## Fair Harvard? Labor, Law, and Gender in the Harvard Scrubwoman Case

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Fair Harvard? Labor, Law, and Gender in the
Harvard Scrubwomen Case
Linzy Brekke

On December 21, 1929, Harvard University fired 20 women employed as office and
building cleaners in Widener Library, the nation’s second largest library. In the wake of
their unexpected termination, several of the women turned to community leaders for help.
The Reverend William Duvall of Trinity Community Episcopal Church in East
Cambridge wrote to Harvard president A. Lawrence Lowell, inquiring on behalf of one of
the discharged women who lived in a tenement house operated by his diocese. Lowell
responded to the minister with a terse letter maintaining that she and her coworkers had
been dismissed because “the Minimum Wage Board has been complaining of our
employing women for these purposes [cleaning] at less than 37 cents an hour, and hence
the University felt constrained to replace them with men. Their replacement by men was
prompted by the fact that men were not protected by the law that prescribed minimum
wages for scrubwomen.”¹ The men who assumed the work of cleaning Widener were
fewer in number and were paid 32 cents an hour, instead of the 35 cents the women had
received, a savings of $650 a year to the university.² Surprised at Lowell’s callousness
and outraged over his glib defiance of state labor laws, Duvall made a copy of Lowell’s
letter and sent it off to the press.

By the end of January, the story of “twenty poor scrubwomen fired four days
before Christmas over a two-cent wage increase by the wealthiest university in the
country” was put on the Associated Press wire. Within days it was featured on the front
pages of dozens of newspapers from Portland, Maine, to Portland, Oregon.\textsuperscript{3} The ruthless attitude of the Harvard Corporation toward its female workers became common editorial fodder; as \textit{Labor} magazine put it, “Harvard was cartooned, lampooned, and lambasted from end to end of the country.”\textsuperscript{4} What at first seemed like a local management issue became a national \textit{cause célèbre}.\textsuperscript{5}

Clashes between labor and management were hardly unfamiliar to Americans in 1929. For over a decade, organized labor had been battered by open-shop drives and intense anti-unionism, yet strikes, walkouts, and other manifestations of workplace conflict persisted.\textsuperscript{6} Three central issues differentiated the Harvard case from other industry clashes of the era: first, Harvard’s prestige, wealth, and international renown made it a powerful symbol for a diverse cross-section of the population as well as an easy target for social and class antagonisms. Second, as a university, Harvard was a tax-exempt, not-for-profit institution. As such, it occupied an ambiguous position between public and private, where moral and ethical ideals, not only laws and economics, held sway. Tensions over the proper behavior of a university that was also a corporation animated the debates over Harvard’s treatment of its women workers. Third, Harvard stood accused of knowingly and willfully violating the Massachusetts minimum wage law, a law that was designed and enacted to protect just such unorganized and unskilled workers as Harvard’s scrubwomen.

The premise behind “protecting” women and not men lay in the inequality of their bargaining power in the labor market. Women were one-fourth of the work force in the early twentieth century, yet they were concentrated in the poorest paid and least skilled
jobs and industries and rarely had access to unions through which they could organize for better working conditions or wages. Protective legislation was intended to compensate for these disparities as well as to ameliorate the social costs of capitalism for women. The workers’ gender in this case stirred up the public’s paternalism and generated a virulent backlash against Harvard for turning the “mothers of the race” out onto the streets.7

For all these reasons the case attracted a diverse constituency of participants and passionate observers with differing agendas: prominent alumni and elite students sought to restore Harvard’s “honor” and symbolically usurp Lowell’s power to represent the university; leftist political organizations like the Harvard Student Socialists and the Liberal Club publicized the scrubwomen scandal in order to garner support for socialist reforms; middle-class women reformers and protective legislation lobbyists like the Consumer’s League, the Women’s Bureau of the Department of Labor, and the Women’s Trade Union League dissected the implications of the Harvard case for the future of protective legislation for women; members of the press who followed the story and refused to let it die did so because they had political grudges against President Lowell for his involvement in anti-unionism and his role in the infamous Sacco and Vanzetti case earlier in the decade.8 Others saw a human interest story that offered them the chance to revive the muckraking tradition of the Progressive Era and to expose abuses of power and greed at the nation’s highest levels.9 When The Nation alleged in 1930 that the Massachusetts Minimum Wage Commission (MWC), the bureau charged with enforcing labor laws, had brokered a “gentlemen’s agreement” to turn a blind eye to Harvard’s
labor practices for nine years, the media found its muckraking angle. The combined effect of a multimillion-dollar university colluding with a government agency to evade a law protecting vulnerable working-class women heightened the scandal’s legal, political, and social significance. Walter Lippmann likened the scandal to “a chapter from Dickens.”

Even before the exigencies of strikes and massive public unrest in the early 1930s, respondents to the Harvard case began calling for changes in the way business and the state treated workers. The press saw in Harvard a frightening embodiment of the nation writ small: “labor ground under the heel of Higher Education, which, when you snap off its false whiskers, is no less than Capitalism,” opined the New Yorker. In the liminal period between the fragmented, anti-union era of the 1920s and the New Deal, an unlikely cross-class coalition emerged of elite alumni and students, leftists, middle-class reformers, government bureaucrats, and the reading public, all clamoring for justice from the nation’s wealthiest university.

The incident the press dubbed “The Harvard Scrubwomen Scandal” reveals the disregard with which Harvard treated its women workers—and how they got away with it. As the case evolved, however, so did the politics of the participants. They launched a protest movement, turning a seemingly narrow demand of group interests into a critique of corporate capitalism.
Facts in the Harvard Case: 1921-1929
The peace and prosperity of the 1920s ushered in a new era for American business characterized by “welfare capitalism” where, as one historian has written, “the enlightened corporation, not the labor union or the state, would spearhead the creation of a more benign industrial society.”

Harvard, however, remained in its own time zone. Hostile to unions, the university was run “on a thorough-going open shop basis,” journalist Gardner Jackson wrote in *The Nation*, and it paid wages “lower all across the board than those paid on the outside.” Under Lowell’s administration, Harvard had abolished the few fledgling unions that existed, refusing to employ even as temporary workers craftsmen who were affiliated with the American Federation of Labor. In terms of wages for cleaning employees alone, Harvard’s rate of 35 cents an hour stood in stark contrast to that of the Massachusetts Institute of Technology, which paid its workers 47 cents an hour, and the State House, which paid 60. Few of Harvard’s unskilled and semi-skilled workers were eligible for pensions, worker’s compensation, or health insurance.

The Widener women complained of management tactics at Harvard that included speed-ups, intimidation, and job threats that prevented workers from climbing the chain of command to seek higher wages or from speaking to state inspectors. Such practices had been condemned in business and labor circles for over a decade. But as late as 1937, Harvard officials lobbied the federal government to exempt universities from the Workmen’s Compensation Act and the National Recovery Act. The Harvard Business School may have taught its students the new code of welfare capitalism, but it remained an intellectual exercise so far as its own employees were concerned.
The man most singularly responsible for Harvard’s retrograde business practices was university president A. Lawrence Lowell. By 1929, Harvard was well established as a prestigious and elitist institution. As such, it was also an inviting target for criticism; and Lowell was probably the most inviting target in Harvard’s two hundred–year history. A popular Boston ditty satirized the Back Bay Brahmin society of his birth as a place “where Lowells speak only to Cabots and Cabots speak only to God.” He was autocratic and an impetuous critic of liberalism; he later became a strident opponent of the New Deal. He personally recruited 200 undergraduates as scabs to break the Boston policeman’s strike in 1919, and under his direction Harvard instituted quotas limiting the admission of Jews and African Americans. His leadership on the steering committee that sustained the death sentence for Nicola Sacco and Bartolomeo Vanzetti earned him lifelong animosity from liberals and the press. In short, Lowell embodied elitism and political conservatism. 21

So it came as little surprise when, in December 1920, C. A. Martin, the forewoman of the Widener Library workers, acting as Harvard’s representative, testified in the Massachusetts State House against a proposed increase in the minimum wage for office and building cleaners. She assured the board that Harvard had met the minimum wage requirements in the past but that the university’s budget for the fiscal year had already been established. Forcing the university to meet the state’s new rate increase, she claimed, would force her to fire her female workers. The Minimum Wage Commission suggested she cut the women’s hours. Martin responded, speaking “on behalf of my women,” that they “would rather . . . leave things as they are.” The MWC reminded
Martin that laws were not tailor-made for Harvard but applied to the entire state.\textsuperscript{22} The university would have to pay the new minimum wage.

The minimum wage increase had been proposed after a 1920 investigation of working conditions for building and office cleaners across Massachusetts revealed that most cleaning women were widows with dependent children. They worked long hours and received among the lowest wages in the state, lower even than housecleaners or laundresses.\textsuperscript{23} Harvard’s cleaning women fit the state’s demographic portrait of working women: they were predominantly Irish Catholic, widowed or unmarried, with dependent children. They worked several jobs and still relied on local relief agencies to get by. Several had worked at Harvard for over 25 years. The scrubwomen were precisely the kind of workers the legislation sought to protect.\textsuperscript{24}

Both employers and the MWC, however, found room for interpretation between the letter of the law and its spirit, especially when the law carried no penalties except public exposure in newspapers. Copies of the new state law were sent to Harvard in the spring of 1921 and posted in Widener. At various inspections throughout the decade, the MWC accepted Harvard’s vague and plaintive verbal assurances of compliance without checking the payroll. In 1925 a member of the Harvard Corporation, Thomas Nelson Perkins, established “an understanding” with the MWC that women’s wages at Harvard were “all right.”\textsuperscript{25} That same year, four scrubwomen appeared before the Commission complaining of the low wages they were receiving at Harvard. It took the MWC a year to follow up on their charges. In 1926 the university’s comptroller, Arthur Endicott, met with the MWC and admitted that the women were not technically receiving the state
minimum, but they were given benefits such as daily 20-minute rest periods, sick pay, and one week’s paid vacation, which, when assigned monetary value, brought their wages to the state minimum. When interviewed, however, the scrubwomen had no knowledge of such benefits and had never availed themselves of them. Harvard even claimed that its “prestige” compensated for lower wages by making it more socially attractive than other employers.  

Throughout the decade, the MWC consistently accepted the university’s word without holding a hearing, interviewing workers, or requiring Harvard to file a formal statement on wages as the law required. The Commission appointed to investigate non-complying employers failed to perform even routine verification of the labor situation at Harvard. As the Women’s Trade Union League later charged, the Commission had utterly failed to “administer the law with sympathy and understanding of its purpose.”

The situation came to a head when Ethel Johnson was appointed as assistant commissioner to the MWC in 1929. She warned the university that the Commission would publicize it for noncompliance unless she had proof by the end of the year that Harvard wages conformed to the state’s decrees. Not party to any “gentlemen’s agreement,” Johnson was prepared to force Harvard to obey the law. Harvard comptroller Charles Apsted responded by firing the Widener women on December 21, 1929. Apsted thought that by simply dismissing the women he would circumvent the problem of the minimum wage law and avoid further confrontations with the MWC. He would come to rue his decision as the weight of angry public opinion fell upon Harvard in the ensuing year.
“Like a Chapter Out of Dickens”: The Public Responds

Why did Harvard fire the women workers and why, in the face of intense public pressure, did the university refuse to reinstate them or change its wage policy? Harvard’s gendered and formalistic defense of the firing of the Widener women on January 30, 1930, revealed the ultimate perils of protective legislation. “We have not at any time attempted to violate the Minimum wage law,” Arthur Endicott asserted, “but in replacing these women whose labor was not efficient with men, we have done exactly what the law intended to effect . . . the law does not intend to force the employment of labor inefficient for its cost but to insure that the labor which is employed shall be paid the wages its efficiency deserves.”28 Widener would be cleaned “by a high-speed crew of men cleaners, which the university found more efficient than the women,” he stated.29 Linking efficiency with men and inefficiency with women cut moral arguments to the quick by privileging capitalist arguments. By emphasizing women’s physical difference--here construed as weakness--business could legitimate replacing women workers with men.

The same maternalist images of women as poor, weak, and dependent that Progressive activists used to garner support for protective legislation were wielded like a club against the Widener women. Harvard officials portrayed them as labor pariahs; exaggerating the women’s ages, they claimed they were notoriously inefficient and costly. None of their employment records bore out such claims. To Harvard’s astonishment, however, the public recast “weakness” and upheld Harvard’s obligation of paternalistic protection. The *New York Telegram*, reporting Harvard’s rumors that the women had
grown “too old” and “too feeble” to do their work with competence, dryly concluded, “One never does grow younger scrubbing under bookshelves for 33 years.” Editorials pushed Harvard to assume its manly duty and shield the women as the law had intended. “What is the matter with Harvard students?” one column shrilled; “are the young men all cowards, incapable of indignation and a desire to aid those who are in distress?”

Another editorial chastised Harvard “to be fair” to its “poor old scrubwomen,” who had given long tenure of service. “Put these poor women back to work,” it cajoled, “and pay them the two cents more.”

These editorials carried the kind of playful, indulgent tone a parent would take toward a child. Such reporting revealed fissures in cross-class coalitions. The press reported the intricacies of the women’s personal lives in sensationalistic detail. “One widow, a mother of five children, was struggling to pay an undertaker’s bill when she received her dismissal from the cleaning force at the library. She is Catherine Donlon of Laurel St. who lost her little girl, aged seven nearly a year ago. Another child is not so strong.” These were the warhorse stories that female Progressive lobbyists had been trotting out since the 1890s when the first protective measures were initiated. Whereas Harvard used the women’s weakness and physical debility against them as lawful grounds for dismissal, the public reinterpreted such features as legitimate grounds for protection.

But there were dissenters. Protectionism’s practical failure in the Harvard case pushed new voices into the debate. Women’s organizations had argued over the implications of protective legislation before and after suffrage. The National Woman’s
Party, led by Alice Paul, strongly opposed protective laws on the ground that its definition of women’s “difference” endorsed and sustained female inequality. Many readers concluded from the mistreatment supposedly “protected” women experienced at Harvard that all workers were at risk. Alma Lutz, treasurer for the Massachusetts branch of the National Woman’s Party, submitted an editorial to The Nation, which had featured the Harvard controversy on the cover of its January 1930 issue. Lutz reminded readers that the Harvard incident “was not the first time in Massachusetts or in other States that the minimum wage law, which was designed to protect women, has interfered with their means of livelihood.” If the state sought to regulate minimum wage laws, Lutz argued, they must apply to both men and women. Other voices began to echo Lutz’s in support of extending wage legislation to include men. “To all who believe in a fair deal for the worker,” an editorialist from the Salt Lake City Tribune wrote, the Harvard case provided a lesson. “Why were the women fired? Partly because of wages but also because men’s wages are not protected by law in Massachusetts.” These editorials sought to shift labor legislation’s emphasis away from gender to labor. Wage earners, in this discussion, faced employment obstacles as workers first and as men and women second.

Leftist groups drew on the case’s relevance to class relations directly. The Student Socialists Club at Harvard published a pamphlet in response to the controversy: “This leaflet is not written by indignant citizens but by Socialists,” it read, “and to us this
scandal . . . is like the cough of the tubercular--not a disease but the sign of a disease. . . . it was outrageous not because of what was done to these particular women but because it shows the ruthless attitude of . . . great business men towards those who work.” Harvard socialists saw structural problems in American capitalism rather than flaws with protective legislation or even the university itself, as the root cause of workplace conflicts. They emphasized the need for state unemployment insurance and the unionization of university workers.  

Harvard students who supported the university’s decision were incensed at their peers for airing private laundry in public and felt embarrassed over the barrage of negative publicity the scandal generated. They heckled the Widener women at the public benefits held in their honor and brutally satirized their class, gender, and ethnicity in the Harvard Lampoon. Another group, donning blackface and dressing in drag, mock-scrubbed the steps of Widener. Such antics were intended to cast humor on the situation, but they also revealed the prejudices of elite students toward the immigrant underclass who were uncomfortable fixtures in the university’s public spaces.  

The Harvard case exposed many of the fault lines in regional class and ethnic antagonisms. Harvard’s endowment in 1929 was conservatively estimated by the New York World at $81 million. “The battalions of books” in Widener Library “reached from floor to ceiling,” wrote Heywood Broun, a leading organizer of the Newspaper Guild, in the New York Telegram; “in them was the stuff to make one free. But they were not for the likes of her [a scrubwoman]. This was fodder for the Lowells and the Cabots.” The specter of a university with a “treasury that grows from year to year like the Manhattan
skyline,” as the *Telegram* described it, withholding two cents an hour from its workers rankled many.\textsuperscript{39}

[See Image 7: Harvard Scrubwomen Line Art]

Harvard drew particular fire because it occupied an ambiguous position between public and private. Would the university’s actions have aroused such ire if it were a private company? The *Weekly Standard*, in New Bedford, Massachusetts, thought not. “Because Harvard is a college, not an industrial or business enterprise, its failure to pay its scrubwomen the minimum wage was broadcast the country over.”\textsuperscript{40} Columnists criticized Harvard for ignoring what they considered its “moral” responsibilities. “Harvard, as a tax-exempt educational institution, has considerable responsibility in the community and to the community, and no such thing as hair-splitting technicalities to avoid the honest application of the law should be resorted to by it.”\textsuperscript{41} The *New York Telegram* argued that an educational institution “ought to be better than the average employer.”\textsuperscript{42} The *Survey* reiterated the *Telegram*’s message: “As an employer of labor, a university is expected to live up to a standard well above that of a sweatshop boss.”\textsuperscript{43} The Reverend Duvall, the man who had leaked the scandal to the press in the first place, issued a poignant plea: “Plenty of colleges may find help to do their work at a low wage; but are these institutions going to pay wages forever according to the law of supply and demand? Are educators justified as heads of concerns in accepting salaries from five to ten times as large as those who work for them? The way to give truth is to live truth.”\textsuperscript{44}
His words were calculated to sting the institution that boasted *veritas* as its motto. Duvall made a moral argument of mutual obligation that true welfare capitalists would have understood. A university was *not* a business enterprise, yet many writers also claimed that Harvard had failed even to live up to the era’s standards for private corporations.

Public anger over Harvard’s behavior reached a crescendo in the spring of 1930. Editorials became personal and biting. The *New Republic* increasingly blamed Lowell: “the fact remains that President Lowell, in the present instance as so often in the past, has shown a conspicuous disregard for public opinion. He likes to think of Harvard as a national university, and yet he speaks in the public-be-damned voice that one expects from the manager of a grasping and selfish corporation.”45 Students and alumni, moved by both a sense of social justice and a desire to end the bad publicity for Harvard, issued a call for action to resolve the scandal. Since the Lowell administration adamantly refused to acknowledge any wrongdoing, a famous alumnus, Corliss Lamont, stepped forward to lead an alumni fundraising drive to pay the Widener women a decade of earnings lost as a result of Harvard’s failure to pay the minimum wage.

Lamont was the socialist son of billionaire Thomas Lamont, head of J. P. Morgan Investment Bank; an author and philosopher, he devoted his life to fighting for radical causes. In 1930 he launched a letter-writing campaign asking alumni and students for financial contributions to raise the scrubwomen’s back wages and to sign a petition expressing “moral outrage” at Harvard. Telegrams and letters pledging support poured into his New York apartment. “The institution is not only stingy and apparently callous and lacking in human sympathy but is not even living up to the standard of the ordinary
decent citizen,” wrote Herbert Ehrmann, an alumnus attorney. Alumni sought to restore Harvard’s honor and appealed to fellow students to “take a stand not only as Harvard men, but as men who insist on just and humane action in every sphere of life.” Alumni would demonstrate that they, and not Lowell, spoke for the “real Harvard.”

Alumni, students, leftists, labor leaders, and the public had expressed a consensus that employers had responsibilities toward labor that went beyond merely what statutory law enforced. Universities, they concluded, had even greater obligations. If Harvard had simply acknowledged its mistake, repaid the back wages, or reinstated the women workers, the controversy would have been resolved, and Harvard would have redeemed its public image. Furthermore, such a gesture would have indicated that Harvard was responsive to public opinion and prepared to make changes in its labor relations. As it turned out, “it remained for a generous alumnus,” the Raleigh N.C. News Observer reported, “to see that the worker’s rights were vindicated.”

Elite paternalism, not university responsibility, won the day. With financial donations from 281 alumni, Corliss Lamont raised nine years of back wages due the Widener women. The “scrubwomen’s Santa” divided $3,880 among them on December 25, 1931, two years after their ordeal began. Alumni and the press congratulated each other that justice had been served in this case. As the Labor Herald proclaimed “If the searchlight of publicity had not been turned on the niggardly policy of the Harvard authorities, it is doubtful if anything would have been done for the scrubwomen.” Private charity may have put an end to the scrubwomen controversy, but Harvard had remained recalcitrant to the end. And charity alone could not perpetually resolve labor disputes.
**Eating Prestige**

When the Fair Labor Standards Act was passed in 1938 as part of the New Deal, federal legislation established minimum wages, maximum hours, and overtime pay rules for men as well as women. But that did not mean that the law no longer discriminated between male and female workers. On the contrary, most of the occupations not covered by New Deal legislation, including domestic service, were filled by women, and the National Recovery Act exempted universities from its provisions. Harvard had told cleaning women in 1929 that “prestige” could make up for low wages; fifty years later, in 1987, the Harvard Union of Clerical and Technical Workers’ “We Can’t Eat Prestige” slogan revealed how little things had changed. Indeed, Harvard’s prestige and status as the nation’s premiere university still make it a target for criticism and negative publicity, which, if history shows us anything, is far more expensive than the cost of labor.
Notes


9. Mary Anderson to Massachusetts Minimum Wage Commission, March 20, 1930; *Life and Labor Bulletin* [Organ of the National Women’s Trade Union League of America], March 1930, CLC/SL.


11. I am drawing here on Paula Baker’s broad definition of politics as “any action, formal or informal, taken to affect the course or behavior of government or the community.” See Paula Baker, “The Domestication of Politics: Women and American Political Society, 1780-1920,” *American Historical Review* 89 (June 1984): 620-47.


20. Lipset and Reisman, *Education and Politics at Harvard*, 159; Arthur Endicott to Lowell, Sept. 9, 1933; Lowell to Arthur Young, March 1, 1937, ALL/HUA.


22. Transcript of the State House “Hearing,” CLC/SL.


24. Margaret Weisman to Corliss Lamont, May 28, 1930, and undated transcripts of interviews with workers, CLC/SL.


26. Ibid.


33. See Nancy Cott, The Grounding of Modern Feminism (New Haven, Conn.: Yale University Press, 1987).

34. The Nation, March 12, 1930.


43. The Survey, March 15, 1930.

44. William Duvall to Corliss Lamont, undated, CLC/SL.


46. Herbert Ehrmann to Corliss Lamont, March 8, 1930, CLC/SL.

47. Christopher Shreve to Corliss Lamont, April 4, 1930, CLC/SL.


50. Ibid.

51. Labor Herald, Wilmington, Delaware, Dec.12, 1931.