Congresswoman Mary T. Norton: Matriarch of the Living Wage

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June 12, 2004
Introduction and Biographical Background

[I] wouldn’t be happy leading the then traditional useless life of a young girl marking time until her wedding day.¹

Mary Norton was a savvy and determined politician and a staunch member of the Democratic Party, who liked to think of herself as a champion for working class men and women. She was born Mary Teresa Hopkins on March 7, 1875 in Jersey City, New Jersey.² Mary Norton served her New Jersey district for twenty-six years and thirteen successive terms in Congress, from 1925 to 1951. She was the first Democratic woman ever elected to Congress, the first woman elected to Congress from a district East of the Mississippi, the first woman to serve as a state party chair, the first woman to chair a national party Platform Committee, and the first member of Congress – male or female – to chair three committees.³ As chair of the Labor Committee, she oversaw the passage of the Fair Labor Standards Act of 1938 (FLSA) in the House.⁴ Norton has said of FLSA, “I’m prouder of getting that bill through the house than anything else I’ve done in my life”⁵

It is somewhat surprising that this woman of many firsts was so successful in politics at the time; she was elected independently and no man in her family was involved in politics. Congresswoman Norton was the daughter of Irish immigrants, Marie Shea and Thomas Hopkins.⁶ The family was working class, her father a railroad and

³ Karen Foerstel, BIOGRAPHICAL DICTIONARY OF CONGRESSIONAL WOMEN 207 (1999)
⁴ Id.
⁵ Mary T. Norton, Madame Congresswoman at 159 (undated) (unpublished manuscript of autobiography, on file with the Alexander Library at Rutgers University) (hereinafter “Madame Congresswoman”). See also, FOERSTEL at 208.
⁶ Id.
construction worker, her mother a governess before marriage and a homemaker. Mary Norton’s mother, “was always sewing, for she made all our clothes [and while rocking Mary’s younger siblings in a cradle, she would tell Mary] about her home in far-off Ireland, of the mother, sisters, and brothers she had left there when she came to America to help support them and bring them here to the land she loved.”

Mary was the second of four Hopkins children to survive. She was three weeks old when she moved from her first home into one her father built because, “Mother was afraid of that [former] house and wanted desperately to move from it before I was born...between the time my brother Jim was born there [1868] and I was expected, three little coffins had been carried from the house.” After Mary’s birth in 1875, Marie gave birth to Anne in 1877 and Loretta in 1880. The Hopkins family lived on the second floor of a three-story frame house in a Jersey City neighborhood of homeowners, and rented the other two floors to pay their mortgage.

Norton admired her older brother, but suffered for the sacrifices her family made to promote his success at the expense of hers. She understood this situation as typical and unavoidable:

Naturally, Jim, because of his age and because of his sex, was treated entirely differently to the rest of us. Typical of the old school Irish woman, mother thought the oldest son was a thing apart – especially as he was the only one – and cared much more intensely about his education and upbringing than she did about us
girls. Of course, her greatest ambition for him was that he become a priest."\footnote{id13}

Mary only attended Catholic school in Jersey City until age twelve, when her family chose to devote their resources to educating her brother for the priesthood.\footnote{id14} Throughout her life, Mary Norton hid the fact that her formal education ended so early.\footnote{id15} After a long and accomplished life of public service, she still felt deep regret and shame for perpetuating this untruth about her education. In a draft of her autobiography, Norton wrote a sort of confession:

\begin{quote}
I suppose at 85, with an abundantly full life in back of me, I have finally acquired the wisdom to disregard non-essentials and instead devoutly and earnestly thank God for the many gifts he gave me which made me intuitively able to serve Him and my country with a certain amount of success. I am sure that everyone who lacks formal education feels this lack deeply and like I, try to conceal it from the public. I hope that this story of my life will bring to them the same realization it has me finally, that the proper use of God’s gifts to us is all that is important.\footnote{id16}
\end{quote}

However, this confession was not included in the final manuscript she sent for publication and no publication reported her lack of education during her lifetime.\footnote{id17} Despite the family’s preference for Jim’s education, Norton believed that her mother, Marie, “sense[d] my hunger for further education,”\footnote{id18} and was deeply troubled that the family could not afford to send her to school. “Norton felt that her mother knew her daughter ‘wouldn’t be happy leading the then traditional useless life of a young girl

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\begin{itemize}
\item Id. at 14.
\item Data Checklist for The New Jersey Women Project on file with author.
\item Quoted in Rees History Paper at 4.
\item Rees History Paper at 4.
\item Id.
\end{itemize}
marking time until her wedding day.'"¹⁹ Her mother sent Mary to live with a cousin of hers in New York City so that Mary could enroll at Cooper Union to study telegraphy at no charge.²⁰

When she graduated from Cooper Union at age 15, Mary moved alone to Mt. Carmel, Pennsylvania, to work as a telegraph operator. Her family was reluctant to let her go, "it was a grave risk and one they took only after an exchange of correspondence with the priest in Mt. Carmel [Pennsylvania] who found me a home with a lovely young couple and who also promised to watch out for me himself."²¹ There is little known about this period of Norton's life because she never publicized it; doing so would have revealed that she was not in school at the time. Nevertheless, after her retirement from Congress, she reflected privately on her time working in Pennsylvania as an inspiration for her efforts to improve labor conditions. In a draft of her autobiography, Norton wrote, "I have seen a coal mine, I have been in one and I have lived with the hopes and fears of mines. I had lived in the home of a mine owner, I had taken telegraph messages from them designed not for my eyes… I got to know them well. When life led later into the Labor Committee….and legislation for working conditions of miners was a major concern, I knew the language they spoke and the thoughts in their minds."²²

Norton had no resentment towards her elder brother despite the opportunities he gained because of his sex. She wrote, "From the time I can remember anything at all, my

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¹⁹ Id. quoting Mary Norton.
²⁰ Rees History Paper at 4-5. See http://www.cooper.edu/administration/about/history.html. Cooper "thought children of immigrants and the working class deserved access to education. Believing that education should be ‘as free as water and air’ [he] …spent the last 30 years of his life creating and nurturing a school for the ‘boys and girls of this city, who had no better opportunity than I.’ As one of the first colleges to offer a free education to working-class children and to women, Cooper Union was a pioneer long before access to education became public policy."
²¹ Rees History Paper at 6.
²² Id.
brother played a very important part in my life…I was terribly proud of him…As a child, I used to try to imitate him, and his approval meant everything to me. …He was a brilliant student and was graduated from college when he was only 19.” Although Jim had a law degree, and had been admitted to the bar in New Jersey and New York, he chose teaching as his profession and became principal of the Jersey City High School at the age of 29.23 When Jim died in 1923,24 it had a profound impact on Mary Norton; “[t]he love and admiration [she] had as a little girl for [her] handsome big brother developed as [they] grew older into one of the finest relationships [Norton] ever had with anyone.”25 She almost withdrew from her campaign for county freeholder when Jim died because she was so distraught. In his last illness, Jim had encouraged her to try for the position, saying she would fit in there, but would be better off in Congress.26

Mary Norton’s mother died when Mary was seventeen, in 1892, leaving Mary in charge of the home.27 “Mother’s death was a terrific shock…I was now the housekeeper and kept very busy. Fortunately, I liked to cook and with the help of a woman who did the washing, ironing and cleaning was able to manage all right. But I was very lonesome.”28 Her father remarried four years later to a woman that Norton and her siblings did not like. Jim was grown and married by this time and Mary was at home with her sisters, her father, and her new stepmother. “She was jealous of us and our relationship to [our father]. We lived at home for a time but it was far from pleasant. It must have been very hard on our father to be in the middle of this feminine war and to

23 Draft manuscript at 12-13.
24 Id.
25 Draft manuscript at 12.
26 Id.
27 Data sheet.
28 Draft manuscript, handwritten notes.
have divided loyalties. [F]inally I had a real row with Mrs. H (as we unaffectionately referred to her) and left home to go to Jim’s…. Retta and Ann were stoically behind me…"

Mary and her sisters soon got jobs as secretaries in New York City and moved from her brother’s home to an apartment in Greenwich Village. The years spent away from home gave Mary a sense of independence that she enjoyed. “Being together, independent and free from a stepmother’s criticisms meant more to us than living in our father’s home and having our bills paid. Perhaps this experience laid the foundation of much that has come to be a part of my life. It certainly did teach all three of us self-reliance…. My sisters and I found life as independent young businesswomen pleasant and exhilarating. We went out a good deal, to the theater and concerts.” However, this independent and carefree existence ended when she and Retta both met their husbands and moved out of the apartment the sisters shared.

Mary Teresa Hopkins was probably pregnant when she married Robert Norton on April 21, 1909, at St. Joseph’s Roman Catholic Church in Jersey City. Her only child, Robert Francis, Jr., was born five months later in September of 1910 and died shortly after birth. This loss sent Norton into deep despair. “When my only child, a son, died in infancy, the bottom dropped out of my world for a time.” However, Mary Norton often described this personal loss as a catalyst for her entry into public life. “It is a fact that circumstances over which we have no control often shape our lives. It was certainly

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29 Handwritten biographical notes on manuscript not in Norton’s handwriting.
30 Draft manuscript at 15.
31 Id.
32 Data sheet.
33 Id. Although it is possible that he was born premature, this fact is nowhere mentioned in Norton’s discussions of her infant son’s death.
34 Madame Congresswoman at 22.
true in my case. [N]either my husband nor any member of my family ever held a political position. I doubt if I would have departed from the family tradition, had I not lost my only child."  

About this time, the women in Norton’s church began a nursery to care for the children of working women in the parish. Norton was reluctant to work with children at first because of her own loss. "It was a shock from which I did not recover for a long time. I shut myself up in my home and led the life of a recluse for months, bitterly resentful," Norton wrote.  

Although, "[s]ome of my friends tried to get me interested in the beginning… it was many months before I finally visited the nursery. When I did get interested, I gave my whole heart to the work, and in it I found the consolation and peace of mind I needed so much," Norton remembered. The nursery incorporated into the Queen’s Daughters Day Nursery and Norton soon became the president.  

She must have had extraordinary natural leadership talents because when World War I began, Norton’s church leaders chose her to organize a Red Cross workroom in the basement of the church. "But I don’t know how to sew or knit,‘ I protested. [Monsignor Smyth] laughed. ‘You don’t have to,’ he said, ‘I want you to boss the job. There are plenty of women who know how to sew and knit, but we are going to need someone to run this thing. I think you are the woman who can do it.‘"  

When the workroom opened, Norton managed a staff of 200 women. As the War progressed, demand grew for childcare, especially in the factory district of Jersey city. Norton solicited the factories for contributions towards the down payment on a new property needed for a larger nursery and raised $3,000 in one day. As the demand for women workers...
increased during the war, the nursery needed more money and Norton decided to solicit Jersey City mayor, Frank Hague for additional support. He advised her that she would need to take her request to the Board of Commissioners. Hague supported her at the Board meeting and she got the appropriation she requested. "I heard later – many years later – that we could have had a thousand, had I asked for it. But how was I to know that? The $100 per month was voted unanimously."

Norton’s Early Political Career

*During my entire political life, Frank Hague... has been given credit for directing my work in politics. [H]aving confidence in myself, I knew the record I hoped to make in Congress would prove how wrong the reports were....*  

Jersey City Mayor Frank Hague was impressed with Norton’s work for the nurseries and her public speaking ability. When women won the vote, he decided to enlist her help to recruit women in New Jersey to the state Democratic Party. In 1920, Hague told her she was to represent Hudson County in the State Democratic Committee. She said thank you, no. "But Hague had already called a monster meeting of all women in Jersey City and publicly announced that the impresario of the day nursery would be its chairman. Under the circumstances, it would have been difficult to continue refusing."  

Although Norton always acknowledged that the notorious political boss, Hague, had induced her to enter the political arena, she resented the popular misconception that she was merely his puppet:

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40 Draft manuscript at 27-30.  
41 Draft manuscript no page number (from Box 5, series 5 of Norton’s papers at Alexander Library).  
43 Id.
It is a fact that he was completely responsible for getting me interested in politics and making me realize the importance of politics in everyday life... [But] people who never knew anything about me, nor why Frank Hague was so anxious to enlist me in politics when women got the vote, thought I was a sort of front for him. ...I was often referred to in the Press as being “Frank Hague’s front woman.” Politics is a strange business. Had I taken exception to the press, nobody, who didn’t know me before I became immersed in politics, would have believed the reports were not true. I had sense enough to understand this, and paid no attention to what was said.44

From 1920 to 1923, Norton traveled around New Jersey organizing women for the Democratic Party. She sometimes arrived at a speaking engagement meant to organize a local women’s democratic club and found only a hostile audience of men. At one local meeting where no women showed up she confronted the men directly to get them to explain why. “Where are your women? This was supposed to be a meeting for women.” A man stood up and told her, “Our women are home, looking after their children – where you ought to be.” Norton “really saw red for an instant,” and replied, “How very, very fortunate they are to have children! [T]hat privilege has been denied me. If I had children, I’d certainly be at home with them now if they needed me. But since I haven’t, I am here to talk to you about a new responsibility that has been given women.”45 When she finished, the leader stood up and publicly apologized.46 A new date was set for the women’s meeting. “I went back, and the women’s organization we formed turned out to be one of the best in the state.”47

It is not clear whether Norton truly felt that her first duties would have been to stay at home if she had children herself. Nevertheless, her instinctive reaction against the

44 Draft manuscript no page number (from Box 5, series 5 of Norton’s papers at Alexander Library).
45 Madame Congresswoman at 46.
46 Id.
47 Id.
suggestion that she was in dereliction of her womanly duties gave her new authority as a female political leader. In fact, one must attribute part of Norton's continued success throughout her career to the respect she paid to traditional gender roles. She was successfully at organizing women in part because she did not present a direct threat to empowered men, but rather sought to work with them. It was a reasonable strategy for organizing women at a time when many of them in her state “vote[d] on the sly... to escape the wrath of an old-fashioned, domineering, husband.”

For many women, any participation in politics, such as voting, was a direct challenge to their husbands’ authority. Norton’s job was to turn these women into Democratic Party loyalists.

In 1923, Norton was elected the first Democratic woman freeholder in New Jersey on the Hudson County Board of Freeholders. She almost withdrew her candidacy when her brother died on August 17 of that year. However, Mayor Hague encouraged her to continue, convincing her that she had a unique opportunity to make a career in politics. Although Hague continued to be an important element of her success, as he was for all Democrats in the State, it was her own ambition that drove Norton on. During her time as a freeholder, she worked with Hague to “successfully [obtain] Board approval of the construction of a maternity hospital in Jersey City [at a time when] the infant mortality rate in Hudson County was 212 per 1000 births.”

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49 Counties in NJ are governed and managed by a Board of Chosen Freeholders. “[In] New Jersey ... elected county officials are called ‘freeholders.’ ...The term ‘freeholder’ is a carryover from colonial days, when only property owners - then known as freeholders - were entitled to vote, and one freeholder represented each municipality. Eventually, the number of freeholders in each county was reduced by statute and is now determined by referendum, and cannot exceed nine members... The position of Freeholder is considered part-time...” [http://www.co.somerset.nj.us/freeholder.htm](http://www.co.somerset.nj.us/freeholder.htm)
50 Id. at 49.
51 Jersey City Past and Present at [http://www.njcu.edu/programs/jchistory/Pages/N_Pages/Norton_Mary.htm](http://www.njcu.edu/programs/jchistory/Pages/N_Pages/Norton_Mary.htm).
sought and won the Democratic nomination for Congress. "It threatened to be a Republican year, even in Democratic Hudson, but Norton credits women with continually urging her to move ahead. Women recalled to her the campaigns of 1922 and how she had traveled throughout the county and state in support of many candidates. Now her 'gang' [of women she worked with at the nursery] insisted that [she] do a bit of stumping for [herself]."  

That fall, as Vice-chair of the Democratic State Committee, she campaigned for her own election to the House of Representatives as well as for the entire state ticket. "Having organized women in most counties, she knew the state well." On the evening of the election, November 5, 1924, Norton ate dinner prepared by her cook, Sarah, with about nine friends and relatives, including her sisters, as they listened to the returns on the radio at her home. 

Needless to say, I was nervous and Bob was more nervous than I. Although he hadn’t been pleased about my getting into politics, once I had, he wanted me to win. I’m sure he must have smoked at least a dozen cigars that night... I can remember the room being blue with smoke.... Radios had a long way to go in those days, and the static was terrible [, which] did not help my nervousness.... Also, as it was a Presidential election, the fact that Mary T. Norton was running for Congress from the 12th Congressional District in New Jersey was not the important fact that I thought it was, even though I was the first woman to be nominated under the Universal Suffrage Act. It was indeed a long hard night and almost midnight before the announcement came. When it did come, I guess I was happy. I know that I was afraid.  

**First Terms in Congress**

*It is so easy for women to be swept away by their emotions. And it is so easy to touch their emotions in the first place... And for these very reasons, it is important that*

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52 Mitchell at 379-80.
53 Mitchell at 380.
54 Madame Congresswoman, Chapter IV p. 1-2.
the women who are in positions of influence should be doubly careful, and even more, not to let their feminine sensibilities run away with them.\textsuperscript{55}


Being a committed Democrat who had attended the National Convention the previous summer and who had been campaigning all over the state for Democrats, Norton had mixed emotions about winning in an overwhelmingly Republican year. “On that sad day in November, 1924, I was one of fewer than a hundred Democrats elected Congress. I cannot say that I derived much satisfaction from it at the time. I was too disappointed and heartsick over the rest of the picture.”\textsuperscript{56} Despite this disappointment, Norton began her national career with the same energy and personality that had made her successful in New Jersey. Mary Norton’s matter-of-fact feminism defined her Congressional career from the start. The morning after the election, when press photographers bombarded her home, she thought, “some of the things they wanted me to do were utterly ridiculous. One man wanted me to pose at the kitchen range holding a frying pan. I was very proud of being a good cook but for the life of me I couldn’t see what a frying pan had to do with being a good congressman,” so she refused to pose for him.\textsuperscript{57}

When Norton came to Congress, she had no specific legislative agenda, but “wanted above all to justify the confidence of the people who elected [her] – to give them the highest type of service [she] was capable of giving and to prove that the Democratic Party had not erred in espousing its first woman representative in Congress.”\textsuperscript{58} Mary

\textsuperscript{55} Marion Clyde McCarroll, \textit{Did She Know Or Just Feel?}, NEW YORK EVENING POST, (month and day unknown) 1932 (page unknown)(on file with author).
\textsuperscript{56} Madame Congresswoman at 56.
\textsuperscript{57} Draft manuscript Chapter IV p. 2.
\textsuperscript{58} Helen F. Meagher, \textit{Through the Door of Welfare to Congress}, WOMAN'S VOICE, April 1931.
Norton moved to Washington, D.C. and lived with her nieces there throughout her career. Her husband remained in Jersey City.\textsuperscript{59} There is little record of their relationship and it is not clear whether there was love between them. However, in her unpublished autobiography she wrote dispassionately of his memory: "[My husband] was a most understanding and wonderful person. I think he really disliked politics, but he was always a real help to me in my work. He had excellent judgment and gave me good, sound advice, valuable in helping me to make decisions... I have greatly missed his calm appraisal of things that had to do with my work and the knowledge that, whether I was right or wrong, whatever mistakes I made, I could count on him completely."\textsuperscript{60} In a draft of the manuscript, Norton indicated that her career had drawn her away from a deep connection with her husband. Robert died about ten years after her election to the House, on June 17, 1934. "He had been ill a long time," Norton wrote, "and I have always been grateful that when the break came I was leading a very busy life and had little opportunity to engage in grief."\textsuperscript{61}

Looking back on her life, Mary Norton remembered fondly her reception in Congress on her first day. "'How did you get to be elected in this Republican year [?]’ speaker Longworth asked with a nice friendly smile and handclasp,"\textsuperscript{62} Mary Norton recalled some years later. In fact, in 1924 when Norton was first elected to Congress, it was a "Republican" year for her county, Hudson County, NJ, as well as for the rest of the

\textsuperscript{60} Draft manuscript at 20-21.
\textsuperscript{61} Draft manuscript at 20. In an interesting commentary on what emotions it was appropriate for Norton to convey in her autobiography, an unknown editor crossed out this sentence from the draft and then wrote in the margin, "How did you meet?"
\textsuperscript{62} Handwritten notes for autobiography on file at Alexander Library. Recollection of first day in House, March 4, 1925.
country. Mary Norton was elected independently by a margin of about 18,500 votes over her Republican opponent, and was popular with her constituents in Central New Jersey, many of whom were working-class and Roman Catholic. From her first day in Washington, Congresswoman Norton insisted on a feminism of equality for herself, "[s]he wanted to be 'considered as a worker and a person rather than as a woman.'" During her early years in Congress, Norton supported direct representation for the District of Columbia, an end to Prohibition, and the right of all women to equal treatment under the immigration laws. She introduced the first bill for repeal of the 18th Amendment (the Volstead Prohibition Amendment) and was an ardent supporter of the Democratic Party. In 1926, Norton explained that she was a Democrat because:

I am a believer in the Thomas Jefferson doctrine of government as opposed to that espoused by Alexander Hamilton. The Hamilton or Republican theory is that we should help the rich and powerful to become more prosperous, that this prosperity will filter down through all classes of society. The Jefferson or Democratic theory is that if we make the average citizen prosperous, that prosperity will spread and permeate the whole of our citizenship....[The Democratic Party's] doctrine of equal rights is as pertinent to-day as yesterday and will be to-morrow....The Democratic Party has ever been the champions of liberty, justice, and equality. It trusts the people and believes in government by the people and not by any one class.

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63 Mitchell at 379; Republicans Retain Grip on Congress, N.Y. TIMES, Nov. 6, 1924 at 1.
67 Mitchell at 379.
68 Id. at 373.
70 Representative Mary T. Norton, "Why I am a Democrat" and "Why Women Should Vote" radio address (March 27, 1926) in 69 CONG. REC. (April 1, 1926) (Extension of Remarks). Perhaps Norton's own belief in racial quality and in the Democratic Party led her to reject the deep-seated racism of Southern Democrats as inauthentic expressions of Democratic ideals. She certainly would have her own run-ins with
However, Norton was not a modern liberal Democrat. For example, she was deeply opposed to birth control. In 1931, she spoke out against the Gillette Bill introduced in the Senate, which would have protected dissemination of information about birth control. In a speech before a hearing on the bill at the Senate Judiciary Committee, Norton advocated the virtues of having large families to rebut Margaret Sanger’s proposition that working class women are burdened by poverty because they have to care for too many children. “You have only to search the records and you will find throughout the world that the happiest family is the large one,” Norton said, “In this class you will discover fewer divorces, greater contentment, more normal conditions mentally and physically. You will also find that many world leaders come from the ranks of the large family.” She continued, “The dissemination of birth-control literature would be unnecessary if men and women would practice self-control.” Norton then went on to mischaracterize the size of her own family saying she was “one of a family of eight,” when in fact she had only three siblings, although her mother had three additional children who died in very early infancy, whom she was perhaps referring to. Norton also insisted on the significance of the fact that “medical men of the country,” opposed the bill. Norton’s opposition to Sanger was important politically, because of Sanger’s claims that birth control was important for poor women. Norton identified

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71 Congressional Digest, Vol.10, April, 1931, p.106.
74 Id.
75 Id.
76 Id.
herself with the interests of working class women and thus the public would not perceive her refutation of Sanger as anti-woman or anti-worker.

In addition to having a certain authority as a woman, Norton also had a certain lack of authority in Congress as a woman. Norton had to face down the chauvinism of her male colleagues during her early years in Congress. One of Norton’s first acts in Congress was to get a large appropriation to build New Jersey’s first veterans’ hospital.\(^{77}\) The money had already been practically set aside for a hospital in Pennsylvania when Norton joined the Veteran’s Committee. However, Pennsylvania already had two veterans’ hospitals and New Jersey had none.\(^{78}\) Norton’s constituents were pushing hard for a hospital in New Jersey. So she accumulated data to make her case to the Committee Members that New Jersey had more need for the hospital than Pennsylvania did. The Chair of the Veteran’s Committee was a Republican, Royal Johnson, and was presiding over a subcommittee’s consideration of the appropriation.\(^{79}\) At the meeting, he recognized Norton and allowed her to make her case for New Jersey and then make a motion to split the $3,500,000 between Pennsylvania and New Jersey. Surprisingly, the motion carried almost unanimously. However, reading the newspaper that Sunday, Norton realized her male colleagues had tricked her.\(^{80}\) The published report of the committee meeting recommending how the House should spend the appropriation money would not mention anything about funding a hospital in New Jersey, she learned.\(^{81}\) She went to Luce, the chair of the relevant Subcommittee, and demanded to see a copy of the


\(^{78}\) Id.

\(^{79}\) Draft manuscript at 34.

\(^{80}\) *Committee Makes Polite Gesture to Lady Member*, NEWARK SUNDAY CALL (date and page unknown).

\(^{81}\) Draft manuscript at 35-36.
Committee Report.\textsuperscript{82} Norton saw nothing about her motion and asked the Clerk for the minutes of the meeting.\textsuperscript{83} The Clerk reported that there were no minutes, because no one had specifically requested that minutes be reported.\textsuperscript{84} Norton was furious “I might be a woman, I thought, but they are not going to put this over me. After all, I was not the only person present that day. Someone else must remember my motion.”\textsuperscript{85} Norton then went down to the House floor and spoke to every member of the New Jersey delegation, most of who were Republicans, and organized a meeting in her office to strategize.\textsuperscript{86} Soon after the meeting started, the Clerk of the Committee called Norton’s office and announced that there would be a Committee meeting the next day.\textsuperscript{87} Luce and other Republican leaders had likely learned that Norton was not going to give up easily because she was organizing her entire state delegation against him. Norton was recognized to speak first at the Committee meeting. She demanded that the Committee Members admit that the motion had carried at the last meeting and was to be included in the Committee’s Report.\textsuperscript{88} After a period of silence, Congressman Welch of Pennsylvania admitted that he remembered.\textsuperscript{89} Norton renewed her motion, it carried again, and New Jersey got its Veteran’s hospital.\textsuperscript{90}

This tenacity eventually earned Norton the respect of her adversaries. Years later, Royal Johnson, the Republican Committee Chair, wrote to congratulate her on her 1938 reelection: “Of Course all of us knew that you would be reelected as long as you want to

\textsuperscript{82} Id. at 36-38.
\textsuperscript{83} Id. at 37-38.
\textsuperscript{84} Id.
\textsuperscript{85} Id. at 38.
\textsuperscript{86} Id.
\textsuperscript{87} Id.
\textsuperscript{88} Id. at 39-40.
\textsuperscript{89} Id. at 40.
\textsuperscript{90} Id. at 40-42.
be, but nevertheless I felt a distinct personal sense of satisfaction when the returns came in....you have the courage of your convictions. Congress needs people like you."91

When the Democrats won enough seats to gain the majority in the 72nd Congress, Norton ascended to the chair of the District of Columbia Committee, becoming the first woman to chair a major House committee. Norton's responsibilities as the Chair of the District of Columbia Committee essentially made her the Mayor of the nation's capitol city, because there was virtually no local governance at the time. This traditionally thankless position brought Norton a lot of attention and admiration, although some press accounts used sexist analogies to feminize her political success: "Mrs. Mary Norton, the new chairman of the House District Committee, has shown commendable acumen and public spirit in her assumption of the position. There is every reason why Mrs. Norton should be conspicuously successful in this work. Women have been housekeepers since the beginning of the race, and governing a city is simply housekeeping on a grand scale...Like most other women, she is particularly interested in the welfare of children, and it may be safely assumed that she will be active in promoting better parks, playgrounds, and schools, and in child welfare measures."92 She remained a curiosity to the male establishment press who could not figure out why this woman from an apolitical family had become such a national leader, and they credited Hague with her success.93 "Washington Newspaperdom has discovered that Mary T. Norton... got into politics through her ability to do a good job in welfare work, and not through any family inheritance or 'pull.' Of course New Jersey has known all along that it was her work for

91 Letter from Royal C. Johnson to Mary Teresa Norton, available in Mary T. Norton's papers (on file with author.)
Queen's Daughter's Day Nursery during World War days which won the attention of Mayor Frank Hague.\textsuperscript{94} Norton also faced some hostility from the men on the Committee who were uneasy with a woman leader. Republican Representative Bowman from West Virginia told Norton that it was the first time in his life he had been controlled by a woman.

"Chairwoman Norton replied that her position was a first for her too and she 'rather liked the prospect' of presiding 'over a body of men.'\textsuperscript{95} A Democratic Representative, Quinn of Pennsylvania, explicitly called for a man to replace Norton as the Committee Chair.\textsuperscript{96}

Nevertheless, Norton was a successful Chair of the District Committee because she took the job seriously, she was relentless in her pursuit of D.C.'s welfare, and she believed it was her duty to behave in the best interests of the people who had no one else to represent them. Early on, Norton secured passage of legislation to merge the street railway companies that had been pending for thirty years,\textsuperscript{97} improving service and lowering transportation rates. She also championed full suffrage for District residents and strict gun control laws.\textsuperscript{98} Norton got pensions for the needy blind in D.C., legalized boxing and the sale of beer in D.C., and discontinued alley dwellings.\textsuperscript{99} Norton intervened to get a $1,500,000 Public Works Administration grant to build a tuberculosis hospital in D.C. All her work on behalf of the District made her beloved by its constituents, who were otherwise shunned by Congress.

\textsuperscript{94} Id.
\textsuperscript{95} Gary Mitchell, \textit{Women Standing for Women} at 388 in MAXINE LURIE, A NEW JERSEY ANTHOLOGY (1994).
\textsuperscript{96} Id.
\textsuperscript{97} Summary of the Legislative Career of Mary T. Norton created by CRS, at 5-6 (on file with author and Alexander Library); \textit{see also}, Mary McGrory, \textit{They'll Miss the Back of Mary's Hand}, \textit{THE EVENING STAR} (Washington), March 17, 1950.
\textsuperscript{99} CRS report of legislative record 5-6 (on file with author).
However, she had to fight members of her own party for this success. It was
during her time as Chair of this committee that she earned the name “Battling Mary,” for
her famous clashes with Representative Blanton, a Democrat from Texas, who thought
his loyalties to his own constituents barred him from considering anything for the public
good of an unrepresented district.\textsuperscript{100} Typically, legislation affecting the District of
Columbia and coming out of Norton’s committee was debated and passed on the House
floor all at once on “District Days.” Blanton made it his personal mission to filibuster on
District Days, so that the Congress could do nothing to provide for the District of
Columbia.\textsuperscript{101} In 1936, Norton got fed up and accused Blanton of having a motive of
launching a personal attack against her. Blanton, in the past, had provoked Norton’s ire
by referring to her as the \textit{lady}, instead of as Congressman\textsuperscript{102} or Representative Norton.
“You are yielding to a Member of Congress who is elected just as you are,” she had
retorted.\textsuperscript{103} On April 13, 1936, “open warfare...broke out in the House,” when Norton
revealed, much to the titillation of Washington newspapers, that Blanton had threatened
to campaign against her in New Jersey primaries.\textsuperscript{104} She read letters Blanton had
purportedly written to her the month before, which contained the threats, on the House
floor and accused Blanton of wasting the public fisc by spending hundreds of thousands
of dollars to have his filibusters printed in the Congressional Record. “During Mrs.
Norton’s reading of the letters, the well-filled House sat in complete silence, and when

\textsuperscript{100} Mary McGrory, \textit{They’ll Miss the Back of Mary’s Hand}, \textit{THE EVENING STAR} (Washington), March 17,
\textsuperscript{101} Rep. Norton is Cheered by House After Answering Blanton Threat; D.C. ‘Mayor’ Accepts Challenge to
\textsuperscript{102} It is interesting to note that contemporary newspapers referred to Norton as Mrs. Norton or
Congressman Norton rather than as Congresswoman Norton.
\textsuperscript{103} Woman in Industry. Text of speech (on file with author).
\textsuperscript{104} Rep. Norton is Cheered by House After Answering Blanton Threat; D.C. ‘Mayor’ Accepts Challenge to
she was finished she was given an unusual ovation. Blanton sat glumly in his seat while Mrs. Norton kissed her hand to her applauding colleagues.105 Blanton’s threat to Norton came back to haunt him when he lost the Congressional seat he had held for more than twenty years in his primary later that year.106

Norton’s Philosophy on Women in Politics

*Men don’t want women in Congress – and don’t you think they do.*107

Mary Norton was not a part of the women’s suffrage movement;108 but she knew the debt she owed to the women who earned her the right to vote and to serve in public office. At a speech for the Women’s Centennial Congress on the 20th anniversary of the 19th Amendment, Norton spoke in reverence of women suffrage activists. She said, “To those who labored through the trying years when the cause of suffrage met with ridicule

105 *Id.*
106 *Blanton’s Defeat Recalls Threat to Mrs. Norton*, THE JERSEY JOURNAL, page and date unknown (1936) (on file with author, in scrapbooks at Alexander Library). See http://clerk.house.gov/members/electionInfo/1936election.pdf Norton’s margin of victory in the general election was nearly 70,000 votes. See also, Mary McGrory, *They’ll Miss the Back of Mary’s Hand*, THE EVENING STAR (Washington), March 17, 1950:

An ardent advocate of national representation for the District, she...was consistently and vociferously opposed by Representative Blanton, Democrat, of Texas, who wanted no benefits for District residents not enjoyed by his own constituents. District Days during those years were marked by one-man filibusters and bitter wrangling.

Finally Mrs. Norton took the floor and read her rival out. “You have cost thousands of dollars to the taxpayers of this country for hundreds of pages in the Congressional Record.” The members rose and cheered. Mr. Blanton asked her to withdraw her remarks from the Record. She declined, and so became an issue in a Texas Congressional Race. Mr. Blanton’s rival, Judge Garrett, brandished a reprint of Mrs. Norton’s tongue-lashing the length and breadth of his district. Mr. Blanton in vain protested that she was a machine-made politician and ‘Boss Hague’s right hand woman.’ Judge Garrett defended her as an outstanding humanitarian with an impeccable record of progressive legislation. He won.

107 *Congress Would Prefer Eveless Eden, Woman Member From Jersey Insists*, NEW YORK EVENING HERALD, Dec. 13, 1927 (page unknown).
108 See e.g., *Mary Norton and Frances Perkins Hold Key Posts in National Administration*, NEWARK STAR-EAGLE, Sept. 6, 1933 (page unknown).
and attack – all honor and glory. They were the real heroes and should go down in history as having contributed the most glorious page to women, past, present and future.”¹⁰⁹ However, Norton may have been successful in American politics in part because she was an outsider to the women’s movement.¹¹⁰ The popular press insisted that despite her “broad grasp of political affairs” Norton had “all the essentially feminine characteristics which we associate with the ideal American woman,”¹¹¹ including the fact that she tried to have a child, that “she threw herself heart and soul into the great work of caring for children whose mothers were unable to give them proper attention,” and that she had a husband.¹¹² An article in a popular New Jersey newspaper exemplifies the contemporary public disdain for feminist activists and contrasts these “militants” with Norton and Labor Secretary Frances Perkins, both of whom were not active in the movement but were not opposed to women’s rights.¹¹³ These women became successful in government, according to the popular conception, in part because they were not involved in the fight for suffrage.¹¹⁴ Norton was not a polarizing figure because she espoused the ideals of mainstream femininity, motherhood and wifehood, and she was willing to assimilate into the existing Democratic Party after suffrage.¹¹⁵

¹⁰⁹ 1948 Speech by Mary T. Norton to the Women’s Centennial Congress (on file with author). Norton points out in this speech many of the appointments of women to federal posts that Roosevelt made: Secretary of Labor, Director of the U.S. Mint, three Federal Judges, a Civil Service Commissioner, a Chair of the Employees Compensation Commission, two ambassadors, Director of Bureau of Home Economics in the Department of Agriculture, Director of Children’s Bureau in Department of Labor, and Chief of the Passport Division of the State Department.
¹¹⁰ See Mary Norton and Frances Perkins Hold Key Posts in National Administration, NEWARK STAR-EAGLE, Sept. 6, 1933 (page unknown).
¹¹¹ A Woman Legislator Who Has the Courage of Her Convictions, WARDMAN PARK VISTA, Jan. 17 1926 at 3, 14.
¹¹² Id.
¹¹³ Mary Norton and Frances Perkins Hold Key Posts in National Administration, NEWARK STAR-EAGLE, Sept. 6, 1933
¹¹⁴ Id.
¹¹⁵ Id.
However, Norton often promoted the pursuit of public office by women and insisted that voting was every woman’s civic duty.\textsuperscript{116} She became friends with Helen Gahagan Douglas, the second woman to be elected to Congress as a Democrat, and Representative Douglas saw Norton as a mentor. Remembering her own confusion as to ceremonial and administrative matters when she first arrived in Congress, Norton was generous in explaining the details of matters from the awesome swearing-in ceremony to the mundane acquisition of one’s Congressional stationary. Prior to her swearing in, Representative Douglas asked Norton, “May I go in on your arm, if that is the procedure [?] It would make me so proud.”\textsuperscript{117} Norton agreed. Although Norton remained friends with the other women who joined her throughout the years in Congress, she had a special bond with Douglas, her fellow Democrat.\textsuperscript{118}

However, Norton also championed everyday activism. Although she knew she was a successful leader, she was opposed to demagoguery and thought the causes of women would only advance if women stayed engaged with and active in politics at all levels.\textsuperscript{119} “I am opposed to women taking action in committees and clubs on questions about which they have no real information. I should like to see women take an intelligent interest in all questions and not be guided by a leader merely because they admire the leader or are attracted by her forceful personality.”\textsuperscript{120} This was not merely a

\textsuperscript{116} Representative Mary T. Norton, “Why I am a Democrat” and “Why Women Should Vote” radio address (March 27, 1926) printed in 69 CONG. REC. (April 1, 1926) (Extension of Remarks).
\textsuperscript{117} Letter from Helen Gahagan, Representative Elect from California, to Congresswoman Norton (Dec. 12, 1944)(on file with author and in Alexander Library in Mary T. Norton’s papers). In letters, Gahagan Douglas always referred to Norton as “Dearest Mary” and Norton to Gahagan Douglas as “Helen” or “Helen dear.”
\textsuperscript{118} Some scholars considered Norton to be part of a network of women who were active in promoting the New Deal. See generally, SUSAN WARE, BEYOND SUFFRAGE: WOMEN IN THE NEW DEAL (1981). However, there is not much evidence in her personal files of her personal relations.
\textsuperscript{119} See Mitchell at 385.
\textsuperscript{120} Helen F. Meagher, Through the Door of Welfare to Congress, WOMAN’S VOICE, April 1931.
philosophical view that society would be better off if more people thought more about what was in the public interest. Rather, as an experienced feminist legislator, Norton understood the importance of organization and lobbying to the success of any policy initiatives that would benefit women. She knew that, “People with money and moneyed interest can always take care of themselves. There are many doors through which they can apply.” ¹²¹ For example, although she believed strongly in equality feminism and worked throughout her career for an Equal Pay Act, she told women’s interest groups that it would never pass without an active campaign revealing the intense interest of women’s organizations, labor unions, and the Presidential administration.¹²²

Despite her attempts to recruit women into politics, Norton did not promote women participating in politics at all stages of their lives. She encouraged women to enter politics only after their children were grown. In her lifetime, she told the press that “she regards the duties of a mother as more important than coming to Congress.”¹²³ “She puts home, children, the family, above any other career for women…. But also believes women of forty, whose families are grown, should get busy politically, thus helping the party and, at the same time, removing themselves from the class of mothers whose children don’t know what to do with them.”¹²⁴ It is not clear whether Norton truly believed that a woman’s primary obligation in life was to be a mother and that women should only become involved in politics once they had fulfilled their motherly duties. Perhaps, instead, she advocated the increased participation of this demographic of women.

¹²¹ Through the Door of Welfare to Congress.
¹²⁴ Eleanor Anderson, She Gets Her Way, (publication unknown), Sept. 1, 1934 (on file with author).
in politics for practical reasons; whatever Norton’s philosophy, the reality of her time was that women who were mothers were not likely to run for or win political office. Perhaps she thought she could maintain the respect of men in the established political parties by advocating women’s participation without threatening traditional gender roles.

In fact, Norton was always aware that she was a woman in a man’s world. “Don’t disagree with men, unless it’s necessary... You can have your own way without antagonizing them,”¹²⁵ she said, describing how she got along with other Representatives in Congress. Norton understood that there was a double standard applied to her conduct as a legislator and that “[m]ore is expected of a woman in politics than of a man... it is a fact that women holding public office must have equally good if not better qualifications than any man... ‘Women must work harder, fight harder, and persevere more if they want to succeed in politics, for it is a man-made world.”¹²⁶ It is perhaps this realization of men’s domination of political life that caused her to temper her calls for women’s pursuits of office with a conventional conception of feminine virtue.

Once participating in politics, however, Norton believed women could be a vibrant force for social change. Norton had a deep ideological opposition to war, and she believed that if women could influence politics, they could outlaw and prevent all war.

In a speech reflecting on the horrors of WWII, Norton called women to action:

If every mother in America could visualize the picture of her infant son, twenty years from now, perhaps being sacrificed to the war greed of a maniac who could turn our peaceful happy country into a shambles, would she not bestir herself into finding some way to prevent it? If only we could realize that nothing is impossible and that we [women] have great power in united strength... We have undreamed of power if all of us would use that power instead of

¹²⁵ Id.
leaving it to the few who usually carry the burden...it seems to me, it is a debt we owe to those pioneers of a generation ago...\textsuperscript{127}

However, Norton was critical of women forming separate interest groups to effectuate this kind of change. Unlike the suffrage activists, Mary Norton’s success in politics came through her participation in the existing political party; the same way men traditionally rose to prominence. “Norton believed that women should participate in the local political party rather than in nonpartisan women’s organizations, and she became the [New Jersey] Democrats’ role model of the newly enfranchised woman.”\textsuperscript{128} She urged women to follow her example and become involved with the established parties because she thought this was the only way they could wield real power. “[W]omen must realize that they must become affiliated with one or other of the major parties, if they ever hope to accomplish what the vote to women seemed to promise.”\textsuperscript{129} She also deeply believed in the ideals of the Democratic Party, a government with social programs oriented towards helping the needy and the working class.\textsuperscript{130}

She was a smart politician who was discouraged by the lack of women in politics, but tried to encourage their participation by appealing to traditional ideas about women’s roles. “[A]lthough she said she believed that woman’s place was in the home, she was vigorous in organizing women.”\textsuperscript{131} In a recorded statement for the Columbia University Class of 2007, Mary Norton was critical of the women’s lack of involvement in politics during her lifetime: “Women in the United States have never used their power. Very few of them realize what power they have...They can’t stay at home and let John do it. They

\textsuperscript{127}1948 Speech by Mary T. Norton to the Women’s Centennial Congress.
\textsuperscript{128}\textsc{Carmela Ascolese Karnoutsos}, \textit{New Jersey Women: A History of Their Status, Roles, and Images} at 91(1997).
\textsuperscript{129}Representative Mary T. Norton, “Why I am a Democrat” and “Why Women Should Vote” radio address (March 27, 1926) in \textsc{69 Cong. Rec.} (April 1, 1926) (Extension of Remarks).
\textsuperscript{130}Id.
\textsuperscript{131}\textsc{Englebarts} at 33.
can’t appear briefly at some meeting and act like Mrs. Know-It-All. Women must be tactful and earnest...They must be hard workers, day in and day out.”

Mary Norton hoped by her example to inspire other women to enter politics and wanted to open doors to them as she felt the suffragists had opened doors for her participation. Although she was an ardent supporter of the Democratic Party and not the women’s party, she thought that women’s success depended on their voting as a bloc for other women:

I hate to say it, but the trouble is that women just won’t support other women in politics...Women just must learn to have faith in women, and to believe they can do the job as well as men.... It’s just that women have been brought up that way. After all, our sex barely is of age politically... I want to see a lot more women in Congress... I hope that a woman will come along one day to take my place. But I’ll stay here until my legs give out before I’ll give up the job to a man.

Upon her retirement from Congress, Norton said her only regret was that there was no woman running to succeed her.

**Mary Norton’s Role in the Passage of the Fair Labor Standards Act**

*I’m prouder of getting that bill through the house than anything else I’ve done in my life.*

*The minimum wage law is due to the perseverance and tenacity of Representative Mary T. Norton.*

-Secretary of Labor Tobin, recommending building a monument in Norton’s honor.

*[The Fair Labor Standards Bill] is a child born out of wedlock in impractical idealism, abandoned by its repenting parents, and left upon the doorstep of the kindly and

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132 Quoted in Geer at 141.
135 Mary T. Norton, Madame Congresswoman at 159 (undated) (unpublished manuscript of autobiography, on file with the Alexander Library at Rutgers University) (hereinafter “Madame Congresswoman”). See also, Foerstel at 208.
gracious gentlewoman from New Jersey, and she, not being satisfied with it, has kept on changing it in an effort to curry favor from labor, proven indifferent to the child, and its self appointed nursemaids have so mishandled the diapers and the safety pins until from too frequent changing the poor child is now suffering from a pernicious skin rash.


Although the Fair Labor Standards Act is the subject of much contemporary controversy and legal historians have carefully studied its passage, Mary Norton is usually only mentioned as a footnote in that history. The erasure of the role she played in the passage of the Act is especially surprising given the attention the media and her colleagues gave her at the time. After all, she was the chair of the House Labor Committee when Congress fought for more than a year over this contentious and historical bill. In legal-historical accounts of the era, there is an uneven focus on the battle between Roosevelt and the Supreme Court. However, in 1937 and 1938, Congresswoman Norton was a major political player who fought hard for the successful passage of this first-ever federal minimum wage law. Norton “steered Franklin D. Roosevelt’s pending Wages and Hours Bill through the House against… stubborn opposition of conservatives,” Republicans, Southern Democrats, and labor leaders. In addition, Roosevelt’s Administrator of the Federal Works Agency publicly credited Congresswoman Norton and Secretary of Labor Frances Perkins with keeping discrimination against women out of the wage and hour law. Perhaps the epic

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137 Reprinted in KESSLER-HARRIS at 111.
138 See e.g., Mary Had a Little Lamb, THE EVENING STAR, August 6, 1937 (political cartoon), Ben H. Miller, Veteran Congresswoman Leads Wage-Hour Fight, THE EVENING SUN, June 5, 1939.
139 Engleberts.
140 Scrapbook 55A (Associated Press Article, Miami FL)
struggles of President Roosevelt to transform the federal government obscures the role that others played in enacting key New Deal legislation.

When the first session of the 75th Congress began, Supreme Court doctrine cast the constitutionality of federal regulation of wages in doubt. In *Lochner v. New York* 141 the Court held unconstitutional a New York statute providing limits on the number of hours that bakery employees could work. The Court found that the statute was an unconstitutional interference with the right of contract between the employers and employees, a right the Court found in the liberty protected by the 14th Amendment. 142 Thus was born the Supreme Court’s substantive due process doctrine. “From the decision in *Lochner* in 1905 to the mid-1930s, the Court invalidated approximately 200 economic regulations, usually under the due process clause of the 14th Amendment.” 143 However, this area of constitutional law was riddled with contradictions that made it difficult to imagine passing a constitutional federal minimum wage law. Although *Lochner* seemed dispositive of the constitutionality of an Oregon statute challenged in *Muller v. Oregon*, 144 which made it illegal for women to work more than ten hours per day in a laundry, as the Court stated, “this assumes that the difference between the sexes does not justify a different rule respecting a restriction of the hours of labor.” 145 Presuming that women are naturally weaker and more susceptible to harm, and that they therefore need the protection of the state, 146 the Court upheld the restriction on hours as a valid

142 Id. at 53.
144 *Muller v. Oregon*, 208 U.S. 412 (1908)
145 Id. at 419.
146 See e.g., id. at 422-423:
[d]ifferentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men, and could not be sustained. It is impossible to close one’s eyes to the fact that
regulation in *Muller*. Although *Muller* upheld restrictions on women’s maximum hours, *Adkins v. Children’s Hospital*\(^{147}\) declared it unconstitutional for states to mandate minimum wages for women.

These decisions may seem inconsistent. In fact, many scholars have opined that the Court in the so-called “Lochner-era” was less concerned with legal doctrinal coherence than with trying to utilize its power to create its ideal of a free market. These inconsistencies and other considerations eventually put intolerable pressure on the Court. “By the mid 1930s, the Court was prepared to abandon *Lochner*. This was due to changes in the composition of the Court, internal tensions in the doctrine…and, perhaps most important, the economic realities of the Depression, which seemed to undermine *Lochner’s* central premises.”\(^{148}\) In 1934, the Court backtracked from *Lochner’s* presumptive rejection of economic legislation when it upheld a New York State law fixing the price of milk in *Nebbia v. New York*.\(^{149}\) The decision reads:

\[
\text{So far as the requirement of due process is concerned [a] state is free to adopt whatever economic policy may reasonably be deemed to promote public welfare, and to enforce that policy by legislation adapted to its purpose. The courts are without authority either to}
\]

\(\text{she still looks to her brother and depends upon him. Even though all restrictions on political, personal, and contractual rights were taken away, and she stood, so far as statutes are concerned, upon an absolutely equal plane with him, it would still be true that she is so constituted that she will rest upon and look to him for protection; that her physical structure and a proper discharge of her maternal functions—having in view not merely her own health, but the well-being of the race—justify legislation to protect her from the greed as well as the passion of man. The limitations which this statute places upon her contractual powers, upon her right to agree with her employer as to the time she shall labor, are not imposed solely for her benefit, but also largely for the benefit of all. Many words cannot make this plainer. The two sexes differ in structure of body, in the functions to be performed by each, in the amount of physical strength, in the capacity for long continued labor, particularly when done standing, the influence of vigorous health upon the future well-being of the race, the self-reliance which enables one to assert full rights, and in the capacity to maintain the struggle for subsistence. This difference justifies a difference in legislation, and upholds that which is designed to compensate for some of the burdens which rest upon her.}
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\(^{147}\) *Adkins v. Children’s Hospital*, 261 U.S. 525 (1923).
\(^{148}\) STONE ET AL., CONSTITUTIONAL LAW at 725 (2001).
declare such policy, or, when it is declared by the legislature, to override it. If the laws passed are seen to have a reasonable relation to a proper legislative purpose, and are neither arbitrary nor discriminatory, the requirements of due process are satisfied...150

This decision may have seemed to retreat from the Court's reliance on substantive due process as a basis for overturning economic regulation. But then, in 1936, the Court again invalidated a state minimum wage law for women as a violation of due process.151 The prospects for any federal wage regulation subject to judicial review remained uncertain.

In 1936, Roosevelt had been reelected in a resounding victory, winning by 523 electoral votes to eight, and "prospect for [enacting] national wage and hour regulation seemed bright," 152 as a federal wages and hour bill had been part of the National Democratic Party Platform. 153 In his second inaugural address, Roosevelt reaffirmed his commitments to improving the domestic economy and the plight of the working poor.

In this nation I see tens of millions of its citizens--a substantial part of its whole population--who at this very moment are denied the greater part of what the very lowest standards of today call the necessities of life. I see millions of families trying to live on incomes so meager that the pall of family disaster hangs over them day by day.... I see millions lacking the means to buy the products of farm and factory and by their poverty denying work and productiveness to many other millions. I see one-third of a nation ill-housed, ill-clad, ill-nourished.154

A wages and hours law was a key piece in Roosevelt's plan for domestic economic recovery in the New Deal. However, the fate of state and federal economic regulation in

150 291 U.S. 537.
the preceding years made it clear that any political victory in Congress would also need
the approval of the Supreme Court.

In January 1937, Mary Norton was still Chair of the District of Columbia
committee when Roosevelt began his second term and Senator Black and Representative
Connery introduced bills to set maximum weekly working hours at 30.\textsuperscript{155} In February,
Roosevelt introduced the Court-packing plan, which consumed Congress in debate.\textsuperscript{156} In
fact, \textit{The New York Times} reported that Roosevelt was trying to enlist Congressional
support for the judiciary bill by promising to support the popular wages and hour bill
only after passage of his court plan.\textsuperscript{157} However, \textit{The Nation} reported in July 1937 that
there was some risk that this strategy would not increase support for the court packing
plan but would instead threaten the wages and hours legislation:

\begin{quote}
One of the principal objectives of Supreme Court reform is to
insure permanence of a wage-hour law, but that fact will not
prevent Congress from shelving the bill and stampeding for home
if it gets a chance. The longer the Senate fight over the court
measure lasts, the more the wage-hour bill's chance of passage
dwindles. On the other hand if the court bill should be defeated,
directly or by being sent back to committee, action on the wage-
hour bill would be futile, for its fate depends on a change of the
collective judicial heart.\textsuperscript{158}
\end{quote}

In March 1937, the Supreme Court changed its stance on substantive due process
and ruled in \textit{West Coast Hotel v. Parrish} that a Washington state law regulating the
minimum wages of women was constitutional.\textsuperscript{159} The \textit{West Coast Hotel} decision

\textsuperscript{155} \textit{Forgotten Man} at 69.
\textsuperscript{157} \textit{Roosevelt by Promise of NRA and AAA Revival to Push Bench Reform}, \textit{N.Y. Times}, Feb 8, 1937 at 1.
\textsuperscript{158} Robert S. Allen, \textit{Washington Sweatshop}, The Nation, July 7, 1937 at 63-64.
\textsuperscript{159} \textit{West Coast Hotel v. Parrish}, 300 U.S. 379 (1937)
explicitly overruled Adkins' ban on minimum wages for women. The broad realist language in West Coast Hotel was encouraging to supporters of a federal minimum wage and others hoping to use federal law to turn the tides of the Depression:

The exploitation of a class of workers who are in an unequal position with respect to bargaining power and are thus relatively defenseless against the denial of a living wage is not only detrimental to their health and well being but casts a direct burden for their support upon the community. What these workers lose in wages the taxpayers are called upon to pay. The bare cost of living must be met. We may take judicial notice of the unparalleled demands for relief which arose during the recent period of depression. [The] community is not bound to provide what is in effect a subsidy for unconscionable employers. The community may direct its law-making power which springs from their selfish disregard of the public interest.

Later, the Court also upheld the National Labor Relations Act and its prohibition on firing employees for trying to unionize. By abandoning the notion that the Constitution provides absolute protection for liberty of contract, these decisions freed states to enact minimum wage laws that could be justified as part of their general police powers. The Supreme Court was retreating from its ban on economic legislation. With the prospect of passing a wages and hours bill that the Court would uphold, any remaining Congressional support amongst New Dealers for Roosevelt's Court packing plan dissolved. The Supreme Court decisions mitigated any perceived need for the court plan, and extracted the fate of the court packing plan from that of the minimum wage legislation.

160 300 U.S. 400.
161 500 U.S. 399
In May, the administration sent a new wages and hour bill to the Hill, which added a prohibition on the sale of goods in interstate commerce that were made by children. Black sponsored it in the Senate (S. 2475) and Connery in the House (H.R. 7200). The original bill provided for an agency board to establish wage rates. The wage and hour provisions did not apply to small employers and the basic wage and hour standards were left blank instead of being 40 cents an hour and forty hours weekly.

Black and Connery decided to conduct joint hearings of the Senate and House Labor Committees to expedite passage of the bill. Norton was a member of the Labor Committee at the time but did not attend the hearings. Although the public was generally in favor of the bill, organized Labor's lack of enthusiasm for it greatly injured its prospects for success. Both the president of the AF of L and the president of the CIO spoke at the hearings. Labor was not thrilled with regulating wages because they feared that the minimum wage would become the maximum and that federal wage regulation would reduce their ability to organize workers into unions as well as to bargain for higher than the mandated minimum wages.

When William Connery died on June 15, 1937, Norton took over as Chair of the Labor Committee as the rules of seniority dictated. She was the Democratic member of the Labor Committee with the most seniority when Connery died. She was then also Chair of the District of Columbia Committee, and there are differing accounts of why she decided to resign that post to head up the Labor Committee. Modern writers have noted that when Connery died, House leaders wanted to pass the chair to Mary Norton but that she was reluctant to take the position. “She would have been happy to have it passed to Robert Ramspeck of Georgia, a relatively liberal member of the Labor Committee from

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164 See http://bioguide.congress.gov/scripts/biodisplay.pl?index=C000694
Atlanta who had attended the hearings and who was familiar with the bill. But the bill’s backers preferred Norton, and Frank Hague... pressured her to take the post. She yielded, explaining that she represented a labor district and wished to serve working people." 165

In July 1937, however, an article in *The Nation* portrayed Norton as an unwelcome leader and blamed the Congresswoman for the failure of the House of Representatives to pass a wage and hour bill earlier that term. 166 In discussing the threats to the passage of FLSA, Robert Allen wrote:

[T]he death of William P. Connery, chairman of the House Labor Committee was a body blow to the wage-hour bill. If Connery had lived the measure might already have been passed by the House. He knew the subject backward and forward, was wholeheartedly for the legislation, and would have lost no time in getting it onto the floor. His death brought to the committee chairmanship, through the rule of seniority, Mrs. Mary T. Norton, henchman of the egregious, refulgent, and anti-labor boss Frank Hague of Jersey City. What Mrs. Norton doesn’t know about the wage-hour bill would fill volumes. Administration leaders tried to dissuade her from taking the chairmanship but she insisted on her seniority rights. Their forebodings about her were well-founded. 167

Another account of Norton’s ascension to the Chair is that the major opposition came only from the Black-Connery bill’s opponents who preferred Ramspeck, a Southerner, to take the chair. Southerners were generally opposed to uniform federal wage standards because Southern wages and costs of living were generally lower, which attracted industries away from Northern cities. Uniform national wages would deprive the South of this economic advantage. Norton admitted that Speaker Bankhead urged her

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165 PAULSEN, 98.
167 Id.
not to move from the DC Committee Chair to the Labor Chair. Explaining her decision to defy him, Norton explained that she thought the bill would fail without her leadership, "[Ramspeck did not like portions of the existing bill.] He had another bill of his own, which more nearly conformed to the Southern point of view. If he became chairman, undoubtedly his bill would be the one reported out. I knew this, and I also knew that many Southern members of the House were violently opposed to the Connery bill ... It hit directly at the cotton industry, for instance, from fields to textile mills. Many northern employers would fight it, too...."\textsuperscript{168} Southern Democrats, Conservative Republicans, business groups, and organized labor all opposed the President’s bill for labor standards. Norton believed she could mediate between these interests to get a wages and hours bill passed that would at least not harm her constituents working in Northern industries.

However, Norton most likely took the Chair of Labor for a variety of reasons. She was an ambitious politician with a chance to ascend to a leadership role on the committee where all the action was. Labor standards were a huge priority for the President and his constituents; they were a source of constitutional controversy; and they were a Democratic priority, which was important to Norton. However, she respected the power of the unions in their opposition, and therefore was somewhat of a moderate for the position. Norton was certainly loyal to FDR, who considered passage of a wage and hour bill a top priority, but she was also fearful of jeopardizing the relationship between Frank Hague, the Democratic leader of New Jersey, and the AFL, who were opposed to

\textsuperscript{168} Madame Congresswoman at 137.
the bill. She successfully mediated between these competing interests and passed landmark social legislation.

The President, himself, supported Norton taking the Chair of the Labor Committee. "I did not know it then, but I learned later that the effort to prevent my taking over the Labor Committee even reached the President! It was discussed in a Cabinet meeting...The discussion centered around the fact that I had not attended enough of the hearings on the Bill. But of course the real reason was that the South was so bitterly opposed to it. The President knew this...I was told that he listened for some time to the discussion and then inquired casually: 'Has she done a good job as chairman of the District Committee?'... 'Then why should she be penalized?'"  

So, Norton took the Chair of the Committee at a tumultuous time. Norton appreciated being at the center of this political drama and she understood how uniquely powerful she was for a woman. In June 1937:

at an age when most women contemplate devoting their remaining days on this earth to a leisurely household routine and the enjoyment of their grandchildren, I...entered the most strenuous and turbulent period of my career. For ten years I was destined to occupy a position in the center of a prolonged and relentless struggle between two gigantic forces in the economic life of this nation. On one side millions of American working men and women battled to gain new rights and privileges and to preserve those they had won during the first Roosevelt administration. On the other side die-hards in industry, who resented and feared this new giant, fought back with every resource of power and money they could command... I have been quoted in newspaper interviews as saying I never sought a fight, but never ran a way from one either. My whole heart was in this one.

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169 Alice Kessler-Harris, IN PURSUIT OF EQUITY: WOMEN, MEN, AND THE QUEST FOR ECONOMIC CITIZENSHIP IN 20TH-CENTURY AMERICA at 104 (2001).  
170 Id. at 138.  
171 Id. at 139-40.
Norton represented an urban, industrialized district that would benefit from improved labor standards and so, in addition to the allure of the excitement surrounding labor standards, Norton was induced into the post by a sense of obligation. On June 22, 1937, the female Secretary of the Department of Labor Frances Perkins wrote to congratulate Norton for ascending to the Chair of the Labor Committee. “It means that the wage earners of this nation will have in this important post a friend who is thoroughly familiar with their problems and sympathetic with their aims and aspirations.”\textsuperscript{172}

However, some of Norton’s male colleagues resented her leadership and “they were willing to sabotage legislation originating in her committee; she complained that much important legislation had been ‘stolen’ from the Labor Committee because it was headed by a woman.”\textsuperscript{173}

To make up for missing the joint committee hearings on the bill before she was Chair, Congresswoman Norton went to work relentlessly studying the Black-Connery bill, reading all the testimony so that she could “almost learn it by heart… I had to know all the answers, because it would be my job to defend it on the floor.”\textsuperscript{174} Norton’s Labor Committee staff consisted of her niece, Marion, Mary Cronin who had been a staffer for Connery, and Leo Fee, “a young man who was going to law school evenings.”\textsuperscript{175} Norton wrote, “Marion lived with me, and every night after our day’s work at the Capitol, we would hurry home, have a quick dinner, and go to work reading and analyzing testimony and studying the bill. Leo would join us when he could. Those were long hot evenings

\textsuperscript{172} From Mary T. Norton’s papers, on file with author. 
\textsuperscript{173} Id. 
\textsuperscript{174} Madame Congresswoman at 143. 
\textsuperscript{175} Id.
that summer in Washington. Night after night, we’d suddenly discover that it was 1,
1:30, 2 a.m. But it really did pay off in the end."\textsuperscript{176}

On July 8, 1937, the Fair Labor Standards Act was reported favorably out of
Senator Black’s committee, with amendments.\textsuperscript{177} When the bill reached the floor of the
Senate, it had been weakened and its scope reduced. No statutory minimum wages or
maximum hours were set up. Instead, a board had the power to set these standards. The
40 cents an hour provision in the original draft became the highest wage that the board
could set, rather than the lowest. The maximum hours could not be set below forty per
week. The Senate changed the child labor standards so that children under 16 could work
in occupations deemed acceptable by the Chief of the Children’s Bureau in the
Department of Labor.\textsuperscript{178} However, the Senate removed the small employer exemption
from the bill.

The bill reached the Senate floor for debate on July 26.\textsuperscript{179} AFL leaders then
spoke out against it. "[AFL President Green] stated that the bill did not meet labor’s
expectations, but that it seemed advisable to pass it in its present form with hope that
satisfactory amendment could be effected in the House."\textsuperscript{180} Other leaders in the AFL
urged recommitment of the bill to Committee. Southern Senators also feared what it
would do.\textsuperscript{181} However, it passed the Senate on July 31, 1937 by a vote of 52 to 28.\textsuperscript{182}

Norton took the Chair of the Labor Committee in the House after weeks of the
joint hearings had passed. Her own analysis of the first days of leading the Committee

\textsuperscript{176} Id. at 143-44.
\textsuperscript{177} 6 Law & Contemp. Probs. 469 (1939)
\textsuperscript{178} Id.
\textsuperscript{179} Id.
\textsuperscript{180} Id.
\textsuperscript{181} See Southerners Rake Wage Bill as Evil to Whole Nation, N.Y. TIMES July 31, 1937 at1.
\textsuperscript{182} 6 Law & Contemp. Probs. 469 (1939)
indicates that she understood the regional politics that shaped much of the conflict over the wages and hours bill within her own party.

[The Labor Committee] had to decide first which bill we would consider – the Black-Connery Bill...or Bob Ramspeck’s substitute bill, so heavily weighted with concessions to the South that I knew it would be unacceptable to employers in the North...I had some anxious moments when he offered his bill, for I knew that, if he won that vote, I might as well resign as chairman. To my relief I won, with six votes to spare. From that moment on I never had the slightest uncertainty about where I stood with the committee. Bob was a good loser...He had a responsibility to the people who had elected him, as I had to the people who elected me. The interests of his constituents in Georgia and mine in New Jersey were bound to conflict... We both acknowledged this unavoidable conflict in our responsibilities throughout the struggle....Had we permitted our differences in viewpoint to become personal, Bob could have made my position as chairman very difficult, but he never did.\textsuperscript{183}

Norton also worked relentlessly to secure the support of organized labor. “In response to union and other opposition to the Black-Connery bill’s independent five-member board, the House Labor Committee drafted a second version of the FLSA that provided for a single administrator.”\textsuperscript{184} On August 6, 1937, the House reported the bill out of committee.\textsuperscript{185} At the request of Green, Norton had made some changes in the Senate bill, including removing industries under collective bargaining. The Board would not have jurisdiction over wages and hours in occupations where collective bargaining facilities were adequate.\textsuperscript{186} Norton wrote, “[t]he bill was amended again and again with concessions to the South, to agriculture, to labor, before we reported it out. We had the bill just about finished when William L. Green, President of the American Federation of

\begin{footnotes}
\item[183] Madame Congresswoman at 141-42.
\item[185] The legislative process generally requires that a bill be reported out of the relevant committee before it can be voted on. However, the bill does not go to the floor for a vote by the full chamber until the Rules Committee issues a rule to allow the bill to be considered by the House.
\end{footnotes}
Labor, came in with five amendments he wanted included. I managed to get them
through for him, and received a very grateful acknowledgement from Mr. Green."187

Nevertheless, despite all Norton’s hard work to appease the various interest groups, the
Wages and Hours bill was not destined for easy passage. On August 9, Mary Norton
spoke to the nation on an NBC radio broadcast to explain the bill, appealing largely to
employers and explaining the measures as a series of conservative and modest steps
towards social reform 188

The bill might have passed the House if it was brought to a vote at that time.189

However, the conservative members of the House Rules Committee, Southern Democrats
and Republicans, refused to issue a rule to let the House consider the measure and vote
on it. Late in 1937, after a new dive in the economy, Roosevelt began to push hard for a
wages and hours bill.190 He issued a call for a special session of Congress to convene on
November 15, 1937 to consider, among other matters, the wages and hours bill.

As soon as Congress reconvened, Norton introduced a discharge petition to
extract the bill. “She could not bring it out under a suspension of the rules because a two-
thirds vote would be required and only forty minutes of debate would be allowed.”191 For
the first time in history, Mary Norton successfully discharged a bill from the Rules
Committee by acquiring enough names on a discharge petition to force the bill out.

“Union lobbying and congressional log-rolling finally enabled Norton to extract the

187 Madame Congresswoman at 144.
THE EVENING STAR, WASHINGTON DC. August 10, 1937.
189 6 Law & Contemp. Probs. 470.
190 FRANCES FOX PIVEN & RICHARD A. CLOWARD, POOR PEOPLE’S MOVEMENTS WHY THEY SUCCEED,
191 FORGOTTEN MAN at 107.
and send it back to the Labor Committee to be rewritten. The bill then became extremely unwieldy. Lawrence Connery, who had taken his brother’s seat in the House, offered a bill that would have set a statutory standard of forty hours maximum and 40 cents per hour minimum wages. “His bill protected collective bargaining, eliminated differentials, prohibited imports not made under the same standards, and would rely on Justice Department enforcement in the courts.” Similar bills were introduced by other members that allowed the highest wages in a locality to be substituted for the statutory standards and that exempted employers who voluntarily maintained decent standards.

Other members proposed bills that would provide FTC enforcement of wage and hour standards. The AFL began to push hard for a statutory standard of 40 cents and forty hours. When Green objected to a Labor Standards Board, Norton changed the enforcement agency to an administration agency, but Green insisted on statutory standards rather than standards set by an administrator and had John Dockweiler of California introduce his bill. A compromise was finally reached on the Labor Committee and Northerners agreed to vote for regional wage differentials in return for southern acceptance of an administrator and industry committee regulation. The bill then came to the House floor with these amendments.

During debate, FLSA’s opponents personally attacked Norton to deter passage of the bill and try to derail her. By describing the FLSA as an illegitimate child, opponents of the bill were able to denigrate the aims of a wages and hour bill while deriding Mary

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192 Id. at 109.
193 Id.
194 Id.
195 Id.
197 FORGOTTEN MAN at 109.
198 Id. at 110.
Norton and Labor Secretary Perkins as if they were sexually promiscuous women.\textsuperscript{199} Imagine a Congressman doing this today, to a Congresswoman, and receiving applause and laughter on the House floor. Sam McReynolds of Tennessee compared the bill to "a child born out of wedlock."\textsuperscript{200} Glenn Griswold of Indiana challenged Norton to turn the lights on "the face of this illegitimate child, fathered in darkness and born in obscurity."\textsuperscript{201}

Unfortunately for Norton and other FDR loyalists, her substitute bill failed because Southerners and supporters of statutory standards united against it. "Hope for the bill faded when the anticipated compromise with southerners on differentials failed to materialize."\textsuperscript{202} Rebellious Northerners supported the AFL bill. Norton tried to save the plan to enact federal wage standards by moving to substitute her amendment for the provisions of the Black-Connery Bill. Supporters of the amendment and southern opponents of wage regulation defeated the AFL bill. However, the AFL withdrew support for Norton’s legislation and AFL President Green sent telegrams to all members urging them to recommit the substitute for further study.\textsuperscript{203} The FTC version of the bill was defeated. The House accepted twenty-three amendments exempting farm labor, food-processing, and mining occupations and brought it to a vote. The AFL then pushed hard against final passage, with AFL lobbyists calling members off the floor just before the final vote. Representative Hartley made a motion to recommit the bill, which passed 216 to 198. "There was an immediate outburst of cheering among the bill’s opponents that lasted for several minutes. Norton slumped in her seat as though stunned by the

\textsuperscript{199} \textit{See} KESSLER-HARRIS, p. 111
\textsuperscript{200} \textit{Cong. Rec.} H.1465 (Dec. 13, 1937)
\textsuperscript{201} \textit{Cong. Rec.} H.1397 (Dec 13, 1937)
\textsuperscript{202} \textit{See} KESSLER-HARRIS, p. 111
\textsuperscript{203} ID.
result. She was soon surrounded by the bill’s backers, who congratulated her on the
effort she made under such difficult circumstances.”

The next morning Norton received a phone call from President Roosevelt, who
had made passage of FLSA a top priority for his administration. “Hello, Mary,” he said,
“Too bad about the bill. What are you going to do now?” Congresswoman Norton
replied, without hesitation, “I’m going to get you a bill, Mr. President.”

The struggle began again when Congress reconvened in January 1938. On
January 3, 1938, President Roosevelt’s State of the Union Address reiterated his support
for wages and hour legislation and demanded Congressional passage of a bill.
Roosevelt chastised Representatives from rural districts for their obstructionism, but
attempted to mollify opponents by supporting regional variations in wages, describing a
distinct and separate role for unionization, and claiming that the plan would improve the
GDP:

[A] group [of legislators] opposes legislation of this type on the ground
that cheap labor will help their locality to acquire industries and outside
capital, or to retain industries which today are surviving only because of
existing low wages and long hours...Those who represent [the poorest
districts] in every part of the country do their constituents ill service by
blocking efforts to raise their incomes [and] their whole scale of living,...
No reasonable person seeks a complete uniformity in wages in every part
of the United States.... We are seeking, of course, only legislation to end
starvation wages and intolerable hours; more desirable wages are and
should continue to be the product of collective bargaining. Many of those
who represent great cities have shown their understanding of the necessity
of helping the agricultural third of the Nation. I hope that those who
represent constituencies primarily agricultural will not underestimate the
importance of extending like aid to the industrial third. Wage and hour
legislation, therefore, is a problem which is definitely before this Congress
for action. It is an essential part of economic recovery. It has the support

204 Id. at 111-12.
206 Available at http://www.presidency.ucsb.edu/site/docs/doc_sou.php?admin=32&doc=5
of an overwhelming majority of our people in every walk of life. They have expressed themselves through the ballot box.\textsuperscript{207}

Congresswoman Norton and the Labor Committee had to rewrite the bill. She said she would retain the 40-hour-40-cent standard but incorporate flexibility to appease critics. However, Norton was ill and her committee made little progress on a bill for over a month.\textsuperscript{208} The new bill called for a 25 cent per hour minimum wage and a forty-four hour workweek, with an eventual increase in wages to 40 cents per hour and a reduction in hours to a forty-hour workweek. Regional differences were eliminated from the bill, however, causing the Southern Democrats on the Rules Committee to combine with Republicans to block the measure again by refusing to issue a rule to bring it to the floor. Congresswoman Norton again collected the 218 necessary signatures to get the bill onto the Floor to be debated and voted on, this time in only two hours and 22 minutes.

The New Jersey papers were impressed with their Representative’s success:

They call them Congressmen, and when they head a legislative committee the title is chairman. Those words are relics of a day when making laws for these United States was a man’s job.

That day is done.

Exhibit A: Congressman Mary Norton, of New Jersey, Chair of the House Labor Committee, boss carpenter of the New Deal crew seeking to build a Federal floor under wages and a roof on hours of work.

It was Congressman Norton who cracked the whip that made 217 fellow Congressmen march up and sign the petition that finally got the wages and hours bull out of the rules committee onto the floor of the House. And it only took two hours and 22 minutes, an

\textsuperscript{207} Id.
\textsuperscript{208} FORGOTTEN MAN 116.
Four months after that phone call from the President, the bill had passed out of her committee again, was pried loose from the Rules Committee by a discharge petition for the second time, and finally passed the House.\textsuperscript{210} 

The Fair Labor Standards Act of 1938 was signed into law by Roosevelt on June 25, 1938. It incorporated a forty-four hour workweek, to be reduced in three years to forty hours, and required overtime pay after that. It established a federal minimum wage of 25 cents per hour, to be slowly increased until in seven years it reached 40 cents. There were no automatic regional exceptions to these provisions. However, regional industrial groups could advise an administrator to make exclusions and inclusions and permit variations in wage rates above the set minimum. The law prohibited the shipment of goods made with child labor and applied minimum wages to the manufacture of goods in the home. It forbade classifications by sex for wage purposes.

In November of 1938, Mary Norton was reelected by a majority of 67,000 votes in the general election.\textsuperscript{211} Former Chair of the Veteran’s Committee and D.C. attorney Royal Johnson wrote to congratulate her on her success.\textsuperscript{212} The New Jersey Commissioner on Labor said he was “intensely proud of [her] achievements in public life...Time, I know, will in the sphere of social and political economics, place your name...

\textsuperscript{209} Mary Norton Snaps Whip and Congressmen Jump, ATLANTIC CITY DAILY PRESS (from Mary T. Norton’s papers).
\textsuperscript{210} SUSAN WARE, BEYOND SUFFRAGE: WOMEN IN THE NEW DEAL at 104 (1981)
\textsuperscript{211} http://clerk.house.gov/members/electionInfo/1938election.pdf at 15.
\textsuperscript{212} “Of Course all of us knew that you would be reelected as long as you want to be, but nevertheless I felt a distinct personal sense of satisfaction when the returns came in....you have the courage of your convictions. Congress needs people like you.” Letter from Royal C. Johnson to Mary Teresa Norton, available in Mary T. Norton’s papers (on file with author.)
in a well deserved niche for your masterly direction of the Wage and Hour Bill to its ultimate enactment into the Law of the Land.”

**Failures in FLSA**

Although women were a major force in the development and passage of the FLSA, and it calls for formal equality based on sex, the law failed to protect women workers adequately. The final bill only incorporated about 20% of the labor force, and women were disproportionately excluded. It covered only 14% of working women, compared to 39% of working men. Women were frequently prevented by custom and law from working extra hours, and thus could not benefit from the overtime extra pay provisions at all. Furthermore, the minimum wage was so low that, even working a 40-hour workweek, no worker could earn the average weekly industrial wage in any state, even though that average included depression-shortened hours. FLSA excluded sales, service, domestic, and agricultural work and thus excluded many female laborers from its protection.

**Norton’s Congressional Career after FLSA**

Mary Norton served another thirteen years in Congress after the passage of FLSA. Upon her death in 1953, the New York Times obituary remembered “Mrs. Norton” as “a staunch New Dealer [who] helped to guide the late President Franklin D. Roosevelt’s

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215 Id.
216 Kessler at 106.
217 See KARNOUSTOS at 91.
wage-and-hour legislation as well as to defend it later.” She supported Franklin Roosevelt because of her sincere belief in the New Deal as a way of benefiting women and the working class.  

When Republicans took control of the House again in 1947, Norton lost the Chair of the Labor Committee to Fred Hartley of New Jersey, co-author of the Taft-Hartley Act. She strongly opposed the Taft-Hartley Act saying in a radio broadcast in 1949, “I saw it in its formative period and I know it was born out of a desire for repression. It was a retreat—not just a step backward – but a wholesale retreat to the days when labor had no rights.” Norton was not a fan of Hartley’s, whom she said, “has only attended ten meetings of this committee in ten years. I refuse to serve under him. It would be too hard on my blood pressure,” and at the beginning of the 80th Congress, Norton resigned from the committee in protest.  

However, she continued to introduce bills to raise the minimum wage. In 1947, Norton became the ranking member of the House Administration Committee and then the Chair when the Democrats regained control of Congress in 1949. While Chair of this committee, Norton introduced and obtained passage by the House of an anti-poll tax bill, part of President Truman’s civil rights program, that forbade states from requiring citizens to pay a fee in order to vote in primary or general elections affecting Congress or other Federal offices. Although conservative Rules Committee members attempted to block her, the 81st Congress had enacted a new rule that permitted the Chair of a committee to introduce a resolution asking for consideration of a favorably reported

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218 Mary Norton, 84; Legislator, Dead, THE NEW YORK TIMES, Aug. 3, 1959 (page unknown).
219 WARE at 116
222 See Legislative Career sheet prepared by CRS (on file with author).
measure that has not been issued a rule permitting consideration by the Rules Committee.\textsuperscript{223} She was the first Member to invoke this so-called 21-day rule and got passage of the anti-poll tax bill in the House by a vote of 273 to 116.\textsuperscript{224}

Norton announced her intention to resign from Congress on her 75\textsuperscript{th} birthday. She was ill in the hospital and had been considering whether to run again.\textsuperscript{225} The illness convinced her that it was time to rest.\textsuperscript{226} A large party had been planned to surprise her, but the plans had to be postponed.\textsuperscript{227} Several weeks later, when she recovered sufficiently to return to her work in Washington, Norton was greeted with a celebration by her colleagues of her career and her birthday.\textsuperscript{228} The women Members presented her with a gold bracelet, and as a sign of respect and warmth, the Republican Congresswomen came over to the Democratic side to present it to her and embrace her. The autograph of each woman and the name of her state were engraved on a gold square.

It was her 26\textsuperscript{th} year in Congress. On her birthday, Representative Dingell of Michigan paid tribute to her career as a female legislator, “She asked no quarter, concession or handicap because of her sex. She never conceded that it was a man’s world, although she realized the rules were written largely by men. Under these rules, she could give and take.”\textsuperscript{229}

\textsuperscript{223} Madame Congresswoman at 248.
\textsuperscript{224} Id. at 252.
\textsuperscript{225} \textit{Mary Norton, 84; Legislator, Dead}, \textit{The New York Times}, Aug. 3, 1959 (page unknown).
\textsuperscript{226} Madame Congresswoman at 259-60.
\textsuperscript{227} Id. at 262.
\textsuperscript{228} Id. at 263.
\textsuperscript{229} Mary McGrory, \textit{They’ll Miss the Back of Mary’s Hand}, \textit{The Evening Star} (Washington), March 17, 1950.
Last Years in Government and Death

The disappointing fact...is that for the first time since 1975, New Jersey has no women serving in its congressional delegation... We hope that when the leaders of both political parties have the opportunity to select candidates to run in winnable races that women will be at the top of their lists. That would be a truly fitting way to honor the memory of Mary Norton.\textsuperscript{230}

Despite Norton's personal ambition and her popular success in Congress, she never ran for a Senate seat because she did not think she would succeed and did not want to lose the job she loved as Congresswoman. "I thought about [the Senate] for a week and decided I could not afford to take the chance of defeat, particularly as I really liked being in the House. And I knew I would have two strikes against me being a woman and a well known Catholic."\textsuperscript{231}

In May of 1950, at a lunch given by the Women's National Democratic Club in her honor, Norton said she was retiring to write her autobiography.\textsuperscript{232} Although no one ever published this autobiography, Norton was cheerful and hopeful about it, working on it energetically even up until the last year of her life.\textsuperscript{233}

After Norton's retirement from Congress, she served as a special consultant to U.S. Secretary of Labor Maurice Tobin until the end of the Truman administration.\textsuperscript{234} She then moved back to Jersey City for a while and then to Greenwich Connecticut in 1956, to be close to her niece, Mrs. Edmund Burke Jr., and the Burke children.\textsuperscript{235} In her

\textsuperscript{230} Meredith Swenson-Stirling, Editorial, What New Jersey's Delegation is Missing, The Star Ledger (Newark, N.J.), March 31, 2004.

\textsuperscript{231} Madame Congresswoman at 133.


\textsuperscript{233} Letter from Marjorie Savage to Norton's niece Jeanne, Aug. 5, 1959 (on file with author and at Alexander Library).


\textsuperscript{235} See, Mary Norton, 84; Legislator, Dead, THE NEW YORK TIMES, Aug. 3, 1959 (page unknown).
retirement, Norton celebrated her birthdays with Eleanor Roosevelt and Lorena Hickock, who lived with Roosevelt and shared Norton’s March 7 birthday.\footnote{236} She spent time with family and friends and worked on her autobiography.

At age 84, Norton died in Greenwich of a heart attack.\footnote{237} Although American history has largely forgotten Norton’s role in the passage of the Fair Labor Standards Act, Congresswomen recently celebrated Norton’s legacy again. In March of 2004, Representatives Mary Kaptur and Nancy Pelosi recovered her portrait from storage and hung it in Democratic Minority Leader Pelosi’s office to honor Norton’s memory and her career.\footnote{238}

\footnote{236} See generally, correspondence between Eleanor Roosevelt and Mary Norton (on file at Alexander Library).

\footnote{237} See Data Sheet for The New Jersey Women Project (on file with author). Although Norton’s autobiography referred to her age as 85, this is perhaps because she was working on it at age 84 and expected that it would be published in a year.