



LIMITING CHILD LABOR: PROVIDING FOR THE GENERAL WELFARE

Introduction

The Keating-Owen Act of 1916 was the first law to set limits on child labor; it established age limits for children working in factories, stores and mines as well as limits on working times and hours. Although the law was passed by Congress and signed by President Wilson, the Supreme Court overturned the legislation in 1918 because, in its interpretation of the Constitution, the law exceeded the powers of Congress.

Looking at the Keating-Owen Act as a case study, students explore by conducting a Socratic Seminar both how Congress fulfills its responsibility of “providing for the general welfare” and also how the process of research and evidence gathering is integral to the work of Congress. While intended for 8th grade students, the lesson can be adapted for other grade levels.



Estimated time

Two to three class sessions

National Standards

National Standards for Civics and Government Content Standards, grades 5–8

I—What are Civic Life, Politics and Government? (A.2, C.2)

III—How does the Government established by the Constitution embody the purposes, values and principles of American democracy? (A.1)

United States History National Standards

United States Era 6—The Development of the Industrial United States, Standard 3A

Common Core State Standards for English Language Arts, grade 8

Reading Informational text 1, 2, 6

Speaking and Listening 1, 4

Common Core State Standards for Literacy in History/Social Studies, grade 8

Reading 1–3

Learning Skills

Reading, class discussion, analysis of primary and secondary source documents, Socratic Seminar

Essential Question

How does Congress gather information, and how does it use that information to create legislation? How can this research impact the lives of Americans in both the short and long term? How can a bill that has been deemed unconstitutional still inform future legislation?

Documents and Worksheets

Primary source material:

- Excerpts from 64th Congress, 1st session, House of Representatives, Report no. 46, pages 1, 7, 11, 12, 13 and 15
- Excerpts from 64th Congress, 1st session, House of Representatives, Report no. 46, Part 2, pages 1 and 3
- Excerpts from 64th Congress, 1st session, Senate, Report no. 358, pages 1, 16 and 31
- H.R. 8234, A Bill for an Act to Prevent Interstate Commerce in the Products of Child Labor, January 17, 1916 ([image](#)) of bill ([full text](#)) of Act as passed



- PDFs of the following photographs by Lewis Hine:
 1. From the Capitol Visitor Center (<http://www.visitthecapitol.gov/images-the-era-image/photographer-lewis-hine-documented-child-labor-urge-passage-legislation>)
 2. From the National Archives and Record Administration ([here](#)) Garment Workers, New York, NY, January 25, 1908, NARA, Records of the Department of Commerce and Labor, Children’s Bureau, Record Group 102, ARC Identifier: [523065](#), Girl Working in Box Factory, Tampa, FL, January 28, 1909, NARA, Records of the Department of Commerce and Labor, Children’s Bureau, Record Group 102, ARC Identifier: [523166](#), Workers Stringing Beans, Baltimore, MD, June 7, 1909, NARA, Records of the Department of Commerce and Labor, Children’s Bureau, Record Group 102, ARC Identifier: [523215](#))

Secondary source material:

- Information on the Keating-Owen Act
- Additional background information about the Keating-Owen Act
- Biographical paragraphs about Edward Keating, Robert Latham Owen, and Lewis Hine and informational paragraph about the National Child Labor Committee
- Photo Analysis worksheet
- Instruction sheet: Preparing for the Socratic Seminar

Suggested Activities

- Share one of the Lewis Hine photographs with students and facilitate a discussion using the questions provided on the Photo Analysis Worksheet. As a modification, you may decide to use the photographs and Worksheet as an additional lesson or extension, asking students to work individually or in small groups with the Worksheet and a Hine image of their choice and respond to the questions in writing or discussion.
- Explain that Hine’s photographs are part of a larger body of work exploring a bigger issue (what does child labor look like?) Discuss Lewis Hine (share additional photographs, brief biographical information, his relationship with the National Child Labor Committee, the work he did). The National Child Labor Committee (NCLC) produced exhibitions and publications and built a body of evidence that eventually led to state laws limiting child labor. For more information about the NCLC, see supplemental information on the biographical paragraph document.
- Prepare students to conduct a “Socratic Seminar.” If students are unfamiliar with this technique, outline parameters detailed in “Teacher Tip.” Explain that they will work in teams, use the “Instruction sheet: Preparing for a Socratic Seminar” and research issues and



themes by using all the primary and secondary sources available in this lesson. Show students all the sources and briefly describe them.

- In pairs, students complete the “Instruction sheet: Preparing for the Socratic Seminar.” In addition to all primary and secondary sources, students should have access to sticky pads, pencils and highlighters. As they prepare, they should be gathering evidence (i.e. the specific issues addressed in the act, the research presented to Congress, the historical context for the act) and developing a sense of the broader outcomes of the Act (formation of a body of evidence, pressure on states, public awareness). After they have reviewed sources and prepared their thoughts and evidence, they decide whether they think the Keating-Owen act was a success or not.
- Students come back together as a whole class and conduct a Socratic Seminar to share responses. Are there differing opinions? What did they identify as outcomes of the legislation? Did the evidence gathered for Congressional hearings and the petitions submitted by other advocacy groups impact the lives of everyday Americans? Ask students to consider why people might be opposed to legislation limiting child labor? Under what circumstances (family farms, etc.)?
- As a wrap up discussion, consider how congressional hearings and research done by committees can have deeper and broader impacts than just the bill to which they are attached.

Teacher Tip

Socratic seminars are a powerful way to guide students to look closely at text, mark up or identify phrases and key points, work with vocabulary that might be confusing, and gain confidence and skills necessary for formulation of ideas grounded in evidence and analysis of informational text. Unlike typical class discussion, the teacher is an outside facilitator and the students themselves pose questions, raise issues and refer to the text to provide evidence for their opinions. There are resources online (guidelines, videos) that may help you facilitate this pedagogical approach.

Extended Activity

- As a research project, students investigate child labor issues relevant today. Are there still issues in this country? What kinds of regulations currently exist? Are there circumstances where they feel children should be allowed to work? If so, within what context and according to what guidelines?
- Consider these additional Lewis Hine lesson plans.
<http://www.archives.gov/education/lessons/hine-photos/#documents>
<http://www.loc.gov/teachers/classroommaterials/lessons/built/procedure.html>



5. Groups advocating for child labor reform and regulation used photographs like these in exhibitions, publications or pamphlets as a way to build drama and empathy. How and why could these images inspire personal reaction (and political action) in a different way than, for example, charts, reports or newspaper articles?



Information about the Keating-Owen Act

What was child labor like in the late 19th and early 20th centuries?

Before the beginning of the 1900s, many children worked. Some children worked for their families, helping in shops and small businesses (running errands, delivering goods). Others worked in what is called home industry (sewing, washing, packaging foods) or in mines and factories. And some children worked on family or neighborhood farms. With growing industrialization and a greater need for low-wage labor, child labor was seen as an economic benefit by some companies.

What kinds of child labor advocacy movements existed at the time?

Those who opposed child labor felt that dangerous working conditions, long hours, physically demanding work, and very low wages limited children's access to health, safety and education. Groups like the American Federation of Labor and the National Consumers League came together with clergy, social workers and other involved citizens to form the National Child Labor Committee. This Committee worked specifically to raise public awareness about child labor. They hoped to end exploitation of children in the workplace.

What laws were in place already?

By the time the Keating–Owen Act was proposed, some states had already passed legislation that regulated child labor in factories. But people and organizations called for a national law. Companies operating in states with regulation were unable to use child labor. They could not compete with companies in states without regulation that were able to use the cheaper child labor and to keep costs down. Also, it was hard to regulate home industry without federal legislation.

What did the Keating-Owen Act of 1916 stipulate?

The Keating-Owen Act of 1916 was the first labor law that applied to children. The law prohibited shipments between states or overseas of goods and products from any factory, shop or cannery that employed children under 14 years old, and any mine that employed children under 16 years old. The act also limited the number of hours that children under the age of 16 could work. The Act did not apply to farm work.

Why did the Supreme Court reject the law?

In 1918, the Supreme Court ruled that the Keating-Owen Act was unconstitutional because it went beyond Congress' power to regulate business activities between states (as per the Commerce Clause in the Constitution—see below).¹ This ruling was eventually overturned when, in 1941, the Court changed its interpretation of the scope of Congress' power under the Commerce Clause. By that time the Fair Labor Standards Act of 1938 had been established and federal regulation of child labor was in place.

¹ Supreme Court Case *Hammer v. Dagenhart* 247 U.S. 251 (1918)



What is the Commerce Clause?

In the Constitution, Article 1, Section 8, clause 3 states “Congress shall have power to regulate Commerce with foreign Nations and among the several States and with the Indian Tribes.” This particular clause has been interpreted to mean that Congress has the ability to control or set standards for business activities between states.² Because so much business (i.e. manufacturing, transporting goods) crosses state lines, this has meant that Congress, through federal legislation, has addressed many activities that may have been previously managed by states. Over time, the Supreme Court has issued rulings that address, interpret and re-interpret the Commerce Clause and powers of Congress.

What is the Fair Labor Standards Act of 1938?

Still in effect today, the Fair Labor Standards Act states that employers cannot use “oppressive child labor in commerce or in the production of goods for commerce.” The Act sets the minimum age for workers at 16 years old—though it does state that the Secretary of Labor can permit those between 14 and 16 years old to work if it is not “oppressive,” and does not interfere with schooling and is not dangerous to his/her health.

Credits:

- Mayer, Gerald. “Child Labor in America; History, Policy and Legislative issues” Congressional Research Service, 7-500, www.crs.gov, RL31501, dated 12/27/10
- Ritchie, Donald A. & JusticeLearning.org, *Our Constitution*. New York; Oxford University Press, 2006

² Ritchie, Donald A. & JusticeLearning.org, *Our Constitution*. New York; Oxford University Press, 2006



Biographical Information

Edward Keating (1875–1965)

Born on a farm in Kansas City, Kansas, Edward Keating grew up in Colorado. Before serving in Congress, Keating worked in newspapers as a reporter and then editor. Elected as a Democrat to the House of Representatives (March 4, 1913–March 3, 1919), he served as chairman for the Committee on Expenditures in the Post Office Department. After unsuccessfully running for a 4th term, he became the editor and manager of a weekly newspaper of the associated railroad labor organization called *Labor* until his retirement in 1953.

<http://bioguide.congress.gov/scripts/biodisplay.pl?index=K000035>

Robert Latham Owen (1856–1947)

Born in Lynchburg, Virginia, Robert Owen went to Washington and Lee University. After college, he moved to Salina Indian Territory where he taught school, studied law and eventually became a lawyer. After serving as a federal Indian agent from 1885–1889, he started and was president of the First National Bank of Muskogee. When Oklahoma became a state in 1907, he was elected as a Democrat to the U.S. Senate where he served until 1925. In Congress, Owen served on many committees, among them the Committee on Indian Depredations, Committee on Pacific Railroads and the Committee on Banking and Currency. After his retirement, he worked as a lawyer in Washington D.C.

<http://bioguide.congress.gov/scripts/biodisplay.pl?index=O000153>

Lewis Hine (1847–1940)

During his early career, Lewis Hine was a teacher and used photography as a tool in the classroom. In 1908, he was hired by the National Child Labor Committee (NCLC) to investigate and document child labor in American industries in order to assist their campaign to raise awareness of labor issues affecting children. The NCLC was an advocacy organization created in 1904 to raise awareness about the practice of child labor; it still exists today. The photographs Hine took and stories he collected were used by the campaign to expose working lives and conditions of children. After working for 10 years with NCLC, Hine worked other organizations like the Red Cross and eventually the Works Progress Administration's National Research Project to document the experience of people in relationship to industry.

National Child Labor Committee

In 1907 the National Child Labor Committee (NCLC) received a charter from Congress to “promote the welfare of society with respect to the employment of children in gainful occupations” as well as investigate the conditions of employed children and work to secure opportunities for their health and education.³ Working with other advocacy groups, the NCLC raised awareness of problems related to child labor through investigation, photography,

³ P.L. 59-103 (February 21, 1907)



pamphlets and lobbying. After it was created, the NCLC began advocating for child labor reform at the state level, investigating child labor conditions and lobbying state legislatures for regulations. In 1916, the NCLC supported efforts at the federal level, and backed the Keating-Owen Act as a way to encourage child labor reform.



Instruction Sheet: Preparing for the Socratic Seminar

A Socratic Seminar is a student led discussion based on close reading and review of primary and secondary sources. Student led means that you will be responsible for asking questions, raising issues and referring to sources or text for evidence that supports your opinion.

1. Review the following documents:

- Excerpts from 64th Congress, 1st session, House of Representatives, Report no. 46
- Excerpts from 64th Congress, 1st session, House of Representatives, Report no. 46, Part 2
- Excerpts from 64th Congress, 1st session, Senate, Report no. 358
- H.R. 8234, A Bill for an Act to Prevent Interstate Commerce in the Products of Child Labor, January 17, 1916 ([image](#)) of bill and ([full text](#)) of Act as passed
- Information on the Keating-Owen Act of 1916
- Additional background information about the Keating-Owen Act
- Biographical information

2. In pairs, mark up the text with your pen—make notes (on this page, the back of this page, or additional pages if necessary), use sticky notes and highlighters. Work together and consider: What are major questions you have about the text? What are some key phrases or points that are important? What opinions are you forming? What evidence can you find to ground those opinions?

3. As you review all the documents, be sure to locate evidence such as quotes, statistics, or facts that might be important. Here are some specific questions to use as a roadmap.

- What evidence is shared in the excerpts from the Congressional Reports connected to the Keating-Owen Act of 1916 (census numbers, industries using child labor, medical impact on children)?



4. Put all of this work together when you engage in a Socratic Seminar: share the questions that came up while you reviewed the documents, identify key phrases or points that are important and ground your opinions in evidence from the documents. Be sure to also share your opinion—Was the Keating-Owen Act of 1916 a success? Why, or why not?