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REFORMING THE URBAN WORKPLACE: THE LEGACY OF FRANCES PERKINS

*Honorable Jeanine Ferris Pirro**

“I came to Washington to work for God, FDR, and the millions of forgotten, plain common workingmen.”¹

Introduction

Growing up in Elmira, New York during the 1950s and 60s, people frequently asked me about my plans for the future. From the earliest age, I remember replying that I wanted to grow up to be an attorney. Invariably, that answer led to another question: “But don’t you want to be a mommy?” While I was not averse to marriage and parenthood, I possessed an innate sense that having both a family and a career were not mutually exclusive. Looking back, many young girls, not so many generations before me, believed that life did not hold such possibilities for them.

Over the course of this century, many developments occurred to change how society views women and how women view themselves. Not so many years before my birth, the nation recruited women for the work force in large numbers to assist the war effort during World War II. Only a few decades earlier, women won the ability to vote in national elections.²

At the beginning of this century, individual laborers had little control over their work environment; nor did most urban workers have the financial means necessary in case of disability or retirement. Well into the second quarter of this century, many urban workers, particularly women and children, endured up to eighty-hour work weeks for sweatshop-level pay, often under filthy, dangerous conditions. The issues of the day, particularly to women, were education, social services and working conditions for the poor. Fittingly, an extraordinary woman championed many of these issues: Frances Perkins a woman driven by the dogged con-

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1. *Frances Perkins – Pioneer of Social Security* (visited June 3, 1999) <<http://www.ssa.gov/history/fperkins.html>>.

2. See U.S. CONST. amend XIX (1920).

viction that the welfare of workers — especially women and children — was a matter of governmental concern.

Perkins not only became a role model for women, but she also changed the work place for every American by leading a revolution that challenged the way government cares for its citizens. Moreover, by the late 1930s, the legislation she helped enact, such as the Social Security Act and the laws regulating working conditions, changed the lives of urban children and women significantly. Today, these laws are so long established and familiar to us as to have become an unnoticed and unremarkable aspect of our society. The safety net these laws provide protects workers from exploitation and provides for them well into old age. Due to the breadth and fundamental nature of Perkins' changes to the urban workplace, she is, consequently, the most influential person to urban America in the twentieth century.

I. Francis Perkins: Her Early Work

At the time of her appointment as labor secretary in 1933,³ Perkins had been investigating urban working conditions and making strides towards improving the lot of workers for almost three decades. Her phenomenal success in effecting the changes she sought was largely the result of the fact that, in whatever area she happened to be seeking change, Perkins conducted first-hand investigations in the field. These personal investigations became her trademark and provided the basis for the detailed and vivid reports she prepared that were strikingly effective in convincing city and state officials to act on her findings.

Perkins initially encountered the technique of field investigation while at Mount Holyoke College, where she attended from 1898-1902.⁴ As part of a course in American colonial history, Perkins visited textile and paper mills,⁵ thereby observing first-hand the conditions under which the workers labored. She was horrified at her discovery: long hours, inadequate compensation and safety hazards. Upon investigation, Perkins was appalled that there were no effective laws regulating these conditions.⁶

3. See, e.g., *Frances Perkins: Women's History — The Quest for Equality* (visited June 3, 1999) <<http://www.worldbook.com/fun/whm/html/whm086.htm>> (“[Frances Perkins] served as secretary of labor under President Franklin D. Roosevelt from 1933 to 1945.”).

4. See GEORGE MARTIN, *MADAM SECRETARY FRANCES PERKINS* 46 (1976).

5. See *id.* at 50.

6. See *id.*

After graduation, Perkins lived at Hull House and spent time working at Chicago Commons, the first of Chicago's famous settlement houses offering social and educational opportunities to the underprivileged.⁷ To obtain reliable information about social conditions, she personally visited the tenements and sweatshops that comprised the everyday environment of the vast majority of those living in the urban settings surrounding her.⁸

In 1907, Perkins left Hull House and took charge of a group in Philadelphia that protected immigrant ministry girls who were arriving daily in Philadelphia to seek work.⁹ These girls were often preyed upon, cheated, robbed or led into prostitution.¹⁰ Not content with simply housing these young women, Perkins acted to end the oppressive conditions they faced. Perkins posed as a girl who had just arrived in the city and was looking for a room and a job. Based on her undercover experiences, Perkins filed reports chronicling the working conditions of young women supporting themselves in a major American city.¹¹ Despite encountering frank indifference from politicians and vigorous opposition, including a physical attack on her by men who exploited the young women,¹² Perkins managed to close down many of the worst offenders and get protective local legislation passed.¹³

In 1910, Perkins came to Manhattan where she served as executive secretary of the Consumer's League.¹⁴ There, she investigated the working conditions in varying shops and small service industries and lobbied for a fifty-four-hour work week for women. Her detailed reports and testimony at public hearings about the deplorable state of affairs she discovered led to new regulations that eliminated some sweatshops and improved sanitary conditions.

II. The Consummate Reformer

While Perkins was studying the causes of industrial accidents and fires, a factory fire occurred that stunned the national conscience

7. See MARTIN, *supra* note 4, at 63-65.

8. See, e.g., Gordon Berg, "Be Ye Steadfast" *The Life and Work of Frances Perkins* (Nov. 27, 1998) <<http://www.dol.gov/opa/public/frances/frances.htm>>.

9. See MARTIN, *supra* note 4, at 65-68.

10. See *id.*

11. See *id.*

12. See *id.* at 66.

13. See, e.g., Gordon Berg, "Be Ye Steadfast" *The Life and Work of Frances Perkins* <<http://www.dol.gov/opa/public/frances/frances.htm>>.

14. See MARTIN, *supra* note 4, at 77-103.

into awareness of the deplorable working conditions faced by women. On March 25, 1911, a fire broke out in the Triangle Shirtwaist Factory in New York City.¹⁵ Perkins, at a friend's house in nearby Washington Square,¹⁶ watched in horror as six hundred young women, some as young as thirteen, were trapped by the fire in the upper floors of the factory.¹⁷ One hundred and forty-six women died in the fire; many jumped to their deaths to escape the flames and others perished in stairwells and elevator shafts. Once the flames were extinguished, others were found piled near the doorways that had been kept locked.¹⁸

The deaths stimulated a concern by officials over factory safety. Consequently, New York City formed the Committee on Safety.¹⁹ Because of her experience in the field, the Committee hired Perkins and appointed her its executive secretary in 1912.

While on the Committee, Perkins became an expert on factory safety, an expertise she on which drew throughout her career.²⁰ In Albany, Perkins, along with State Senators Robert Wagner and Al Smith, successfully urged the state legislature to create a New York State Factory Commission.²¹ The Commission appointed Perkins its director of investigations. In that role, Perkins led Commission investigators and members to sites where they viewed first-hand the deplorable conditions of working women and children.²² These surprise visits uncovered widespread violations of the child labor

15. *See id.* at 84-90.

16. *See id.* at 84-85. Perkins later called the incident a "never-to-be-forgotten reminder why I had to spend my life fighting conditions that would permit such a tragedy." *See, e.g., Workers' Plight Was Perkins' Priority* (visited June 3, 1999) <<http://www.naswdc.org/PiecesNASW/perkins.htm>>.

17. *See* MARTIN, *supra* note 4, at 84-86.

18. Ironically, one year earlier, workers from the company went on strike, as members of the Garment Worker Union, seeking more sanitary and safer working conditions, including unlocked doors and sufficient fire escapes. The factory responded by locking out the strikers and hiring replacements — the same young women who died in the fire.

Tragically, the factory owners were not held responsible legally. The factory owners collected \$64,925 from their insurance company for property damage in the lawsuit filed after the fire. Almost three years to the day of the fire, the owner of the building, Joseph J. Asch, settled with the twenty-three individual suits for lives lost in the fire, at a rate of \$75 per life. *See id.*, at 86.

19. *See id.* at 88.

20. *See id.* at 103-121.

21. *See id.* State Senators Wagner and Smith served as co-chairs of the investigating commission of the New York State Factory Commission.

22. Perkins once said: "No one except the man who has been exposed to noxious gasses, dust, and fumes in a factory really knows what the dangers of factory life can be." *Bio of Frances Perkins by SSA* (visited June 3, 1999) <<http://www.ssa.gov/history/fperkins.html>>.

laws. Investigators often caught employers who denied hiring young children trying to hide them when they arrived. Both Senators Wagner and Smith, based on their observations during these surprise visits, became vigorous advocates for new labor and welfare legislation.

The Commission soon proposed, and the New York State legislature passed, a broad range of remedial legislation. Moreover, due to her assistance, the Commission recommended reforms that resulted in the passage of thirty-five laws in just two years.²³ Although Perkins spent most of her time directing the Safety Committee's work in New York, she made frequent trips to Albany and elsewhere in New York State on behalf of the Factory Commission. During this period, there were no federal laws regulating labor, industrial standards of health and safety or welfare. As a result, New York's legislation resulting from Perkins' investigations eventually became the model for federal law on these subjects.

In 1918, Perkins' colleague from the Factory Commission, Al Smith, became the governor of New York. He immediately appointed Perkins as a member of the New York State Industrial Commission.²⁴ From this post, Perkins served as the de facto head of the state labor department. In 1929, after Al Smith unsuccessfully ran for president, New York's new governor, Franklin Delano Roosevelt, officially conferred this title on Perkins, immediately naming her the New York State Industrial Commissioner, a post she held until 1933.²⁵

III. Madame Secretary

When Franklin Roosevelt became president in 1933, he took Perkins to Washington with him as his Secretary of Labor, making her the first woman to hold a cabinet post.²⁶ As a member of the Cabinet, Perkins instituted dramatic changes. During her first hundred days in office, in addition to reorganizing the Labor Department and increasing its efficiency and effectiveness, she oversaw the creation of a number of programs to provide immediate relief to desperate citizens unable to find work. These included the Civil-

23. See, e.g., *Workers' Plight Was Perkins' Priority* (visited June 3, 1999) <<http://www.naswdc.org/PiecesNASW/perkins.htm>>.

24. See MARTIN, *supra* note 4, at 144.

25. See *id.* at 206. While serving in that capacity, Perkins was largely responsible for expanding New York state's employment services, data-gathering operations and investigating of factories. See, e.g., *Workers' Plight Was Perkins' Priority* (visited June 3, 1999) <<http://www.naswdc.org/PiecesNASW/perkins.htm>>.

26. See MARTIN, *supra* note 4, at 242.

ian Conservation Corps and the Federal Emergency Relief Administration.²⁷ Congress enacted the Fair Labor Standards Act of 1938 and the National Labor Relations Act also due to Perkins' unflagging efforts to protect labor organizations and make minimum wage, maximum hour and child labor laws a national concern.²⁸ To Frances Perkins, however, the highlight of her career came in 1935 with the passage of the Social Security Act.²⁹ This Act changed the economic and social structure of American life by assuring benefits for those retired, unable to work and temporarily unemployed.³⁰

Conclusion

Over the course of her illustrious career, Frances Perkins changed the urban American landscape with her visions of fair, safe and humane working conditions. When she died in 1965, Perkins left a legacy of labor reform. To publicly minded women, she left a special legacy — an inspirational lifetime of personal success, based entirely upon her unfailingly exemplary performance without regard to her gender. That is why Frances Perkins was the person most influential to the development of urban America in the twentieth century.

27. *See id.* at 249 (Civilian Conservation Corps); *id.* at 257-58 (Federal Emergency Relief Administration).

28. *See id.* at 387-95 (Fair Labor Standards Act), 381-86 (National Labor Relations Act).

29. *See id.* at 340-56.

30. Interestingly, Perkins doubted the constitutionality of the new Social Security scheme. As she grew worried over the fate of the proposed legislation during the closing days of 1934. As fate would have it, she attended an afternoon tea party held by then-Associate Justice of the Supreme Court, Harlan F. Stone. At one point during that afternoon Perkins found herself seated next to Justice Stone and, during their small talk, he inquired as to the progress of her proposed Social Security bill. She explained her concerns over the constitutionality of the proposed law, to which he whispered, "the taxing power of the Federal Government, my dear, the taxing power. You can do anything under the taxing power." Three years later, the Supreme Court upheld the constitutionality of the Social Security Act of 1935 under the federal taxing power. *See Frances Perkins, The Roots of Social Security* (speech delivered at the Social Security Administration Headquarters, Baltimore, Maryland, Oct. 23, 1962) reprinted in *Essay by Frances Perkins* (visited June 3, 1999) <<http://199.173.225.3/history/perkins5.html>>.