

News Article, State May Limit Woman's Work

By The Oregonian

This *Oregonian* article announced the United States Supreme Court's opinion in the *Muller v. Oregon* case. It described the Court's decision to uphold an Oregon state law that forbade employers in mechanical establishments, factories, or laundries to work their female employees longer than ten hours in one day. The Court's opinion that women required legislative protection that men did not reflected contemporary ideas regarding differences between men and women.

Oregon v. Muller originated in September 1905 when Portland laundry owner Curt Muller was arrested for requiring employee Emma Gotcher to work more than the ten-hour daily limit. That year the Supreme Court, in *Lochner v. New York*, ruled that a state could not interfere with contracts between employers and employees when health, public safety, or morals were not at stake. With financial backing from the Laundryowners' Association, Muller appealed his conviction to the Oregon Supreme Court and later to the United States Supreme Court on the grounds that the law discriminated against women by interfering with their right to negotiate contracts with employers.

The social reformers of the National Consumers' League were very concerned about the outcome of the cases, as the group was among the nation's most outspoken in favor of protective legislation for women. The organization's leader, Florence Kelley, had originally favored gender-neutral legislation; however, after *Lochner v. New York*, she thought it best to take a gendered approach. Like most contemporary social reformers, Consumer League members thought a woman's potential to be a mother differentiated her from male laborers and thus called for extra protection. The organization helped the State of Oregon secure the services of a prominent lawyer, Louis Brandeis, who set out to convince the Court that limiting women's work hours was a matter of health and public safety.

The opinion of the Court reflected Brandeis' rationale. Justice Brewer wrote, "...as healthy mothers are essential to vigorous offspring, to preserve the strength and vigor of the race, the physical wellbeing of women becomes an object of public interest and care." As *Muller* historian Nancy Woloeh noted, contemporaries viewed the Brewer opinion as "altruistic, humane, and democratic" because it honored motherhood and sought to improve conditions for working class women.

Further Reading: Dilg, Janice. "'By Proceeding in an Orderly and Lawful Manner': Protective Legislation, Working Women, and Progressive Politics, 1913-1924." Master's thesis, Portland State University, 2005.

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