Muller v. Oregon: A Brief History with Documents*, (Boston: Bedford/St. Martins, 1996), 21.

²⁵ The *Lochner* (1905) decision argues that the 14th amendment prohibits the government from interfering in business, and protects the freedom of contract. While the *Muller* decision was upheld, it was because the workers in question were women as opposed to men, like those in the *Lochner* decision. The *Muller* decision, in light of the *Lochner* decision, allowed for the discrimination based on sex of employees. The two decisions, just three years apart, show the conflicted nature of the American legal system on this issue.

²⁶ Woloch, *Muller v. Oregon*, 3.

²⁷ Susan Lehrer, *Origins of Protective Labor Legislation for Women, 1905-1925*, (Albany, NY: University of New York Press, 1987), 57.

²⁸ *Ibid.*, 58.

Brandeis's argument was based on scientific facts of the day arguing that women were inherently weaker than men and thus, as mothers of the race, they needed protecting from the ills of industrialization. Brandeis maintained, "The deterioration is handed down in succeeding generations" and "the overwork for future mothers thus directly attacks the welfare of the nation."²⁹ Studies of the day proved that there was a real danger to wage work:

'No girl of 18 can work without physical injury, sit or stand continuously in the most sanitary store, laundry, or factory 10 hours a day without risking her chance for future usefulness as a woman.' said one expert...It said that subjecting future mothers of the race to these evils would produce, in the jargon of the day, stunted and dwarfed children.³⁰

With this evidence, Brandeis's use of sociological jurisprudence, through a focus on the social effects of law, was difficult to argue with. By considering the effects of a such a law, or in this case, the absence of protective legislation would have on society, Brandeis provided a new way for reformers to argue for protective legislation in hopes of reaching their broader goal, protection by the state of all workers.

Indiana's Sixty-eighth General Assembly Session opened on Thursday, January 9, 1913 and on the following Tuesday House Bill No. 47 was introduced. The proposed bill was in regards to the "hours of labor of women" and was sent immediately to the Committee on Labor.³¹ The bill, nicknamed Keegan's bill after Representative John Keegan, a Democrat from Indianapolis, who introduced the bill, "provided for an eight-hour working day for women."³² Seen as radical to some, the bill drew strong responses almost immediately from pro-labor and pro-employer camps. Three days after the bill was introduced, on January 17th, the *Indianapolis*

²⁹ Woloch, *Muller v. Oregon*, 3.

³⁰ Alice Kessler-Harris, *Out to Work: a History of Wage-Earning Women in the United States* (New York, NY: Oxford University Press, 1983), 106.

³¹ Indiana General Assembly, *House Journal*, 68th session, 9 January 1913, 85.

³² "Eight-Hour Day Bill Under Fire," *Indianapolis Star*, 17 January 1913, 16.

Star reported that “the Indiana Manufacturers’ and Shippers’ Association will begin a fight...against” the bill.³³ The Association proved to be a rallying organization for employers who disliked it. Just a week later J.V. Zartman, a representative for the organization, argued that readjusting women’s work schedules would force men to work eight hours too, which would be costly and lead to an increase in the price of products.³⁴ Mr. Tobin from the International Brotherhood of Teamsters rebuked this claim saying, “Do you not know that Mr. Roosevelt, Mr. Beveridge, and Mr. Johnson and your party platform called for this sort of legislation, for the 8-hour day for women in industry.”³⁵ Tobin’s statement highlighted the push by union leaders to remind the legislators of their campaign promises. With the high turnover in the political landscape, these threats could have a real political impact in the next election cycle.

Employers argued that the bill “if passed, would mean ruin of hundreds of Indiana manufacturers,” and argued that in relation to the other states in the area, they would lose their competitive edge.³⁶ Limiting women’s working hours per day would discourage new industries from opening factories in the state, or, worse, drive away the factories that were already here. In an effort to halt the passage of this bill, the Manufacturers’ and Shippers’ Association wrote letters to other employers they believed would be against the bill to and requested their attendance at the House Labor Committee hearing three days later.³⁷ During the hearing, many manufacturers protested the hour limitations that the bill proposed. Some argued that reducing hours would reduce profits, causing lower wages for the women.³⁸ A Fort Wayne businessman believed there would be a 35% cut in his companies output and they would be forced to compete

³³ “Eight Hour Day Bill under Fire.”

³⁴ “Seek to ‘Adjust’ 8-Hour Law,” *Indianapolis Star*, 21 January 1913, 16.

³⁵ *Ibid.*

³⁶ “Eight-Hour Day Bill under Fire.” “Lively Debate on 8-Hour Bill,” *Indianapolis Star*, 24 January 1913, 7. Commission on Working Women in Hammond, 16 September 1914, box 14, folder 2, 24-L-8, Industrial Board Papers Indiana State Archive, Indianapolis, Indiana, 5. (Hereafter Industrial Board, ISA).

³⁷ “Eight-Hour Day Bill under Fire.”

³⁸ “Lively Debate on 8-Hour Bill.”

with businesses in “New England, the South, Pennsylvania and Germany, where the girls work from ten to twelve hours a day.”³⁹

On February 11th, the Committee on Labor reported to the legislature. Of the thirteen members, only three members wished the bill to be indefinitely postponed, while eight wanted it to pass with some substitutions and two believed it should pass as is.⁴⁰ An Assembly vote was held two days later to decide the outcome of the bill, after a great deal of debate. Three amendments were proposed, fatally altering the character of Representative Keegan’s initial bill. The amendments allowed for more than a 9-hour workday, as long as the hours were fewer than 10 a day and 54 hours a week.⁴¹ Senator Keegan was enraged by the failure of his bill, and moved to strike the enacting clause in an effort to kill the bill, but it did not pass.⁴² He declared he was resigning because of the vote. The coverage of his resignation made the front page of the *Indianapolis Star*, arguably the State’s leading paper, where he was quoted saying, “We have an 8-hour law for men in Indiana and I have resigned rather than remain a member of a body which would require women and girls, whom men ought to protect, to work ten hours a day.”⁴³ He accused manufacturing establishments of being the reason that the bill had failed, believing that they placed “a can of corn” above a human life.⁴⁴ Governor Ralston did not accept his resignation, but his stunt did bring greater publicity to the issue.

The newspaper coverage of the changing of the bill was harsh in Indianapolis. On the 16th, the *Star* reported that “Speaker Cook engineered a parliamentary coup...The Amendment is a big concession to the labor element and was put in by Representative Weisman, one of the

³⁹ Ibid.

⁴⁰ Indiana General Assembly, *House Journal*, 857-858.

⁴¹ Ibid., 910.

⁴² “Keegan, Beaten in 8-Hour Day Fight, Resigns.”

⁴³ Ibid.

⁴⁴ Ibid.

chief opponents of the measure.”⁴⁵ Furthermore, the local labor paper, the *Labor Bulletin*, had a scathing review of the Legislature, arguing the defeat “places the legislature on record as destitute of a proper regard for womanhood.”⁴⁶ The article also questions the future ramifications of the failure of this bill, saying, “What will future generations think of a state which discriminated against women in 1913?”⁴⁷ While the paper had relatively sporadic coverage of the protective legislation debate, the articles they did publish on the subject were supportive of Indiana’s law and similar laws all over the country.

While the eight-hour bill was a failure, the Assembly did not give up on passing a law for working women. A substitute measure, known as the Dickinson-Koenig bill, was passed in the House on February 22, 1913, and was proposed by representatives J.R. Dickinson of Huntington and Charles Koenig of Fort Wayne, both Democrats. This bill provided for a nine-hour day and fifty-hour week. Some representatives believed that this bill was solely for the benefit of Representative Keegan, in an attempt to get him to return to the Legislature.⁴⁸ While the bill passed by a large majority, 65 to 24, more than half of the members spoke about their position on the bill.⁴⁹ The *Indianapolis Star* highlighted representatives that spoke against the bill, quoting those that voted no based on their convictions, their constituents, and for Keegan’s actions.⁵⁰ The Senate referred the bill back to the committee on labor and held a hearing for the public to discuss their opinions on the matter.

The hearing held on February 28th became largely a personal battle between the legislators, which took center stage in the *Indianapolis Star* coverage of the hearing above the

⁴⁵ “Amendment Gives Women 50 Hours,” *Indianapolis Star*, 16 February 1913, B9.

⁴⁶ “Eight Hour Bill Defeated.”

⁴⁷ Ibid.

⁴⁸ “9 Hour Measure Passed 65 to 24,” *Indianapolis Star*, 22 February 1913, 12.

⁴⁹ Ibid.

⁵⁰ Ibid.

actual discussion about the bill. Senator Robert Glenn Van Auken, a Democrat from Steuben County, challenged the right of Representative Keegan to speak at the hearing after Keegan referred to the Legislature as “leprous.”⁵¹ The personal disagreements that occurred during the hearing downplayed the other important happenings that occurred, such as American Federation of Labor leader, Samuel Gompers speaking in support of the bill. Gompers argued the law would benefit both women and employers because hours would be lowered and wages could be raised, giving employers would have a greater pool of candidates from which to select the best laborers.⁵² Although he was in the city for a convention, Gompers’ position as a well-known labor leader made his attendance and speech at the meeting a huge vote of support for the bill. The rest of the discussion was largely split by employers against women and union men. A local department store worker, Mrs. G.G. Andrews, testified about the risk women took when speaking out in favor of the bill, noting that by coming she had risked her position.⁵³ It was an uncertainty many women were not willing to take and led to a lack of women’s voices both in the newspapers and later during the committee hearings.

After the hearing, the committee on labor reported to the Senate that they recommended the passage of the bill. However, the bill continued to evoke strong responses from the legislators and they debated the bill on March 4th for three hours before they voted on it. Several Senators believed that the bill was written poorly because it distinguished between men and women, a few went so far as to argue that the law would adversely affect men by forcing them to work nine hours as well, and others believed such a bill was unenforceable. As with the eight-

⁵¹ “Clash Enlivens Labor Hearing,” *Indianapolis Star*, 28 February 1913, 6.

⁵² Ibid. References to women by their married name was common the norm at this time. By taking their husbands identity, it makes it incredibly difficult for historians to locate women more than one time in the archive. In this study, only Mae Miller and Belva Lockwood are traceable throughout my archival work. Women who spoke during the Commission and were quoted in newspapers were never heard from again on the matter.

⁵³ Ibid.

hour bill, there were strong protests from manufacturers and employers of labor that encouraged the failure of the law. Regardless of those who spoke out in favor of the bill, it lost by a margin of 19 to 29.⁵⁴

Truly determined to enact a law to limit the hours of working women in the State, the day after the defeat of the Dickinson-Koenig bill the House introduced a third bill for working women. This bill was sponsored by Representatives Harry Gardner, a Democrat from Logansport, and James Fleming, a Democrat from Portland, and would limit the hours of employment to ten hours a day and fifty-four a week.⁵⁵ From the beginning it was questionable whether the Senate would pass the bill, when a motion to amend the Dickinson-Koenig bill to the same provisions failed. However, the bill passed the House on March 8th.

Numerous members spoke out on the uselessness of the bill. Representative James Dunmire, a Democrat from Elkhart stated, "If I wanted to play politics I would get on the wagon and support this makeshift law now proposed, but I don't believe in making a compromise at the expense of the working women in this state."⁵⁶ He also argued that the failure of the law was a reflection of the Democratic Party and their failure to protect women. Representative Koenig declared, "Now after bills which would have really given some relief have been killed...I refuse to endorse such a makeshift with my vote."⁵⁷ Other members were more candid in their responses; Representative Dickinson simply called it "useless" and Representative George Sands, a Democrat from South Bend said, "this bill means nothing and will give no relief."⁵⁸ Representative William Patton, a Democrat from Bedford, argued, "the men would not dare to fight laws proposed in the interest of working women if we had women lawmakers here, and I

⁵⁴ "9-Hour Bill Lost in Senate, 19-29," *Indianapolis Star*, 5 March 1913, 1.

⁵⁵ "Another Women's Work Bill Started in House," *Indianapolis Star*, 6 March 1913, 6.

⁵⁶ "Ten-Hour Bill Passed; Keegan Assails Korbly," *Indianapolis Star*, 8 March 1913, 1.

⁵⁷ *Ibid.*

⁵⁸ *Ibid.*

hope the day is not far off when they will grace this chamber.”⁵⁹ In addressing the lack of political power women had, he highlights an argument that few others did over the course of the fight for working women. The weak political agency of women was commented on in a *Labor Bulletin* article from 1911, stating a cigar factory in Evansville “does not frighten law-makers very much as the girls have no votes.”⁶⁰ Because women did not have the vote yet, politicians had very little incentive to anger wealthy businessmen by limiting the hours of their workers. Most Assemblymen, except, perhaps, for Keegan, were unwilling to risk their political career for an unpopular law with their constituents.

After the failure of the Dickinson-Koenig bill in the Senate, a measure was introduced to provide for a commission that would travel Indiana in an effort to investigate the conditions of women in labor and aim to represent a variety of interests. This bill, seen as a concession after the failure to pass a law regulating hours, was passed by the Assembly on March 14, 1913. The charge of the commission was to “investigate the hours and conditions of labor of women in this State and to determine what limitations, if any, should be placed on the hours of labor of women, in any or all employments, or what improvement should be made in the conditions under which women labor in any or all employments.”⁶¹ It was stipulated that the commission was to be made up five members chosen by Governor Ralston to represent the interests of employers, women, lawmakers, and the public. It should be noted that an *Indianapolis Star* article recounting the selection of the commission members notes that all the men chosen for the committee were Democrats.⁶² In theory, it made sense to appoint members who had different

⁵⁹ Ibid.

⁶⁰ “Eat, Sleep, and Work,” *The Labor Bulletin*, 10 February 1911, 1.

⁶¹ Department of Labor, Bureau of Labor Statistics, *Hours, Earnings, and Conditions of Labor of Women in Indiana Mercantile Establishments and Garment Factories*, 1914, Report 160, (Washington: Government Printing Office, 1914), 5.

⁶² “Labor Study Boards Chosen by Governor,” *Indianapolis Star*, 16 May 1913, 8.

interests in an effort to make sure the right questions were asked, however the real problem became that the members just had too many ideological differences.

Melville Mix was chosen to represent the public and be chairman of the Commission, though he was the president and general manager of Dodge Manufacturing Company in Mishawaka and the president of the Manufacturers' Bureau of Indiana as late as 1912.⁶³ At different times from 1910 to 1912, he wrote for or was featured in the *Indianapolis Star* to as the voice of the Manufacturers' Bureau in the state, making him a well-known person throughout the state. Although he was chosen to lead the commission and to represent the needs of the public, his background clearly dispositioned him towards employers wants and away from the protection of women employees. His connection to the Manufacturers' Bureau colored his view of the commission throughout their work in the state.⁶⁴

Indiana Cotton Mills' Lee Rodman, of Cannelton, was chosen to represent employers. Prior to his appointment, Rodman was actively against the bill and was cited in the *Star* as speaking out against the Dickinson-Koenig bill.⁶⁵ H.J Conway, from Lafayette, was selected to represent labor, who was head of the National Retail Clerks Union. Conway was also featured in the *Star* for the role as union spokesperson during the 1912 Lafayette clerk's strike.

The last two members of the commission—those representing the legislature and women—were chosen and then replaced before the commission even began. Democratic Senator Harry Grube of Plymouth was initially selected to be a part of the Commission, however he resigned based on business matters. Upon Grube's resignation Rodman expressed concern in a letter to Governor Ralston that his resignation "in the midst of our investigations, makes our

⁶³ "Lack of Nerve Hinders Trade," *Indianapolis Star*, 1 January 1912, 18.

⁶⁴ The Manufacturer's Bureau later merged with the Manufactures' and Shippers' Association.

⁶⁵ "Clash Enlivens Labor Hearing."

report and findings more vulnerable to attacks of this kind.”⁶⁶ Senator Frederick Van Nuys from Anderson, another Democrat, was chosen to replace Senator Grube. Bertha Lockwood of Indianapolis was chosen to be the woman’s representative on the commission. Lockwood was very well known member of the State Federation of Clubs, as well as by the Legislature where she lobbied for reforms centered on women and children.⁶⁷ Unfortunately, Mrs. Lockwood died in the summer of 1914, just a few months before the commission was set to begin holding hearings. It was commonly believed that her death was attributed to her work with the commission.⁶⁸ A *Star* article about her death noted, “her interest in the work of that commission [on working women’s conditions] was so keen that she over-exerted herself.”⁶⁹ Mae Romig Miller was originally chosen to be the secretary of the commission but after Lockwood’s death, the Governor choose to have her fill the vacant position on the commission. Like Lockwood, Miller was an active member of the clubwomen’s movement and worked for the passage of the 8-hour law, speaking at the House’s hearing for Keegan’s bill.

The commissioners were appropriated \$2,000 from the legislature to travel the state and hold hearings that would inform the Assembly on the laws that needed to be created to best aide working women. Because the commission was granted such a small sum of money, the commission reached out to the United States Department of Labor to assist with their data collection. The 198-page report compiled by Marie Obenauer was entitled “Hours, Earnings, and Conditions of Labor of Women in Indiana Mercantile Establishments and Garment Factories” (1914). The report was officially released by the Department of Labor in October of

⁶⁶ Letter from Lee Rodman to Governor Samuel Ralston, 11 May 1914, box 118, folder 2, 43-C-7, Governor’s Papers, Samuel Ralston, Indiana State Archive, Indianapolis, Indiana. (hereafter Governor’s Papers, ISA)

⁶⁷ Barbara Springer, *Ladylike Reformers: Indiana Women and Progressive Reform, 1900 to 1920*, (PhD Thesis: Indiana University, 1985), 264.

⁶⁸ Frances Doan Streightoff and Frank Hatch Streightoff, *Indiana: A Social and Economic Survey*, (Indianapolis: W.K. Stewart Co., 1916), 89.

⁶⁹ “Mrs. Lockwood Called by Death,” *Indianapolis Star*, 6 July 1914, 1.

1914, but Obenauer met with the commission during their first meeting in Indianapolis in May to discuss her findings.⁷⁰

The Department of Labor accepted the Commission's request in a hope that the cooperation would create uniform methods of classifying and collecting data that could be extrapolated to other locations. Obenauer's report focused on the manufacturing and mercantile establishments in the state, as they employ 45% of the 30,000 working women.⁷¹ This arrangement allowed the Indiana commission to devote its funds to corresponding with the other industries that employ women. Ten cities were chosen for examination by the Department of Labor and the commission in an effort to cover the entire state and represent the experiences of women in a variety to locations. The cities that were chosen were Indianapolis, Muncie, Richmond, South Bend, Hammond, Lafayette, Terre Haute, Evansville, Fort Wayne, and New Albany.

In an effort to gather data from both sides of the question, employers and employees both were given questionnaires to fill out. Data was obtained on seasons, hours, overtime, occupations, and earning. Interviews were taken with the employer when necessary or data was retrieved through records, such as payroll, when available.⁷² Employees were interviewed for questions of nationality, age, work conditions, and employment and earnings.⁷³ The result of this data provided a base of information for examination of witnesses during the hearings. Although the commission had over a year and a half to complete its charge, the hearings took just twelve days, from September 14th to the 25th.

⁷⁰ "Data on Women Workers Gained," *Indianapolis Star*, 26 May 1913, 10.

⁷¹ U.S. Department of Labor, *Hours, Earnings, and Conditions*, 6.

⁷² *Ibid.*, 7.

⁷³ *Ibid.*, 8.

A prevailing problem from hearing to hearing was the lack of testimony, and though the labor hearings were often fairly well attended, people did not talk. In the two sessions in South Bend, nine men spoke but just one woman voiced her opinion. Chairman Mix noted that they could not get a rise out of employees during the evening hearing, which was devoted to their thoughts on the issue. The South Bends *News Times* believed the evening hearing there, “from the standpoint of announced purposes, resembled a farce.”⁷⁴ Not one woman spoke during the Richmond, New Albany, or Evansville commission. An *Indianapolis News* article recounting the Terre Haute hearing noted, “A few factories were represented by the employers side, but no one was present to speak for employes [sic].”⁷⁵ A Fort Wayne newspaper the day after their hearings was titled “Working Women’s Inquiry Fails to Arouse Interest.”⁷⁶

A lack of testimony by employees was one of the largest problems in all hearings. Miller noted during the opening remarks at the Lafayette hearing that “We are disappointed in not seeing a larger number present this evening [of women and employees], however we might add that it has been like this all during the week.”⁷⁷ It was widely theorized that the reason for employee’s poor attendance was related to threats and intimidation by their employers, which were noted during the legislative hearings. Conway was under the impression, “the women in employed in industries today such as stores and manufacturing institutions have expressed their fear of loss of employment, if they give testimony before these hearings.”⁷⁸ A South Bend *News Times* article from the day after their hearing noted that “These girls seemingly thought too well of their pay envelopes to hazard it by expressing opinion.”⁷⁹ Although participation and

⁷⁴ “Employers Stand for a Workable Short Hour Law,” *South Bend News Times*, 18 September 1914, 5.

⁷⁵ “Employes [sic] Have No Speaker,” *Indianapolis News*, 25 September 1914, 4.

⁷⁶ “Working Women’s Inquiry Fails to Arouse Interest,” *Indianapolis Star*, 15 September 1914, 7.

⁷⁷ Indiana Working Women Commission Report, I 331.4 I 385 WC, Indiana State Library, Indianapolis, Indiana, 138. (Hereafter ISL).

⁷⁸ *Ibid.*, 157.

⁷⁹ “Employers Stand for a Workable Short Hour Law,” *South Bend News Times*, 18 September 1914, 5.

attendance by employees was an issue, the commission was granted the ability to subpoena witnesses. However, the commissioners, through a great deal of disagreement and discussion, decided to not utilize this. Conway wanted to use John Doe subpoena, but Rodman and Mix objected. Rodman argued that they could not force people to testify, and that the average individual had a great reluctance to get up and speak in front of a crowd.⁸⁰

Another reason for poor employee attendance was a sheer lack of public information about the commission hearing. In the week leading up to the South Bend hearing, the newspaper ran just one twenty-six line article on the bottom of the ninth page about the event.⁸¹ In Terre Haute, Stella Stimson, chairman of the industrial committee for the State Federation of Women's Clubs, spent the better part of the day inquiring about when and where the commission would hold its hearing.⁸² The poor turnout was more than just a result of bad newspaper coverage, the working girls in some cities had no idea the commission existed. A woman that testified in Lafayette saying she had visited several working girls but none of them seemed to know anything about the hearings. She stated, "we have fourteen year old girls employed in our carpet factories here and yet none of them seemed to understand that there was anything going on in their interest."⁸³

The lack of response from employees in the hearings can be largely attributed to working women's hesitancy to unionize. Without a union, it was difficult to create a coherent voice, making it difficult to portray those wishes to the Legislature. Furthermore, without collective bargaining, women had nothing to leverage when they desperately needed better conditions. Women were antiunion because they believed their time in the workforce was temporary. While

⁸⁰ Ibid., 146. It was noted by a speaker during the Lafayette commission that without subpoena's, the commission was not receiving the information that it needed.

⁸¹ "Industrial Hearing in South Bend," *South Bend News Times*, 16 September 1914, 9.

⁸² "Employes [sic] Have No Speaker,"

⁸³ Commission on Working Women in Lafayette, 18 September 1914, box 14, folder 4, Industrial Board, ISA, 17.

Miller made an effort to inform organized labor of the hearings, a Lafayette unionist noted, “the majority of women do not recognize the necessity of organization. They expect to work for a few years only and then get married.”⁸⁴ Those that did wish to organize had a difficult time of it, as it was noted during the Lafayette commission that “the largest employers notified their employers that they would be discharged if they joined the organization.”⁸⁵ Social norms dictated that proper women stopped working after marriage, as it was a husband’s job to care for his wife’s needs and women were needed in the home, so women saw their employment as temporary. In reality, there were thousands of women who worked after marriage for a variety of reasons, such as injury or death of a spouse or financial strain. Although the guarantee that work was temporary was often false, women’s antiunion position did not change.

The overall conditions of women in labor were incredibly hard to decipher. The Department of Labor’s survey had compiled cold, hard facts that were difficult to dispute. Testimony from both employers and employees included self-proclaimed ‘facts’ that were impossible to verify by the commissioners and must be taken at face value for the purposes of inquiry by the commissioners. While very few women spoke during the hearings, Governor Ralston received close to a hundred letters and telegrams from working women all over the state. However, women’s opinion on protective legislation was both positive and negative. Interestingly, women who wrote letters often wished for the bill to be passed, while those who telegraphed the Governor did not want the law. While there is no way to tell why this happened, it is possible that the telegrams did not actually come from the women. Losing a competitive edge with men was the foremost concern of women in regards to a maximum hour limit. Women were paid less than men were though they worked similar hours, but this law would

⁸⁴ Ibid., 23.

⁸⁵ Indiana Working Women Commission Report, ISL, 165-166.

encourage employers to hire men whose working hours were unrestricted. Representatives from Ideal Laundry and Dry Cleaning company telegraphed the Governor, concerned a law would “put [them] out of competition with men and deprive [them] of positions which are womanly and honorable.”⁸⁶ The loss of employment as a result of this law could force women into unsavory positions such as working in a saloon or prostitution. In contrast to wage work in industry, prostitution could pay as much as \$25 a week, and offer flexibility in terms of hours and clients.⁸⁷ Prostitution became a viable option for women who faced a loss of employment from their respectable positions as a result of this law.

However, dozens of women wrote to Governor Ralston expressing their wish for shorter hours. They often expressed how much the shorter hours would mean to them. The few women who wrote about the employment conditions they endured were startling. A South Bend department store worker wrote that many women worked between 10 and 14 hours, and often have to “offend Sunday getting our clothes and bodies in conditions to work the following 6 days.”⁸⁸ Work consumed every moment of a woman’s life, making it difficult to attend to personal needs. Another South Bend woman stated:

You do not understand what it means to work from 10 to 14 hours every day week in and week out...These are the very conditions that drive women into the streets ...The men who are fighting this law are fighting it for selfish reasons...The wives and daughters of these same men may someday be forced to earn their own living.⁸⁹

⁸⁶ Telegraph from Ideal Laundry and Dry Cleaning to Governor Samuel Ralston, 1 March 1915, Governor Samuel L. Ralston Papers, Box 118, folder 2, Governor’s Papers, ISA.

⁸⁷ “Severe Arraignment of Employers; Cheap Labor Driving Girls to Run,” *Labor Bulletin*, 14 April 1911, 1.

⁸⁸ Letter from Clara Steniel to Governor Samuel Ralston, 26 January 1913, Box 118, folder 2, Governor’s Papers, ISA.

⁸⁹ Letter from Anna Rader to Governor Ralston, 27 January 1913, Box 118, folder 2, Governor’s Papers, ISA.

Of the letters that Governor Ralston received, more than half of them were requesting the law to pass. Although these personal anecdotes were few and far between, women were suffering and they looked to Governor Ralston for some reprieve.

In fact, average weekly wages were a contested topic from hearing to hearing by commissioners, employers, community members, and employees, and was a question that was being surveyed and studied all over the country. Overwhelmingly, studies showed that working women were not making enough money to provide a decent life for themselves. Obenauer's study was able to provide the commissioners with accurate average weekly wages for women in all ten of the cities visited. The average wage of women from each city varied from \$6.23 in New Albany to \$8.77 in South Bend.⁹⁰ When looking at the wages of all the cities, "a little more than half of the women were receiving rates of pay less than \$7 a week, 48 per cent of the saleswomen, according to individual reports, were earning less than this amount."⁹¹ However, women in the Fort Wayne hearing argued that workers were making upwards of \$10 a week, which was unrealistic based on Obenauer's data. Threats from employers or fear of the loss of their position are plausible reasons why these women would have so severely misrepresented their wages. Similarly, employers were equally guilty of misrepresenting the wages of their employees. A garment manufacturer in Terre Haute told the commission that it was possible for his pieceworkers to make between \$16 and \$18 for 8 to 9 hours of labor, a fact that was true for perhaps one small fraction of his workforce.⁹² While average wages were between \$6 and \$8 in all cities, inexperienced girls made significantly lower wages when they started. The Lincoln

⁹⁰ Department of Labor, *Hours, Earnings, and Conditions*, 33. See the Appendix for a full table of the wages paid to women in each of the ten cities per the data collected by the Department of Labor.

⁹¹ *Ibid.*, 39.

⁹² Commission in on Working Women in Terre Haute, 24 September 1914, box 14, folder 8, Industrial Board, ISA, 4.

Cotton Mill in Evansville paid their new hires \$3 a week, though the representative noted that those girls live at home but does not inquire about their personal conditions.⁹³

A question of wages also brought up the issue of the cost of living, which was addressed in a number of hearings. Conway attempted to break down the cost of living in Evansville for an average woman, concluding that women would need about \$9.72 a week to care for all their needs, which was several dollars above the average wage.⁹⁴ However, Conway's calculations highlighted a real problem in thousands of girl's lives. Wages were not enough to account for all of the expenses that could arise for a young working girl alone in the city. A day of illness could mean "trips to the pawnbroker, meager dinners, a weakened will, often a plunge into the abyss from which she so often never escapes."⁹⁵ When looking at the cost of living in Hammond, Miller noted that a girls "pleasures and education, or anything she chooses for herself, her clothes, are not in consideration of the average wage of the working girl in Hammond if she does not make over \$7 or \$7.50 a week."⁹⁶ Because girls made such poor wages, they were forced to sew most of their clothes themselves in an effort to save money. An *Indianapolis Star* article titled, "Working Girls and Their Clothing," notes how most women work all day and sew clothes by night, stating, "The spectacle of a girl who works all day in an office or factory sitting up half the night to make a garment to wear the next day is one whose incongruity never strikes the persons who lay down the law for such women."⁹⁷ Women simply did not have the time or the money to concern themselves with their 'vitality'.

In contrast to employees, almost all employers were ardently against any form of protective legislation. One of the biggest concerns of employers was the competition from other

⁹³ Commission on Working Women in Evansville, 23 September 1914, box 14, folder 7, Industrial Board, ISA, 5.

⁹⁴ *Ibid.*, 40.

⁹⁵ "Severe Arraignment of Employers; Cheap Labor Driving Girls to Run."

⁹⁶ Commission on Working Women in Hammond, 16 September 1914, box 14, folder 2, Industrial Board, ISA, 14.

⁹⁷ "Working Women and Their Clothes," *Indianapolis Star*, 22 August 1913, 6.

states. Hammond was close to Chicago, New Albany was near Louisville, and Richmond was not far from Dayton, making employers believe that a maximum hour law would place them at a disadvantage to the surrounding cities. However, with the advent of railroads and canals, industries in Indiana were in competition with the U.S. and parts of Europe. Employer's argument was that Indiana would not be able to compete with the bordering states that did not have laws similar to those that were in question in Indiana. A majority of the cities that held hearings were in close proximity to large cities in surrounding states. Employers recounted tales of the failure of protective laws in other states, telling of telegraph operators that lost their jobs when a law was enacted in Ohio, forcing them to come to Indiana for positions.⁹⁸

Indianapolis manufacturers argued that a reduction of hours from 60 to 55 a week would result in a loss of revenue, while Western Union threatened that 128 women would be replaced with men.⁹⁹

While protective legislation was a relatively new legal route, states all over the country were creating commissions and enacting laws. While manufacturers claimed to be the only state in the area considered enacting protective legislation, at the time of the commission laws limiting hours were already on the books in Michigan (1909), Ohio (1910), Illinois (1909), and Wisconsin (1913). Michigan limited hours to 54 a week, Illinois had a 10-hour a day law, Ohio's law stipulated ten hours a day or 54 a week and Wisconsin required women work no more than 10 hours a day or 55 a week.¹⁰⁰ Furthermore, the Department of Labor was attempting to gain an understanding of the conditions of women in order to inform Congress of their findings. The push for protective legislation was not just an idea dreamed up by outspoken

⁹⁸ Commission on Working Women in Hammond, 16 September 1914, box 14, folder 2, Industrial Board Records, ISA, 5.

⁹⁹ "Hold Hearing on Labor Question," *Indianapolis Star*, 26 September 1914, 3.

¹⁰⁰ Commission on Working Women Report, ISL, appendix.

John Keegan, it was a legislative tool used to right the ills of industrialization. Dr. Andrews, a representative of the New York Department of Labor, spoke before the commission in Indianapolis and addressed those that feared the effects of the law. He stated:

Every time we make a map and put the colors to indicate where different states stand in important legislation, almost always our attention is called in that way to the position of a few of the states... It is a question [with Indiana] as to whether we are willing to hold back and fall below the standard already adopted in the principle industrial states of this country? Really you are hanging back. It is not quite playing fair with the other states.¹⁰¹

Dr. Andrews's statement highlights the crux of the issue about competition; Indiana's disadvantage would be no different from any other state with protective legislation, which was becoming increasingly common during this time. It was a question of whether they were willing to put the women of the state before the men in industry.

Employers utilized the well-established 19th century visions of liberty of contract to express their disdain with the idea of the State coming in and telling them what to do. The Hammond Chamber of Commerce spoke during a hearing in their city, and they were under the impression that the conditions of working women in Hammond were "good and not in need of legislation," though they had no data to back up their claim.¹⁰² Rodman retorted by saying, "a great many people we have talked to on this subject are perfectly willing to have everybody in the world regulated except themselves."¹⁰³ A South Bend laundry man put it bluntly, "We don't want a bunch of people to come in and tell us what to do."¹⁰⁴ Although there has been relatively little contemporary analysis of the commission, James Madison, in his book *Indiana Way*, argues

¹⁰¹ Ibid., 532-533.

¹⁰² Commission on Working Women in Hammond, 16 September 1914, box 14, folder 2, Industrial Board, ISA, 1.

¹⁰³ Ibid., 4.

¹⁰⁴ Ibid., 20.

that Indiana's failure to enact protective legislation could be traced, in part, to a "continual fear of government interference in individual lives."¹⁰⁵

While it is abundantly clear that the commission had many problems from the beginning, one of the largest was the commissioners themselves, and clashes between them were common. An *Indianapolis News* article noted, "The hearings are often enlivened by debates between members of the commission, who differ on certain phases of the question. [Conway and Rodman] often put each other on the witness stand, and their debates aroused much interest."¹⁰⁶ Their arguments were a matter of ideological difference. Instead of allowing those that attended the hearings a chance to speak, commissioners disagreed with one another and voiced their opinions on a variety of issues. While the commission was not issuing an opinion on a minimum wage law, Miller, Conway, and Mix had an extensive conversation that covered five pages of transcript on the economic effects of such a law.¹⁰⁷ Rodman told a labor leader in Lafayette, "legislation cannot create value" when discussing a minimum wage. His statement speaks to the belief that the state should not be involved with creating what Mix calls "artificial conditions" within the state economy.¹⁰⁸ Personal biases on a variety of issues made it difficult for the commissioners to sit back quietly and listen to the testimony given to them.

Rodman proved to be one of the most biased participants of the commission, as is evident in his statements about the point of the commission. In the opening remarks of the Lafayette commission, he made it clear that he found the commission to be worthless. He said:

the paramount cause for the creating of the Commission was what we would term a little sop handed to the working girls of Indiana during the last session of the State legislature, when the bills that they were directly and virtually interested in were pigeon-holed or defeated, and as a result of this Commission was appointed

¹⁰⁵ Madison, *The Indiana Way*, 165.

¹⁰⁶ "Woman Labor Experts Heard by Commission," *Indianapolis News*, 26 September 1914, 3.

¹⁰⁷ Indiana Working Women Commission Report, ISL, 117-122.

¹⁰⁸ *Ibid.*, 120.

to relieve the representatives and senators from the burden of their responsibility.¹⁰⁹

Rodman's statements were offensive on a number of levels. Calling the commission a 'sop for working girls' shows that he believed they never had any intention of creating progressive legislation. However, the irony was not lost on everyone in the commission hearing and it was commented that Rodman must "not expect very much from this investigation."¹¹⁰ To Rodman, the commission's sole purpose was to placate the working girls. Furthermore, he argues that the commission took pressure off the legislators, as though the failed commission would leave them less politically vulnerable. As Representative Keegan's resignation showed, those who truly believed in the plight of the working girl would hold themselves responsible for the failure.

Apart of other various political biases, Chairman Mix's position as a prominent employer greatly influenced his discussions during hearings that led to his failure to enact protective legislation. In Hammond, Mix argued against a maximum hour law, saying, "If they [women] were working on an average of, say, 10 hours and there was a reduction to 8 hours with a corresponding reduction of output, that, in itself, makes a difference of 20%. In wages, that is more than the profit of the average manufacturing institution, which is less than 7% net."¹¹¹ In South Bend, Mix argued that any legislation that was created would be contrary to economic law and would ultimately fail should it go against those rules. His statements were not subtle or unbiased, though, surprisingly, newspapers never noted bias within the commission.

Although Rodman believed the political backlash could be avoided by the appointment of a commission that was nothing more than a commission in name but not action, Mix had not always believed that it was a politically savvy idea, as a letter written from June of 1913 to

¹⁰⁹ Indiana Working Women Commission Report, ISL, 137.

¹¹⁰ Ibid., 148.

¹¹¹ Ibid., 46.

Ralston shows. Mix's hesitation to the charge of the Commission is evident from selections from the following letter that was sent to Governor Ralston nearly three months before the commission began.

I believe that the Democratic part of Indiana cannot afford to take any action on an important matter of this kind without having the plan, complete and unvarnished truth before it, nor without knowing that there is a real and general demand for such legislation from those whose benefit of such an act would be passed.

As the Commission now stands, it seems to me that the tenor of the majority report may as well be written without further expense to the State...I certainly am too heavily committed in business affairs to justify a strenuous campaign against a crystallized sentiment with the only hope of submitting a minority report.

I am writing rather freely and from a purely personal standpoint—with the future of the Democratic party in mind rather than to promote the pressing, persistent campaign of a class that will switch to either party in power if they can prove a personal advantage thereby, and who do not represent the composite thought or needs of the people on their particular subject.¹¹²

Mix expressed an acknowledgment of his opinion against labor, yet argues there is a stronger bias towards the legislation. Furthermore, he believes that any actions taken by the commission should be politically motivated. The Democratic Party had a strong showing in the 1912 elections and Mix points out that this legislative issue should not become a reason for them to become the minority group once again. Finally, he views women as a class that was not politically worthy of legislation. While women could not vote at this time, Mix seemed to have a foreboding that it would happen eventually, and he did not wish to legislate in favor of women who could turn against the Democratic Party in the future. To him, the move was simply too risky.

The commission completed its hearings in late September, and it was not until February of 1915 that recommendations were submitted to the legislature. As was to be expected, the

¹¹² Letter from Melvin Mix to Governor Ralston, 3 June 1913, Box 118, Folder 2, Governor's Papers, ISA.

commissioners had a difficult time coming to a consensus and it was hypothesized that they would likely submit three and perhaps five recommendations.¹¹³ Surprisingly, media coverage for the recommendations was minimal in comparison to the attention given to the failed legislation.¹¹⁴ Furthermore, there is no record of any legislative action that was taken after the recommendations were submitted to the legislature. As was to be expected, Mix reported that “the conditions are being improved without specific legislation; and while there will always be a short-sighted minority that will need spurring up, it is quite apparent that education and competition will do quite as much, if not more, to enforce recognition of such economic principles as may be accomplished by legislation.”¹¹⁵ Similarly, Rodman recommended, “there is no demand either from the employers or the employees for restrictive legislation, and the conditions disclosed by our investigation do not disclose any abuses that cannot be corrected by your State Inspection Department.”¹¹⁶ Like Mix’s actions throughout the hearings, his recommendation belittled the needs of women, calling them a ‘short-sighted minority.’ Using the language of the day, women who were considered ‘mothers of the race’ were anything but a ‘short-sighted minority.’

In early 1913, Keegan’s resignation, and the verbal altercation on the floor of the Senate between Representatives Keegan and Korbly, made it seem like the passage of the bill was inevitable. As late as September of 1914, legislation still seemed possible and the *Indianapolis News* wrote, employers “apparently take for granted that legislation of this sort will be enacted.”¹¹⁷ Along the way, there was a breakdown on a number of levels; legislators were too

¹¹³ “Can’t Agree on Law for Women,” *Indianapolis Star*, 1 February 1915, 1.

¹¹⁴ I can find just two newspaper articles that address the commission’s recommendations, one from February 1st and one from the 2nd.

¹¹⁵ Indiana Working Women Commission Report, ISL, under Recommendations

¹¹⁶ Lee Rodman’s Recommendation, Box 14, Folder 10, Industrial Board, ISA.

¹¹⁷ “Women Labor Experts Heard by Commission.”

reluctant, commissioners were too biased, working women were too scared, and employers were too pushy. The plethora of opinions made it impossible for the 1915 legislative session to act, or for Ralston to force the passage of a bill.

While Rodman and Mix recommended that competition and education would correct any poor conditions, the issue of protective legislation was again brought before the Legislature in 1919, though this event is out of the scope of this paper. The arguments for hours had not changed since 1913, and women “emphasized the necessity of legislation that will prevent the exploitation of women and children and the social menace that is to be found in long hours of labor in insanitary factories.”¹¹⁸ The poor conditions of women continued, proving that the work of the commission had been for naught, nor had the recommendations been heeded.

Although the bill failed, the hearings were a joke, and the entire issue became a political footnote, there is value in examining the failure of this commission. Defeat cannot be placed on one person or group, the negligence belongs to the citizens of Indiana. Historians have done a disservice to the working women of Indiana by forgetting this story. An examination of the Commission on Working Women provides a more complete, albeit critical, examination of Progressive Era Indiana. The academic works that call Indiana progressive fail to address the anomaly of protective legislation in Indiana. Party politics and business interests hijacked the commission, leaving it hopeless of ever becoming something of value.

¹¹⁸ “Women Appeal for Labor Law,” *Indianapolis Star*, 8 January 1919, 4.

Appendix

Table 1. Average weekly wages and populations compared by the 10 cities visited by the commission

Fort Wayne	\$8.67	63,933
Muncie*	\$7.22	24,005
Hammond	\$7.05	20,925
South Bend	\$8.77	53,684
Lafayette	\$7.50	20,081
Richmond	\$7.48	22,324
New Albany	\$6.23	20,629
Evansville	\$6.80	69,647
Terre Haute	\$7.62	58,157
Indianapolis	\$8.01	233,650

Source: Department of Labor, *Hours, Earnings, and Condition*, 33.

"Indiana City/Town Census Counts, 1900 to 2010," STATS Indiana, accessed 17 March 2014.

https://www.stats.indiana.edu/population/PopTotals/historic_counts_cities.asp

*For the survey by the Department of Labor, Muncie was studied as opposed to Peru for an unknown reason. The two cities are about 53 miles apart.

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