

Office Supreme Court, U. S.  
DEPARTMENT OF JUSTICE.

JAN 10 1908

JAMES H. MCKENNEY,  
CLERK.

---

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1907.

No. 107.

---

CURT MULLER, PLAINTIFF IN ERROR

v.

STATE OF OREGON.

---

BRIEF FOR DEFENDANT IN ERROR.

---

LOUIS D. BRANDEIS,  
*Counsel for State of Oregon.*

---

## TABLE OF CONTENTS

	Pages
LAWS OF THE SEVERAL STATES IN FORCE LIMITING THE HOURS OF LABOR OF ADULT WOMEN . . . . .	1-8
ARGUMENT . . . . .	9, 10
—————	
FIRST PART — <i>Legislation Restricting the Hours of Labor for Women</i> . . . . .	11-17
I. THE FOREIGN LEGISLATION . . . . .	11-15
II. THE AMERICAN LEGISLATION . . . . .	16, 17
—————	
PART SECOND — <i>The World's Experience upon which the Legislation Limiting the Hours of Labor for Women is Based</i> . . . . .	18-112
I. THE DANGERS OF LONG HOURS . . . . .	18-55
A. CAUSES . . . . .	18-27
(1) Physical Differences between Men and Women . . . . .	18-23
(2) The New Strain in Manufacture . . . . .	24-27
B. BAD EFFECT OF LONG HOURS ON HEALTH . . . . .	28-46
(1) General Injuries from Long Hours . . . . .	28-36
(2) Specific Evil Effects on Childbirth and Female Functions . . . . .	36-42
C. BAD EFFECT OF LONG HOURS ON SAFETY . . . . .	42-44
D. BAD EFFECT OF LONG HOURS ON MORALS . . . . .	44-46
E. BAD EFFECT OF LONG HOURS ON GENERAL WELFARE . . . . .	47-55
(1) State's Need of Protecting Woman . . . . .	47-51
(2) The Effect of Women's Overwork on Future Genera- tions . . . . .	51-55
II. SHORTER HOURS THE ONLY POSSIBLE PRO- TECTION . . . . .	56

	Pages
III. THE GENERAL BENEFITS OF SHORT HOURS . . . . .	57-64
A. GOOD EFFECT ON THE INDIVIDUAL HEALTH, HOME LIFE, ETC. . . . .	57, 58
B. GOOD EFFECT ON THE GENERAL WELFARE . . . . .	59-64
IV. ECONOMIC ASPECT OF SHORT HOURS . . . . .	65-84
A. EFFECT ON OUTPUT . . . . .	65-77
(1) Shorter Hours increase Efficiency, and thus prevent Reduction of Output . . . . .	65-75
(2) Long Hours result in Inferior Quality of Product . . . . .	75-77
B. EFFECT ON REGULARITY OF EMPLOYMENT . . . . .	77-79
C. ADAPTATION OF CUSTOMERS TO SHORTER HOURS . . . . .	79, 80
D. INCENTIVE TO IMPROVEMENTS IN MANUFACTURE . . . . .	80-82
E. EFFECT ON SCOPE OF WOMEN'S EMPLOYMENT. . . . .	82-84
V. UNIFORMITY OF RESTRICTION . . . . .	85-91
A. ALLOWANCE OF OVERTIME DANGEROUS TO HEALTH . . . . .	85, 86
B. UNIFORMITY ESSENTIAL FOR PURPOSES OF ENFORCE- MENT . . . . .	86-88
C. UNIFORMITY ESSENTIAL TO JUSTICE TO EMPLOYERS . . . . .	89-91
VI. THE REASONABLENESS OF THE TEN-HOUR DAY . . . . .	92-103
A. OPINIONS OF PHYSICIANS AND OFFICIALS . . . . .	92-99
B. OPINIONS OF EMPLOYEES . . . . .	99-102
C. OPINIONS OF EMPLOYERS. . . . .	102, 103
VII. LAUNDRIES . . . . .	104-112
A. PRESENT CHARACTER OF THE BUSINESS . . . . .	104-106
B. BAD EFFECT UPON HEALTH . . . . .	106-109
C. BAD EFFECT UPON SAFETY . . . . .	109
D. BAD EFFECT UPON MORALS . . . . .	109-111
E. IRREGULARITY OF WORK . . . . .	111, 112
CONCLUSION . . . . .	113