

[Bonus] AFD Ep 365 Links and Notes - The Adamson Act of 1916 (Rail Hours Legislation)
[Bill/Rachel] - Recording April 13

- https://en.wikipedia.org/wiki/Adamson_Act
- Intro
 - This week's topic is about one of the earliest successful and enduring federal laws on working conditions and minimum standards. We've talked a lot on this show about the complex and often short-lived legacy of progressive worker protection legislation under President Woodrow Wilson and his Labor Secretary William B. Wilson.
[\[http://arsenalfordemocracy.com/2020/12/01/nov-29-2020-william-b-wilson-first-labor-secretary-arsenal-for-democracy-ep-335/\]](http://arsenalfordemocracy.com/2020/12/01/nov-29-2020-william-b-wilson-first-labor-secretary-arsenal-for-democracy-ep-335/) Many of these new laws were either overturned by the courts, thrown out with the start of World War I, or only existed during World War I for about a year and a half or less. For example, literally a couple days before the Adamson Act we'll be talking about today, the [Keating-Owen Act](#) was passed. Keating-Owen was supposed to have established the Labor Department's authority to make surprise inspections of mines and factories and other work sites for the purposes of restricting the use of children as workers for companies doing interstate commerce, but the Supreme Court struck it down 5 to 4 in June 1917 in *Hammer v. Dagenhart* as part of the Lochner Era. As we noted in episode 335, had the law survived, it would have banned interstate sale of goods by companies employing children at night or for more than 8 hours of the day, or employing children under 14, or in the case of mines children under 16.
 - By contrast, today's topic, the Adamson Act, was passed about seven months before the US entered World War I, took effect in January 1917, and then actually survived a March 1917 Supreme Court ruling and survived the war, and remained in effect for railroad workers until 1996.
- What was the Adamson Act and why did it happen?
 - The Adamson Act, also known as the Eight-Hour Workday Act, was emergency Congressional legislation on the hours and wages of interstate commercial railroad workers, requested by the Wilson Administration to avert a nationwide general strike after failed attempts at voluntary arbitration or other voluntary federal mediation. The act mandated by law most of the demands of the rail worker brotherhood unions (mostly for an 8 hour work day) when the railroad owners absolutely refused to negotiate or submit to the mediation efforts of Wilson himself. (Citation: *History of the Illinois Central Railroad* by John F. Stover, 1975, Macmillan Publishing)
 - The Adamson Act was consistent with Wilson's overall strategy of supplanting industrial-labor negotiations with fixed, written laws – I think we did an episode around 2015 on this point and talked about the post-WWI International Labor Organization – but he also used Adamson specifically as an alternative compromise vs his mid-1916 threat to nationalize the railroads, although he actually ended up doing that in December 1917 anyway during the war, as we discussed in our specific 2018 episode on the US Railroad Administration.
[\[http://arsenalfordemocracy.com/2018/05/08/may-8-2018-arsenal-for-democracy-ep-224/\]](http://arsenalfordemocracy.com/2018/05/08/may-8-2018-arsenal-for-democracy-ep-224/)
 - LET'S TALK ABOUT LAW VS NEGOTIATION
 - See also: ILO and the Paris Peace Conference (plus non-communist trade-unionist talks in Bern Switzerland):
https://en.wikipedia.org/wiki/International_Labour_Organization#O

[rigins](#) The US didn't actually join the ILO due to rejecting the League of Nations in the US Senate

- How did it survive the Supreme Court?
 - The US Supreme Court upheld the law in March 1917 in *Wilson v. New* [<https://supreme.justia.com/cases/federal/us/243/332/>] on fairly narrow and flimsy pretexts, but that kept it alive, although they would probably have been surprised to find it surviving into the 1990s. (We're going to quote bits here from the syllabus accompanying the opinion, rather than quoting from the lengthy full decision itself.) The Court argued that Congress had acted in emergency circumstances to avert a nationwide "calamity" of a brewing general strike because the workers and owners had been unwilling to reach an agreement without the intervention of Congress. (One wonders if child miners had been heavily unionized whether they could have threatened such a calamity to uphold Keating-Owen as constitutional in the same session.) With the Adamson Act, the Court was willing to entertain the possibility, unusual at the time as we'll discuss in a moment, that Congress did actually have substantial constitutional power to regulate interstate commerce, but claimed that this was limited in its "extent" by the "nature" of the type of commerce and the "appropriateness of means" (which they believed was fine in this case because the emergency conditions were some kind of constitutional trigger to access full constitutional powers that might otherwise be constrained) – this seems like a bizarre view to take, given that the constitution doesn't in any way specify any kind of restrictions on Congressional authority "To regulate Commerce with foreign Nations, and among the several States." (One of the dissenting opinions even claims that Congress lacks this power because the constitutional framers couldn't have imagined commerce in 20th century terms.) The Court argues in their decision in 1917 that the Adamson Act was only "permissible" because it was an "essential" regulation "for the protection of the public right" since either a general strike or a nationwide lockout would have affected the general public's interstate commerce activities.
 - This ruling is a somewhat of a departure from the Lochner-era philosophy, in which the Court struck down state and federal laws that sought to regulate business (e.g. minimum wage, federal child labor laws [as mentioned above], regulations of the banking, transportation, and insurance industries). Although the Court mainly wanted to keep the markets free, exceptions were made for the "safety, health, morals, and general welfare of the public." The threat to the public interest was so great that Congress did have the power to intervene to prevent a labor dispute.