The Court Archive:
Florence Kelley

John A. Lupton
© Illinois Supreme Court Historic Preservation Commission
March 2025

Florence Kelley grew up in a world of privilege and gentility in Philadelphia as the daughter of abolitionist and U.S. Representative William D. Kelley. Her upbringing was as far removed from the struggles of working people as possible, but she became one of the foremost reformers in the late-nineteenth/early-twentieth century.

After graduating from Cornell University, she pursued graduate studies in Europe and translated several works by Karl Marx and Frederick Engels into English. Upon her return to the United States, she moved to New York, then to Chicago in 1891. Living with Jane Addams in Hull House, Kelley investigated sweat shops in the garment industry. In 1893, she successfully lobbied for the creation of the Illinois Factory Inspection Act, creating an 8-hour workday for women, and barring employment of children under 14. Governor John P. Altgeld appointed her as Chief Factory Inspector.

W.C. Ritchie & Co, a Chicago paper box manufacturer, and other members of the Illinois Manufacturers Association challenged the law in court. The case, *Ritchie v. People*, 155 Ill. 98 (1895) went before the Illinois Supreme Court. Kelley, who received her law license in 1895, worked on the appeal. The Illinois Supreme Court struck down the 8-hour provision for women declaring government had no power to interfere with the right to contract. "Labor is property," Justice Benjamin Magruder wrote, "when an owner is deprived of one of the attributes of property, like the right to make contracts, he is deprived of his property within the meaning of the constitution." Adding insult to injury, the Court also declared Kelley's salary unconstitutional.

After the case, Kelley was discouraged but continued to work as Chief Factory Inspector for no pay until newly elected Governor John Tanner dismissed her in 1897. In 1899, she moved back to New York and continued working for reform. In the new century, the battles over progressive labor laws intensified. *Lochner v. New York*, 198 US 45 (1905) agreed with the earlier Illinois *Ritchie* case, but three years later *Muller v. Oregon*, 208 US 412 (1908) came before the United States Supreme Court concerning a 10-hour workday for women. Boston attorney Louis Brandeis agreed to assist the reformers. Kelley worked on the brief he filed, a document marked by pages of statistical and sociological evidence. The Brandeis Brief became a new tool adopted

by other reformers and was key in SCOTUS's upholding the Oregon law, distinguishing it from *Lochner.*

Accordingly, the Illinois legislature passed a new law restricting women to a 10-hour work day. The same W.C. Ritchie who had won 15 years before challenged the new law in *Ritchie v. Wayman*, 244 Ill. 509 (1910). Louis Brandeis came to Springfield to argue for the law, again filing a similar brief as in *Muller* justifying the workday restrictions. The Illinois Supreme Court ruled that the 10-hour workday law was constitutional. The act, Justice John Hand wrote, worked to "preserve the health of women and insure the production of vigorous offspring by them and would directly conduce to the health, morals and general welfare of the public" which was within the power of the state to regulate.

In addition to workplace laws, Kelley was involved in other reform activities. She helped found the NAACP in 1909 and the Women's International League for Peace and Freedom in 1919. She served as the General Secretary for the National Consumers League and President of the Intercollegiate Socialists Society. She died in 1932 after nearly a full lifetime of assisting underprivileged and underrepresented women, children, immigrants, and African Americans.