**Extra Credit HW Unit #11 - *Adkins v Children’s Hospital (1923)***

**Questions:**

1. **Describe the historical circumstances surrounding the changing roles of women in the 1920’s leading up to this case. (answer in 2-3 sentences)**
2. **Why did the Supreme Court rule that the minimum wage law was unconstitutional? (answer in 2-3 sentences)**
3. **Why did some Supreme Court justices disagree with the ruling? Explain (answer in 2-3 sentences)**
4. **Does the Supreme Court ruling help show that women are equal to men or does it hurt progress of women? (answer in 1 full T.E.A.L. paragraph)**

**Summary**

Adkins v Children’s Hospital, was a U.S. Supreme Court case that dealt with the constitutionality of a minimum wage for women and children. In 1918, Congress established a price-fixing law that would create a minimum wage for all women and children in the District of Columbia. This statute set the minimum wage paid to any woman or child working in the nation’s capital based on what job they were performing. The law stated that women working in a place where food is served should receive 16.50 a week or more, and those who work in a place such as a laundry mat would receive 15.00 a week. D.C’s Children’s Hospital brought a suit against the wage board that was appointed to set the wage, which was headed by Adkins. They claimed that the statute violated the **freedom of contract found in the Due Process Clause of the 5th.** The Supreme Court struck down the law because it provided the same wages regardless of occupation and prohibited women from being able to practice their 5th Amendment right of freedom of contract. The court also stated that the statute gave favor to women over men, which was no longer necessary in light of the 19th Amendment.

**Constitutional Issues**

Is the statute establishing a minimum wage for women and children in D.C. constitutional?

Is the statute favoring women over men?

**Decision**

In a 5-3 vote, the court ruled that minimum wage laws for women are unconstitutional because they interfere with the liberty of contract guaranteed by the Fifth and Fourteenth Amendments. The decision of District of Columbia’s supreme court was affirmed.

**Majority Opinion (Sutherland)**

Justice Sutherland wrote the majority opinion, which was joined by Justice McKenna, Justice Van Devanter, Justice McReynolds and Justice Butler. The Court makes it clear that Liberty of Contract is in fact protected by the constitution because “the parties have an equal right to obtain from each other the best terms they can as the result of private bargaining.” The court also cites a variety of cases to show that the recently passed 19th Amendment is a “vanishing point” for inequality among men and women. The court does however recognize that there is a difference between the physicality of men and women but state that “women of mature age” should not be stripped of their ability to negotiate the terms of their jobs if the same would not be done to men in a similar situation. The difference between placing a limit on the number of hours an employee can work and the amount of money an employee can make is also mentioned. The court states that limiting the amount of hours that a person works does not affect their ability to negotiate wages as setting a minimum wage does. The court feels that the board appointed doesn’t take into consideration the individual circumstances of the women that the statute affects, it only takes into consideration what the board was able to agree on and it applies to every occupation no matter how much work it requires. The statute takes into consideration the needs of the employee and not the employer. It doesn’t consider if the employer has enough money to pay the wage and the negative effects that the penalties from the statute will have on the employer.  The majority found that due to these reasons, a minimum wage law is unconstitutional.

**Dissenting Opinion (Taft)**

Justice Taft wrote a dissenting opinion which was joined by Justice Sanford. He feels that a violation of freedom of contract is not easy to determine and the court should not overturn an act of congress simply because they do not agree with it. Although he feels that setting a minimum wage implies that the employee and employer are not equal, he stated that congress makes those types of laws to benefit the public as a whole and should be allowed to set a minimum wage. . With the acknowledgment that congress has the right to establish maximum hours, found in He also feels that the court’s decision to strike down the law is because of the fact that allowing a minimum wage could lead to allowing a maximum wage. Citing the 19th Amendment is another issue that Taft has with the majority opinion. He states that the 19th Amendment does not change the physicality of women, and the ruling should not be based on the difference in physicality of men and women. **Justice Holmes** also stated that if  maximum work hours can be set then minimum wage should be able to be set. He also mentioned that the majority would need more than the 19th amendment to convince him that women and men are not different.