

A Brief Examination of the Difficulties in Finding Justice for the Victims of the Triangle Factory Fire, 1911

by Kevin Volk

Only a few days into the spring of 1911, a young woman, a garment worker on the job at a New York factory, received the worst and last shock of her life when the factory floor caught fire. Piles of scrap cloth and cuttings, rags, finished pieces—all fed the flames, creating a veritable inferno inside the "fireproof" building. People all around her began to panic, and with mounting dread, so did she. The stairwells were locked because the owners wanted to prevent theft. The elevators were inoperable; the guide rails had buckled, unable to withstand the heat. Some people, already accepting their fate, had begun to move toward the windows, and in a daze, she followed. The young woman knew what they were doing—after all, the factory floor was nine stories up from the street. When she reached the windows herself, she had only a second to make a decision. Was it better to face an ignominious, but mercifully quick, end on the pavement below, or to be consumed in flames and agony over the course of several minutes? She made her decision, and then she died.

Public Outrage in the Aftermath of the Fire

One hundred and forty-six people died in the Triangle Shirtwaist Factory Fire in the late afternoon of March 25, 1911—fully one quarter of the six hundred who were working there at the time of the fire (Murray 2). Following the tragedy, calls for more stringent safety standards led to the creation of a Factory Investigating Commission which explored the conditions and hazards of various types of factory work in the state, and which proposed suggestions for bills to regulate and enforce better and safer conditions, "resolving to leave nothing undone to preserve the lives of the men, women, and children working within" the bounds of New York

(Commission 16).

Expressed along with the public outrage at the Triangle Fire was the conviction that a tragedy so terrible necessarily arose out of some neglect on the part of the owners to maintain safe conditions in their factory, which, in turn, suggested that the owners were not only morally responsible, but legally culpable (Commission 16). However, a failure of one's moral responsibility does not always put one in a legally actionable position: there must first exist a statute or precedent. Statutes had been written which criminalized deliberate, harmful actions, such as locking the exits during work hours, but the case for negligence was far more difficult to prove.

To further complicate matters, in his investigation of the cause of the fire, Fire Marshal William Beers suggested that a lit match or cigarette carelessly tossed into a pile of fabric cuttings was the cause of the fire (Murray 5). This, in turn, implied that the fire was the fault of a worker—which, coupled with an extant no-smoking rule, put the factory owners above blame—but Fire Chief Edward Croker's report changed that. The firefighters, trying to combat the blaze, had needed to chop open the doors to get into the factory (Blame). The public's horror at the thought of the workers being sealed and killed in what amounted to a crematorium spurred on the legal process as the unions rallied around demands for the owners, Messrs. Isaac Harris and Max Blanck, to face indictment and trial (Mourning).

The Prosecution of the Factory Owners

After investigators discovered a burned section of a door with the locking bolt still protruding, the New York District Attorney, Charles Whitman, decided that he had enough of the evidence he needed to pursue a criminal case (Murray 7). A grand jury indicted Harris and Blanck on seven counts of manslaughter; specifically, they were charged under Section 80 of the

Labor Code, which prohibited locked or otherwise barred exits from the workplace during working hours (Remembering). It was alleged that the owners, by their own gross negligence, both in the matter of the locked doors and in the matter of generally unsanitary working conditions, created a truly incredible hazard which intensified the human losses of the fire (Murray 8-10).

Harris and Blanck first challenged one count of the indictment with the claim that as owners of the factory, but not of the building, they were not responsible for compliance with building safety regulations, but the challenge was rejected by Court of General Sessions Judge Thomas O'Sullivan. They also claimed that being forced to leave the doors unlocked allowed workers to pilfer goods, which would deprive the owners of property and profit without due process of law. This challenge to the indictment was also rejected, with the further rebuttal that leaving the doors unlocked was meant to protect the workers' lives, and that doing so was no violation of the owners' rights under the Constitution of either the State of New York or the United States of America (Murray 8).

The great legal obstacle for the prosecution to overcome was proving that the owners were themselves directly responsible for locking the doors of the factory and exacerbating the number of deaths that resulted from that alleged act. Harris and Blanck's defense counsel, Max Steuer, not only claimed that the owners had no knowledge of the locked doors, but also acquired witnesses to call into doubt whether the doors had been locked at all. He went on to damage the credibility of one of the witnesses for the prosecution and make the claim that it was panic on the part of the workers, not culpable negligence on the part of the owners, which had been the greatest cause of death (Murray 11-12).

At the close of the trial, the prosecution failed to prove before the jury that, even if the

doors leading out of the factory were locked, the factory owners were aware of it. Therefore, they found Messrs. Harris and Blank not guilty, fueling further public indignation. An article in the New York Tribune stated, "The monstrous conclusion of the law is that the slaughter was no one's fault, that it could not be helped . . . This conclusion is revolting to the moral sense of the community" (Murray 13).

Until the Triangle Factory Fire, the insulation of factory owners from civil responsibility for factory conditions was very nearly enshrined. However, in spite of the triumph of the old thinking with respect to the verdict, the case resulted in the first stirrings of effective change. Even before the trial, Harris and Blanck claimed that a private factory was a private space and not subject to the Penal Code's public nuisance laws, under which they had been charged. Rather than dismiss the charge, Judge O'Sullivan redefined the notion of private and public spaces, stating that the size of the workforce constituted, as he defined it, a "community" subject to the same provisions and protections as any other public space—namely, that any action by Messrs. Harris and Blanck which may have endangered the lives of those in that community was indeed a public nuisance subject to New York Penal Law (Murray 8-10).

This finding by the judge was an important step in redefining the role of factory owners pertaining to their responsibility to their employees. Later on, the Factory Investigating Commission found that statutes did exist which laid the legal responsibility for a fire caused by negligence on the shoulders of the landlord, but only in Europe. In the United States, the Commission found that, in part because of the way insurance was structured, "the average person [paid] little attention to fire loss" (Commission 61-62). This came to light after the criminal trial, especially during the many civil suits filed against Harris and Blanck by the families of the fire's victims.

The Civil Suits Against the Factory Owners

Max Steuer again defended the pair, and in the only suit to come to trial, he claimed that workers assumed the risks of working, so unless the factory owners were directly connected to the injured workers in the matter of the injuries, they could not be held responsible. The case was quickly dismissed, owing to the extreme difficulty in proving that the claimed harm was done by the owners and not by the other workers in their panic. The claims from all the cases amounted to approximately one-half million dollars, but they were all settled out-of-court with the building's owners for seventy-five dollars per life lost, for a total amount of less than eleven thousand dollars. By contrast, Harris and Blanck, who had insured the factory, were paid more than five times that amount (Murray 14-15).

The Need for Legislative Reform

The public outrage continued unabated. The apparently official opinion that employers were not responsible for or in control of workplace safety, combined with the unwillingness of any government department to accept responsibility to enforce the existing safety regulations, prompted a great deal of outspoken action from the public (Blame). The coroner's jury tasked with investigating the Triangle Fire even went so far as to declare that "the conditions obtaining in this factory were such that, if they were not forbidden by law, such a law should be instantly framed" (Placing).

The greatest obstacle in bringing factory owners to justice in matters of gross negligence or extreme hazard lay in the fact that the laws holding employers accountable for their places of employment simply did not yet exist or were largely unenforced. On the occasions in which they were enforced, the penalties were light. Mere days after the Triangle Factory Fire, Harris and Blanck's new premises were found to have unsafe conditions even worse than those in the

original building with respect to fire escapes and other exits. Two years after the fire, Blanck was found to have again locked a door to prevent the employees' exit from his factory, but he was fined only twenty dollars. On another occasion later that year, rubbish piles six feet tall were discovered on his factory floor, and he was given nothing more than a warning (Remembering).

The attitude of irreverence and indifference toward human life shown by Harris and Blanck was not unique to them; their case gained prominence simply because the enormity of the loss of life was such that it could not be ignored—indeed, it could never again be allowed to occur at all. Given time, the body of common law and legal precedent would have extended to place the weight of responsibility for factory conditions upon the owners, just as Judge O'Sullivan began to do in his decision to redefine the factory as a public space. However, the ubiquity of deplorable factory conditions, the public's continued dissatisfaction with the disposition of Harris and Blanck's case, and the need to resolve the matter before such an unmitigated horror happened again demanded legislation, which carried the advantage that it could be drafted immediately (Murray 16). To the ends of creating safer working conditions and maintaining a regulating body with enough power to ensure those conditions by holding owners accountable for providing them, the Factory Investigating Commission recommended the total reorganization of the New York State Department of Labor into a far more efficient and effective executor of the law (Commission 31-35).

Conclusion

The ongoing benefits of clear legal responsibility, the ability to bring negligent employers to justice and to limit the destruction and death they can allow to happen still reverberate across New York and the rest of the nation. Healthy, happy workers, low incidences of injuries and disease, even lower incidences of fire—especially catastrophic fire—and even clean air and water

are all the legacy of the attempts to find justice for the lost workers of the Triangle Factory Fire. They were the unfortunate victims of a completely avoidable danger, and the effect of their loss in forcing the danger to be recognized made them simultaneously catalysts and martyrs to the cause of workers' rights. Unlike the young woman who had to decide whether to jump, a young woman who was left, through no fault of her own, with two equally horrible choices, the government of New York, through its courts, its legislators, and its public, had—and took—the opportunity to do what was right, and so doing, created a model of workplace safety which is still the measured standard today.

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