The Handbook Series

Child Labor

JOHNSON
THE HANDBOOK SERIES

CHILD LABOR
<table>
<thead>
<tr>
<th>Title</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGRICULTURAL CREDIT</td>
<td>$1.25</td>
</tr>
<tr>
<td>AMERICANIZATION, 2d ed.</td>
<td>1.80</td>
</tr>
<tr>
<td>CAPITAL PUNISHMENT</td>
<td>2.40</td>
</tr>
<tr>
<td>CHILD LABOR</td>
<td>2.40</td>
</tr>
<tr>
<td>CLOSED SHOP, 2d ed.</td>
<td>2.00</td>
</tr>
<tr>
<td>DEBATERS' MANUAL</td>
<td>1.50</td>
</tr>
<tr>
<td>DISARMAMENT</td>
<td>2.25</td>
</tr>
<tr>
<td>EUROPEAN WAR, VOL. II</td>
<td>1.25</td>
</tr>
<tr>
<td>FUNDAMENTALISM VS. MODERNISM</td>
<td>2.40</td>
</tr>
<tr>
<td>GOVERNMENT OWNERSHIP OF COAL MINES</td>
<td>2.40</td>
</tr>
<tr>
<td>INDUSTRIAL RELATIONS</td>
<td>2.40</td>
</tr>
<tr>
<td>Employment Management</td>
<td>2.40</td>
</tr>
<tr>
<td>Modern Industrial Movements</td>
<td>2.40</td>
</tr>
<tr>
<td>Problems of Labor</td>
<td>2.40</td>
</tr>
<tr>
<td>MARRIAGE AND DIVORCE</td>
<td>2.40</td>
</tr>
<tr>
<td>MUNICIPAL GOVERNMENT</td>
<td>2.40</td>
</tr>
<tr>
<td>NEGRO PROBLEM</td>
<td>2.25</td>
</tr>
<tr>
<td>PRISON REFORM</td>
<td>1.25</td>
</tr>
<tr>
<td>PROHIBITION: MODIFICATION OF THE VOLSTEAD LAW</td>
<td>2.40</td>
</tr>
<tr>
<td>SHORT BALLOT</td>
<td>1.25</td>
</tr>
<tr>
<td>SLAVONIC NATIONS OF YESTER-DAY AND TODAY</td>
<td>2.40</td>
</tr>
<tr>
<td>SOCIAL INSURANCE</td>
<td>2.40</td>
</tr>
<tr>
<td>SOCIALISM</td>
<td>1.25</td>
</tr>
<tr>
<td>STUDY OF LATIN AND GREEK</td>
<td>1.80</td>
</tr>
<tr>
<td>TAXATION</td>
<td>2.25</td>
</tr>
<tr>
<td>UNEMPLOYMENT INSURANCE</td>
<td>2.40</td>
</tr>
</tbody>
</table>
PUBLISHED JANUARY, 1925
Printed in the United States of America

Reprinted November 1925
CONTENTS

EXPLANATORY NOTE .................................................. ix
BRIEF ............................................................................. xi
BIBLIOGRAPHY ............................................................... xxv
INTRODUCTION ................................................................. 1

GENERAL DISCUSSION

Child Labor ................................................................. 9
Child Labor in England .................................................. 16
Compulsory School Attendance and Child Labor ........... 22
Present Situation in Child Labor .................................... 28
Child Labor and Child Nature ....................................... 33
The Rational Basis of Legislation for Women and Children .................................................. 48
Child Labor and Pauperism .......................................... 52
Social Cost of Child Labor ............................................. 61
Seven Sins of Child Labor ............................................ 67
Child Labor a Drag on Progress .................................... 71
Child at the Loom ........................................................ 75
Health Officer’s Report ............................................... 82
Report on Manufacturing in Tenements .................... 85
Child Labor and the Child ............................................ 90
Shrimps and Babies ..................................................... 94
Neglected Children of Migrant Workers .................... 98
Extent and Control of Rural Child Labor .................. 104
Employment of Children in the Motion Picture Industry .................................................. 113
Stage Children .............................................................. 118
Work Opportunities and School Training for Coal Miners’ Children .................................. 121
On the Industrial Scrap Heap ....................................... 129
### CONTENTS

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Why Children Work</td>
<td>133</td>
</tr>
<tr>
<td>Children in Industry</td>
<td>150</td>
</tr>
<tr>
<td>Relation of the School to Occupational Life</td>
<td>156</td>
</tr>
<tr>
<td>Poverty and Child Work</td>
<td>162</td>
</tr>
<tr>
<td>Working Children of Boston</td>
<td>170</td>
</tr>
<tr>
<td>Progress in Child Labor Legislation</td>
<td>171</td>
</tr>
<tr>
<td>Exclusion of Minors from Injurious and Dangerous Occupations</td>
<td>174</td>
</tr>
<tr>
<td>Future of the Child Labor Question</td>
<td>181</td>
</tr>
<tr>
<td>Minimum Standards Set by the Conference on Child Welfare Standards</td>
<td>186</td>
</tr>
<tr>
<td>Uniform Child Labor Laws</td>
<td>190</td>
</tr>
<tr>
<td>Development of the Children's Code</td>
<td>201</td>
</tr>
<tr>
<td>Wisconsin Says No</td>
<td>208</td>
</tr>
<tr>
<td>Physical Standards for Working Children</td>
<td>212</td>
</tr>
<tr>
<td>Health of the Working Child</td>
<td>219</td>
</tr>
<tr>
<td>Model Street Trades Law</td>
<td>221</td>
</tr>
<tr>
<td>Administrative Standards</td>
<td>225</td>
</tr>
<tr>
<td>British Educational Standards</td>
<td>234</td>
</tr>
<tr>
<td>Control of the Employment of Children in Agriculture</td>
<td>241</td>
</tr>
<tr>
<td>International Labor Office and the Protection of Children</td>
<td>244</td>
</tr>
<tr>
<td>Child Labor in Other Countries</td>
<td>257</td>
</tr>
<tr>
<td>International Protective Regulations</td>
<td>258</td>
</tr>
</tbody>
</table>

### FEDERAL AMENDMENT

### GENERAL DISCUSSION

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Where Do You Stand on the Child Labor Amendment?</td>
<td>269</td>
</tr>
<tr>
<td>Child Labor Amendment</td>
<td>270</td>
</tr>
<tr>
<td>Child Labor Tax Law</td>
<td>288</td>
</tr>
<tr>
<td>Child Labor Amendment</td>
<td>292</td>
</tr>
</tbody>
</table>

### AFFIRMATIVE DISCUSSION

<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Necessity for Federal Action</td>
<td>295</td>
</tr>
<tr>
<td>Industrial Conditions as a Community Problem</td>
<td>299</td>
</tr>
</tbody>
</table>
## CONTENTS

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Child Labor</td>
<td>302</td>
</tr>
<tr>
<td>Need of Amendment to Constitution</td>
<td>309</td>
</tr>
<tr>
<td>Child Labor</td>
<td>313</td>
</tr>
<tr>
<td>Set the Children Free</td>
<td>316</td>
</tr>
<tr>
<td>States Rights and Children</td>
<td>322</td>
</tr>
<tr>
<td>Child Labor Important Thrift Problem</td>
<td>324</td>
</tr>
<tr>
<td><strong>NEGATIVE DISCUSSION</strong></td>
<td></td>
</tr>
<tr>
<td>Minority Report</td>
<td>329</td>
</tr>
<tr>
<td>State Versus Federal Action</td>
<td>343</td>
</tr>
<tr>
<td>To Check Child Labor</td>
<td>346</td>
</tr>
<tr>
<td>Child Labor and the Constitution</td>
<td>348</td>
</tr>
<tr>
<td>Rural Child Labor</td>
<td>353</td>
</tr>
<tr>
<td>Proposed Child Labor Amendment</td>
<td>357</td>
</tr>
<tr>
<td>Examination of the Proposed Twentieth Amend-</td>
<td>361</td>
</tr>
<tr>
<td>ment</td>
<td></td>
</tr>
</tbody>
</table>
EXPLANATORY NOTE

The Child Labor Amendment is before the various states for action. If ratified by three-fourths of the state legislatures it will become a part of the United States Constitution. In the contingency of its failing to secure the requisite number of votes within the next few years the agitation for stronger and better regulation of child labor may nevertheless be expected to continue, for it has determined advocates. Arkansas has led the way by being the first to ratify the amendment, and Georgia holds the distinction of being the first to reject it. It will doubtless be bitterly fought in many states.

The present handbook endeavors to cover some of the leading facts and discussions relating to child labor. Historical and general matter are touched upon, including among other phases the present status of child labor, its physiological, sociological and economic effects, its psychological and educational bearings, some of the specific occupations especially those on which controversial agitation is directed, legislative and administrative aims and ideals, practical experiments, and the international movement in behalf of child labor. The movement for Federal legislation is given special consideration for the benefit of those who will debate the proposed Federal amendment or any other national law as opposed to exclusive state jurisdiction. In keeping with the precedent of debaters' handbooks material most useful on this phase has been grouped as general, affirmative, and negative. A selected and up-to-date bibliography has been similarly grouped. It is hoped the bibliography will afford ample choice to meet the vary-
SELECTED ARTICLES

ing resources of different localities and the special needs
and interests of readers, students, and investigators. Selec-
tions of reprints have been made impartially to repre-
sent as far as practicable varying degrees of conviction
as to the place to be accorded child labor and child la-
bror legislation within our social organization. Briefs
are included summing up some of the leading argu-
ments pro and con of the Federal amendment.

JULIA E. JOHNSEN

July 7, 1924
BRIEF

RESOLVED: That the amendment to the United States Constitution enabling Congress to regulate child labor should be ratified by the several states.

Introduction

A. Two child labor laws having been declared unconstitutional by the Supreme Court, there is considerable doubt as to the possibility of passing Federal legislation that will stand the test of constitutionality until we have an amendment to the Constitution.

B. An amendment was passed by the House on April 26, by the Senate on June 2, 1924, and awaits ratification by the states.

C. The proposed amendment simply gives Congress power to legislate and does not in itself embody legislation.

AFFIRMATIVE

I. Restriction of child labor is desirable.

A. Large numbers of children are at work in the United States.

1. When the 1920 census was taken 1,060,858 children between ten and fifteen years of age were at work, or 8.5 per cent of the total number of children of that age in the country.

2. The census did not show the total number of children actually employed in gainful occupations.

a. Children under ten.
SELECTED ARTICLES

b. Children in agriculture were not correctly enumerated as the census was taken in January.

c. The total number of children in other occupations such as street work, domestic work, and industrial home work was not shown.

3. Child labor is steadily increasing.

a. Senator McCormick says figures available in 1922 indicate child labor had increased since 1920 by 20 or 30 per cent.

b. During the first six months of 1923 there was an apparent increase in the number of children employed of 38.6 per cent over a similar period of the year preceding, according to an estimate based on the number of boys and girls between fourteen and sixteen who received first working permits.

B. Child labor is detrimental.

1. It is injurious to the child.

a. Physically.

(1) Through over-fatigue, retarded growth, lack of symmetrical development, etc.

(2) The child is more susceptible to accidents because more irresponsible, careless, more playful, etc. He is also more susceptible to poisonous and injurious gases than grown-ups.

b. Educationally.

(1) The child laborer is frequently retarded, compelled to go thru life with an inferior education,
and, in a few cases, deprived of education altogether.

c. Through lack of opportunity.
   (1) The child enters unskilled industries and generally remains there.
      (a) Older and better trained children more frequently enter higher grade work.

d. He experiences the loss of childhood, of the right to play, the opportunity for happiness, and spiritual gain.

e. The work of children under modern conditions differs from that of past generations.
   (1) Past work was educative, under the direct supervision of parents at home or on the farm, and the amount required was seldom excessive.
   (2) Today work in mills, factories, etc., has little or nothing educative, the child is removed from the care of his parents, and is frequently overworked.

f. The necessary growth and preparation for adult life should be obtained thru play, school, home work in a proper environment, etc., and is so obtained in the case of children fortunately situated.

2. The competition of the child is a disadvantage to the industrial world.
   a. It leads to adult unemployment and depression of wages.
   b. It leads to lower efficiency of child labor adults.
SELECTED ARTICLES

c. Employers do not, in the long run benefit by it.
   (1) For many employers competition is unduly increased.
   (2) There is economic waste and expense due to inefficiency, irresponsibility, etc.

3. Child labor is a social and national detriment.
   a. It causes waste of man-power.
   b. Lower political and civic standards are fostered through deteriorated quality of citizenship.
   c. It results in increase of broken homes, delinquency, poverty, possible criminality, etc., with resulting larger taxation for our penal and charitable systems.
   d. A high type of educated, sound citizenship is necessary for the welfare of the republic.

4. Child labor is a perversion of civilization.
   a. It is the almost universal practice outside so-called civilized countries to protect child life.
   b. The machine age, instead of sacrificing human lives to greed of gain, should promote more leisure and a higher type of life.

II. State regulation alone of child labor is not adequate.

A. Laws are inadequate and there is confusing lack of uniformity.
   1. Standards are generally too low.
      a. Only thirteen states have standards in every respect up to the last Federal standards.
CHILD LABOR

b. Some states still permit work below the age of fourteen, others allow an excessive number of hours work a day, permit night work, have no educational or physical requirements, etc.

2. There has been deterioration since the repeal of the Federal law.
   a. Where local laws have permitted, standards have been lowered.
      (1) Hours of labor have been increased.
   b. Some manufacturers have been making additions on the expressed ground that they can use child labor for many years.

3. There is no surety legislation in states where high standards prevail will not decline if left to themselves.

4. Federal standards must be set up to regulate the backward states.

B. State laws are not effectively enforced.
   1. The states have weakened their laws by numerous exemptions.
   2. Local authorities are finding it more difficult to enforce state laws since Federal laws ceased to be operative.
      a. Employers would rather be prosecuted under state than under Federal laws.

C. State legislatures are slow in remedying defects in laws.
   1. Much time is lost requiring the various states to raise their standards.
      a. There are forty-eight separate standards.
2. There has not been material progress in legislation since the repeal of the Federal law.

D. The problem is a national, not a local one.

1. There is unrestricted inter-state movement of the products of industry.
   a. The states are powerless to erect tariff or other protective barriers.
   b. Consumers are powerless to discriminate between goods made at the expense of the children.

2. There is inter-state movement of industry itself.
   a. Certain industries tend to gravitate toward states having lax child labor laws.

3. There is inter-state movement of people.
   a. Both the Federal government and the individual states are powerless to protect the quality of their citizenship.
      (1) Children ill-cared for in one state may become citizens or charges in another state.
      (2) Children are citizens of the United States as well as of one particular state.

4. The right of a government to protect its children is a fundamental right.
   a. It exists to protect the weak and develop the young
   b. Any delay works irremedial harm to the present generation.

5. Necessary uniformity cannot be readily attained except by centralized regulation.

6. International cooperation is a national, not a local problem.
a. It would contribute to our national self-respect to have the power as other nations have to protect our children from exploitation.

(1) In most respects our standards are now below those of Europe.

III. An amendment to the Constitution enabling Congress to legislate would be desirable.

A. Federal regulation would be practicable.

1. Experience with the former Federal laws showed such regulation to be effective.
   a. Child labor decreased during the period of Federal law.
   b. States were influenced to raise their standards.
   c. Laws were better obeyed.

2. The administrative machinery can be arranged without undue strain.
   a. State officers will to a large extent act as administrators.

B. It would not violate states rights.

1. No state would be held back.
   a. It would only fix the minimum standards.

(1) In many states such standards are already fixed.

   b. Every state will be free to go as far above the national standard as it chooses.

2. Power will be given the Federal government voluntarily.
   a. The amendment would be ratified by the state legislatures.

C. A national child labor amendment is the most effective way of reducing child labor.
SELECTED ARTICLES

1. There is no probability it can be reached otherwise by Federal law.
   a. Two decisions of the Federal Supreme Court have shown conclusively such a law could not otherwise meet the constitutional test.

2. It would enable Congress to deal with child labor direct and progressively.

3. A constitutional amendment might possibly be all the Federal protection necessary.
   a. Federal legislation might not be needed since the states, knowing Congress to have the power, might themselves give all the protection necessary.

4. It is sanctioned by public opinion.

NEGATIVE

I. The need for regulation of child labor has been over-estimated.
   A. Conditions are not so deplorable as stated.
      1. The increase in number of child laborers is not alarming.
         a. In seventeen states the local laws are quite the equal of the nullified Federal laws, thus preventing increase.
         b. According to a statement of the National Child Labor Committee made in February, 1923 there was no considerable increase to that time in numbers employed.

2. With or without Federal law most child workers are fourteen years of age or over.

3. Fully two-thirds of the child laborers are in agriculture, and were untouched by the Federal law.
B. Absolute prohibition of child labor is uncalled for.

1. Many young people are quite capable of earning their living after fourteen.

2. Their financial earnings may be necessary.
   a. Parents may need financial help.
      (1) There may be sickness, accident, unemployment, meager wages, desertion, etc., or the family may be in danger of being scattered, becoming objects of charity, etc.
   b. Earnings may be necessary for their own self support, schooling, or future.

3. Gainful employment may be the best alternative.
   a. School may be unsatisfactory.
      (1) Studies may be beyond their capacity.
      (2) School may not hold their interest and loyalty.
      (3) They may be retarded and ashamed.
      (4) School does not fit them for life.
         (a) The studies offered are not needed for the trades etc., they expect to enter.
   b. It may be better than idleness or the street.
   c. Continuation schools and self study will meet the need for further education.

4. A certain amount of early work may be unobjectionable.
SELECTED ARTICLES

a. Under right and non-retarding conditions early work is unobjectionable. (1) Work on the farm, during vacation, etc.
b. It contributes to industrial and economic education.
c. It is and was a factor in the lives of many successful men. (1) Lincoln, Edison, etc.

5. There is frequently industrial need of child labor.
a. For processes requiring little skill or training, etc.

6. Children should be under parental, not governmental control, in personal affairs.

II. Federal legislation is unnecessary and undesirable.
A. The states have power to deal with it and are dealing with it.

1. Forty states now have laws that generally protect the child, according to the admission of Samuel Gompers.

2. Thirteen states have laws equal in every particular to the Federal standards.

3. Many states have gone beyond the Federal standards in many respects.
a. Some have age requirements varying from sixteen to twenty-one years.
b. The majority of states require educational or physical standards for the child.
   (1) The Federal law had no physical or educational qualifications.

4. States are remedying with reasonable speed the evils that remain.
a. Much advance has been made in the last ten years.
5. Many states are participating in the so-called children's code movement which has for its object the simplification, coordination, and standardization of all the child welfare laws of a state so that they shall work together most effectively for good.

B. It is undesirable.
1. It is an invasion of state rights.
   a. It promotes centralization and growth of bureaucracy.
2. It narrows the participation of citizens in public affairs.
   a. It is not so close to the people.
3. It would not be so well suited to the country as a whole as the various state laws.
   a. Local conditions differ.
4. It would not necessarily give uniformity of standards.
   a. Some states will probably, as in the past, exceed the Federal standards.
5. It would be impracticable and costly.
   a. It would require costly duplication of administrative machinery if both state and Federal government have jurisdiction.
      (1) There are too many inspectors, special agents, civil service employees, etc. now.
6. Experience does not warrant our feeling it would be especially successful.
   a. The former Federal law touched only about 15 per cent of the child laborers by its age, hour and night work standards.
b. The Federal law did not apply to agriculture, street trades, stores, movies, and tenement home work.

c. Our experience with prohibition laws is not favorable for enforcement.

III. A Federal amendment is not the best way to meet the problem.

A. We should not tamper with the Constitution.

1. There are too many amendments already.

2. Too many amendments are being proposed.

a. In the 67th Congress one hundred and three joint resolutions on various subjects to amend the Constitution were proposed.

b. More than twenty-five hundred resolutions have been introduced to amend the Constitution since it was established.

3. We should not amend the Constitution simply to regulate eight states that have backward laws.

a. They can be reached by legitimate propaganda.

4. An amendment could not be secured by democratic vote.

a. People cannot directly propose or ratify.

b. Only two-third Congress or state legislatures may propose the amendment and three-quarter state legislatures ratify.

5. A constitutional change is a slow and difficult method.

a. Legislation would still be necessary after the amendment is adopted.
B. Other remedies are more fundamental.
   1. Removal of children from the factory is merely negative and palliative legislation.
      a. The state gives no compensating help to the family for the right it takes away.
   2. Child labor is only a part of a larger social problem, and adequate legislation will concern itself with reducing child labor through attention to the larger field of social, educational, and child welfare problems.
      a. It will take up questions pertaining to wages, employment, sanitary home and working conditions, social insurance, old age pensions, immigration, etc.
      b. Educational and child welfare problems will be given consideration through educational propaganda, more attractive education, trade education, physical training, play and amusements, etc.

C. Action tending to amend the Constitution should be postponed.
   1. We should first adopt legislation changing the way to amend the Constitution.
   2. We should have further investigation and study.
   3. We should try out uniform state legislation. There is a movement on foot to attain this.
   4. If Federal action seems advisable we should try out Federal legislation once more before trying to obtain an amendment.
BIBLIOGRAPHY

Articles starred (*) have been reprinted entirely or in part in this Handbook.


Supplementary to Children's Bureau publication No. 18. 1916.


GENERAL REFERENCES

Books, Pamphlets and Documents


“A study of the social aspects of the compulsory education and child labor legislation of Illinois.”


A study of three hundred and fifty-six cases surveyed as regards their school record, home situation, and industrial history.


A dictionary of labor affairs. See child labor and allied topics.


Bibliography, p. xi-xxvi.


An attempt to set forth the major effects of the rise of the factory system upon the welfare of the people.

Chicago. School of Civics and Philanthropy. Finding employment for children who leave the grade schools to go to work. 65p. 1911.

School and the working child: a plea for employment supervision in city schools. Sophonisba P. Breckinridge and Edith Abbott; Preliminary report on opportunities of employment in Chicago open to girls under sixteen. Anne S. Davis; Public care of working children in England and Germany: some notes on juvenile labor exchanges. Edith Abbott; Trade and technical classes for girls in Chicago; Selected bibliography relating to employment supervision.


Freeman, Arnold. Boy life and labour; the manufacture of inefficiency. 252p.


CHILD LABOR

A condensation of Florence Kelley’s Some ethical gains through legislation.


Child welfare legislation.

*International Federation of Trade Unions. Protection of young workers throughout the world. Publication No. 3. 72p. 1922.
“Summary of the protective legislative measures for young workers in the various countries.”


Especially Ch. I. The right to childhood; Ch. II. The child, the state, and the nation.
SELECTED ARTICLES


Sharpsburg: a typical waste of childhood. p. 279-304. Also see index.


Making of a vagrant. Also in International Socialist Review. 17: 523-8+. Mr. '17.

Lord, Everett W. Playground a necessary accompaniment to child labor restriction. 9p. Russell Sage Foundation. Playground Extension Committee, 130 E. 22 St. New York. 1909?.


A survey of leading industries of Cleveland to determine what the public school should do to provide instruction for wage earning occupations.


Massachusetts Child Labor Committee. Constructive program for securing the full benefit of existing child
labor laws in Massachusetts. 15p. The Committee, 6 Beacon St., Boston. 1916.
Massachusetts Child Labor Committee. When you go to work: the Massachusetts laws about child labor. 15p. The Committee, 6 Beacon St. Boston.
SELECTED ARTICLES


See index Children in factories.


Consideration of educational experience in vocational training.


SELECTED ARTICLES


Child problem in the beet sugar industry, with discussion. Owen Lovejoy. p. 27-37; Shall issuance and revocation of employment certificates be under the control of school or labor department? Henry J. Gideon. p. 38-49.


United States. Children's Bureau. Industrial instability of child workers: a study of employment-certificate
CHILD LABOR

Also see especially minimum standards for children entering employment. p. 433-5.
See index. Also Chapter XVII, Women and children in industry.

PERIODICALS
SELECTED ARTICLES

*American Economic Association. Publications. 5: 5-149. Mr. '90. Child labor. William F. Willoughby; Clare de Graffenried.
Child labor in England; Child labor in the United States; Political economy of child labor; Social aspect of child labor.
CHILD LABOR


Also separate.


Annals of the American Academy. 27: 259-399. Mr. '06. Child labor a menace to industry, education and good citizenship.


Proceedings of the fourth annual meeting of the National child labor committee.

Proceedings of the fifth annual conference of the National child labor committee.

Proceedings of the sixth annual meeting of the National Child labor committee.
SELECTED ARTICLES

Child labor a menace to civilization. Felix Adler.
Also separate 8p. National Child Labor Committee. Pam­
phlet No. 156. 1911.

*Annals of the American Academy. 98: 90-6, 154-9. N.
'21. Relation of the teacher and the social worker.
Anna Beach Pratt; *Development of the children’s
code. Edward N. Clopper.

Arena. 28: 305-17. S. '02. Cry of the children. B. O.
Flower.


ry street: Children and work. Lillian D. Wald.

*Boston City Record. 15: 1561-2. N. 3, '23. Child labor
called the crime of the ages and a drag on progress.
J. M. Curley.

and the United States. Charles B. Spahr.


ings of the eleventh annual conference on child labor.
Parts 1 and 2.


labor? Wisconsin says no, and finds a way to stop it.
Harold Cary.

Commercial and Financial Chronicle. 114: 2544. Je. 10,
'22. U.S. Supreme court decision holding the child
labor law unconstitutional; National organization
formed to abolish child labor.

Contemporary Review. 115: 196-201. F. '19. Demobili­
sation of juvenile workers. B. L. Hutchins.

Stresses educational value of labor.
Holds parents and the public are mainly to blame.
First government investigation; also cotton mill workers in the South.
Junior section of the United States employment service.


Summary of a study of Philadelphia children leaving the city because of farm work engaged in either by themselves or by other members of their families.


Also separate. 5p. United States Department of Labor.


Monthly Labor Review. See monthly numbers. May 1923 to date.


Conserving the health of the working child through medical examinations.


*Pedagogical Seminary. 29: 44-63. 64-71. Mr. '22. Child labor and child nature. Raymond G. Fuller; Child Labor and mental age. Raymond G. Fuller.


Relates to the Employment of women, young persons, and children act, 1920.


Sees hope in the rise of trade unionism in the South.


Suitable work should be provided as a part of children's education, as one means of attacking child labor.


CHILD LABOR

SPECIAL OCCUPATIONS
BOOKS, PAMPHLETS AND DOCUMENTS


Street trades in the United States and Europe. Bibliography, p. 245-54.


Sweatshops of today; One million child workers.


Findings of a Federal investigator in rural sections and mills of the South. A defense of southern child labor.


Hexter, Maurice B. Newsboys of Cincinnati. p. 115-77.


Aims to bring to the public a realization of the needs of country children and to suggest an outline of preventive and remedial policies. An inquiry based on conditions in West Virginia.


SELECTED ARTICLES


Occupational study in Seattle.


United States. Children's Bureau. Child labor and the work of mothers on Norfolk (Va.) truck farms. 27p. Bureau publication No. 130. 1924.

A survey made in New York city.

PERIODICALS
SELECTED ARTICLES


*American Child. 4: 97-149. Ag. '22. Seventeenth national conference on child labor.


*American Child. 5: 1, 3. Jl. '23. Jersey City starts intensive drive to eliminate home sweat shops; Health officer's report.


The rural south.


Collier's 72: 10. Ag. 11, '23. No chores for Jimmie; he's a laborer. Harold Cary.

Collier's. 72: 15. S. 1, '23. What is home to these children? Little slaves of the tenements. Harold Cary.


Titles of series are: *Child at the loom; Child-wrecking in the glass factories; Little slaves of the coal mines; Grind behind the holidays; Sweat-shop inferno; Smoke of sacrifice; Blight on the Easter lilies; Spinners in the dark.


Beginning of the migrant family.


Literary Digest. 77: 15. My. 5, '23. Child with the hoe; Children in the sugar beet fields.


Canals of Maryland, Pennsylvania, and New York State.
SELECTED ARTICLES

Nation. 114:766. Je. 28, '22. Are you fond of oysters?
F. B. Williams.
Report of the Legislative committee appointed by the Michigan legislature, 1923 Session. Takes issue with report of the National child labor committee.
Paul L. Benjamin.
The placed out child of Delaware.

FEDERAL AMENDMENT

GENERAL REFERENCES

Books, Pamphlets and Documents

American Federationist. 31:541-53. Jl. '24. Now the states must act: the past, the present and the future of the effort to free American childhood.


A statistical study of state legislation for period 1879-1910.


SELECTED ARTICLES

United States. Children’s Bureau. Brief summary of the most important changes made by the legislatures of 1923 in child labor standards and in compulsory school attendance standards affecting the employment of minors. 2p. mim. 1924.


United States. Children’s Bureau. Important changes made by the legislatures of 1921, and of 1922 so far as available Nov. 1, 1922, in child labor standards. Ella E. Merritt. mim.


CHILD LABOR

United States. Senate. Committee on the Judiciary.

Periodicals
"Schedules of existing statutes and the standard child labor law embodying the best provisions of the most effective measures in force."
Proceedings of the seventh annual conference of the National child labor committee.
Draft of the uniform child labor law adopted by the National conference of commissioners on uniform state laws at their twenty-first annual meeting. August 25 and 26, 1911. Embodies the best provisions contained in the child labor laws of the several states.
A ruling under last Federal law on children employed by mining company outside of mines.
SELECTED ARTICLES


Pro and con.


Includes text of first and second child labor acts, opinions delivered by Mr. Justice Holmes, and Chief Justice Taft on constitutionality, and text of resolutions to amend Constitution.


Examination of Supreme Court decision in Hammer vs. Dagenhart case.
CHILD LABOR  

Literary Digest. 62: 84, 86. Ag. 2, '19. Our forty-eight social science laboratories.


Public Affairs. 1: 24 D. '23. Is a child labor amendment needed?

Affirmative and negative.


SELECTED ARTICLES


AFFIRMATIVE REFERENCES

Books, Pamphlets and Documents

Farnam, Henry W. Relation of state and Federal legislation to the child labor problem. 8p.
A paper read at a Child labor conference held in Hartford, Connecticut, Dec. 4, 1908, under the auspices of the Consumers' League of Connecticut.


Cotton and woolen mills of Alabama, Georgia, Maine and New Hampshire.
Periodicals

American Child. 5: 91-6. Ag. '22. Editorial comment on child labor decision.

Also separate. 2p.
Congressional Record. 64: 5344-5. Mr. 3, '23. Child
labor amendment to the Constitution. Medill McCormick.


Remarks and speeches by William I. Swoope; Meyer Jacobstein; Peter F. Tague; Edward E. Denison; Samuel E. Cook; Fiorello H. LaGuardia; John M. Evans; William C. Lankford; M. Clyde Kelly; Charles E. Winter; James A. Gallivan; Zebulan Weaver; Samuel Dickstein; John Jacob Rogers; Henry L. Jost; Nathan D. Perlman; Maurice H. Thatcher; Knud Wefald; John J. Boylan; Ralph F. Lozier.


Good Housekeeping. 76:4, 33. F. '23. You will have to wait. W. F. Bigelow; Children’s amendment. Florence Kelley.

Latter article also separate. 2p National Consumers’ League, 156 Fifth Ave., New York.


Literary Digest. 79:34-5. O. 6, '23. America’s waste of her seed corn.


CHILDLABOR

Outlook. 131:199. My. 31, '22. Is there no protection?
Woman's Home Companion. 50:2. D. '23. Uncle Sam as Santa Claus.

NEGATIVE REFERENCES

Books, Pamphlets and Documents


Periodicals

Aid to mothers with dependent children. Emma O. Lundberg.
A. A. Allen.
Speeches by Thomas F. Bayard; John J. McSwain; Hampton P. Fulmer; George S. Graham; R. Walton Moore; Mildred E. Tydings; Charles Brand; Fritz G. Lanham; Henry St. George Tucker; John J. McSwain; Jeff Busby; Andrew J. Montague.
Advocates adjustment of schools to community needs.
A defense of child labor in the south.
CHILD LABOR ORGANIZATIONS

   Opposed to child labor amendment.
Juvenile Protective Association of Chicago, 816 S. Halsted St. Chicago, Ill.
Permanent Conference for the Abolition of Child Labor.
   Samuel Gompers, Chairman. Washington, D. C.
INTRODUCTION

The interest that is being taken in child welfare is one of the most hopeful of social tendencies. The "century of the child," the "conservation of the child," the "rights of the child," these are some of the watchwords attesting to thought for the making of a better age. For the child is the pledge that when our own energies in affairs fail and the guidance is taken over by his younger vital strength the world will become what our vision or lack of vision has helped to make it.

Playgrounds, health supervision, parental societies, scouting, children's clubs, educational experimentation and progress, and other like movements have come to surround the development of the child of the home and school, while Big Brothers and Big Sisters, children's courts, and kindred movements have come to give sympathetic understanding to the child less fortunately circumstanced. In the foremost rank of all welfare activities today by reason of public attention focused upon it in Federal and state legislatures is the important phase of child labor.

The problem of the child in industry is distinct from the problem of adults in one factor, it has the additional and vital problem of immaturity. Wages, hours of labor, conditions of work, overstrain, environment are a common condition of child and adult workers alike. The economic benefits of the work of children, real or apparent, to the child himself, to those around him, and to industry, heretofore seemingly of paramount importance, have long tended to obscure the only real considerations that should govern a beneficent civilization in its progress as concerns its relation to children, the consideration whether exposure to any influence may
help or check the child’s development, whether the way is clear for the attainment of the full spiritual, mental, and physical heritage of the child, and through the child of the nation and of civilization itself.

Home and pastoral activity and apprenticeship labor have drawn children into productive usefulness from earliest times. The particular manifestation of child industry with which we are concerned, however, had its beginnings in the introduction of machinery in England in the latter part of the 18th century. Early conditions were such as seem incredible to the sentiment of today, and legislation was passed from time to time to cope with some of the worst evils. It required, however, a few generations to disclose the physical deterioration that was resulting from the factory system and to lead industrialists themselves to question whether their satisfaction in the profitable employment of children was sound. In the United States, likewise, child labor followed the establishment of mills and factories. The first child labor law was passed in Massachusetts in 1836 and prohibited the employment of children under fifteen in manufacturing unless they had attended school at least three months of the preceding year. In 1842 Massachusetts further limited the labor of the child under twelve to ten hours a day in the same establishments. It was not, however, until the decade after the Civil War that the industrial employment of children began to assume the proportions of a problem. Until recent years regulation was mainly through state legislation, with the varying standards and confusion characteristic of American state laws.

To cope with the divergent standards and resulting inadequacy of protection the National Child Labor Committee was organized in 1904 with the objects of studying child labor conditions and promoting legislation on the subject. Previous to this national political recognition had been accorded it by inclusion in party platforms of
the Prohibition Party and the Democratic Party in 1872 and 1892 respectively. The Socialists gave it recognition in 1904 and the Progressive Party and Republican Party were later, in 1912 and 1916, to fall in line. The first attempt to pass a Federal law was in 1906 with the introduction into Congress of the Beveridge-Parsons bill and the famous three day speech of Senator Beveridge in Congress in January, 1907. After this child labor became a yearly national issue. In 1912 the United States Children’s Bureau was created to systematize inquiries into the conditions under which children, particularly child laborers, live throughout the country.

In 1916 the first national child labor law was passed. Declared unconstitutional in 1918, a new Federal law was passed in February, 1919, to be likewise declared unconstitutional in May, 1922. The two Federal laws were similar in scope and conservative in provisions. One attempted to regulate through interstate commerce, the other through taxation. Both were invalidated as interferences with state prerogatives.

An aroused public opinion and concerted effort to pass effective legislation followed the second nullification of Federal law. The Permanent Conference for the Abolition of Child Labor was organized, composed of representatives of many prominent national organizations of men and women. Numerous bills in Congress followed, also hearings, and in June, 1924 Congress passed the following amendment to the United States Constitution to be submitted to the several states for ratification:

Section 1. The Congress shall have power to limit, and prohibit the labor of persons under eighteen years of age.

Section 2. The power of the several states is unimpaired by this article except that the operation of state laws shall be suspended to the extent
necessary to give effect to legislation enacted by the Congress.

The child labor amendment appears to be the main hope that legislation passed by the Federal government will be upheld as to its constitutionality. It has been suggested that another way of securing a child labor law would be by making a law declared unconstitutional by the Supreme Court constitutional if passed by the next Congress.

The confusing variety of state laws, while valuable experimentally, led to another attempt at reform. The American Bar Association began its work for uniformity of state legislation in 1887, child labor being early placed in the list of subjects worked for. In 1911 the National Conference of Commissioners for Uniform State Laws drafted a standard child labor law, embodying provisions contained in the laws of various states, which act was recommended to the states for adoption and has so far been adopted by Kentucky and Massachusetts without modification, and by Mississippi and Utah with modifications. Notwithstanding the proposed Federal amendment this organization expects to go forward for the present with its plans for promoting a uniform state law.

Child labor has come, particularly since the war, to be an international question also. The Peace Conference in Paris took a stand for "the abolition of child labor and the imposition of such restrictions on the labor of young persons as shall permit the continuance of their education and assure their proper physical development," and clauses were written into the Treaty and the Covenant of the League of Nations. The International Labor Conference, whose first meeting was held at Washington, D.C. in October, 1919, gave the subject a place in their agenda, starting with the discussion of minimum age, night work, and unhealthy processes. The International Secretariat of the Young Peoples Movement instituted at Geneva in 1922 with the object of coordinating the
efforts of all young people’s child welfare movements and promoting further efforts, is interesting itself in it. Progress has been reported from a number of countries abroad that have passed laws restricting child labor.

JULIA E. JOHNSEN
GENERAL DISCUSSION
The higher the development of any species of living thing, the greater the care given to the young of that species. So it is that human beings realize more and more through the centuries that if they wish to seek a higher development, if they wish to have life more abundantly, it is first of all very essential that the young, that is the children, should have every opportunity for growth in physique, in mental grasp, and in moral understanding.

For many centuries a child’s training in his work gave him the development in physique, in mental grasp and in moral understanding which his community required. That is, he had what his father had had, he worked beside his father, or another, who taught not only the work in hand but who would give the child the accumulated philosophy which he had acquired through his church and his own experiences. His point of view to be sure was limited to his experiences, but it gave the child a knowledge of the little world in which he would take part. His education was found in the work which he was doing. The conditions were not ideal, he worked often where it was dirty and dangerous from a health point of view and undoubtedly the death rate was high among these children, but much of this was thought to be a visitation of Providence, and there was no feeling that it was up to the people or to the government to do anything about it.

Then along in the seventeenth and eighteenth centuries discoveries led to a whole change in the method of getting the work of the world done. That is, machinery was introduced and persons were gathered together in numbers to do work, instead of working at home.

---

1 From Ohio Council on Women and Children in Industry. 15p. Toledo, Ohio. 1922.
The children came with the older people, there were even more things they could do with the machine than they could do before, even very, very little ones could help, and they did not have the same supervision, one person could watch numbers of children. So the children no longer had an older person working with them through the day, telling them stories or unconsciously making part of their own the standards of their parents, the sayings of the time such as "Honesty is the best policy," etc., which gave them standards of conduct. Now, instead, they spent the day doing one thing, one process over and over, and the hours were long, and when they went home there was no time to play, and anyway they were too tired so they simply slept, only to get up and repeat the same thing the next day.

This was not giving the children even what their fathers and mothers had had, it developed only a few muscles instead of all their muscles; they did not grow as they should and people began to notice this. "What is this thing we are doing to our young people?" they said. The number of these children was so great it began to affect those countries where the machinery was being introduced most rapidly.

"Nathaniel Morton in his New England Memorial assigned as one of the reasons why the Pilgrim Fathers left the Old World for the New, this: 'That many of their children, through the extreme necessity that was upon them, although of the best dispositions and graciously inclined, and willing to bear part of their parents' burdens, were oftentimes so oppressed with their heavy labors, that although their spirits were free and willing, yet their bodies bowed under the weight of the same and became decrepit in their early youth, and the vigor of nature was consumed in the very bud.'"

For the most part, however, there was little appreciation of the harm which the children were suffering, until the last of the eighteenth and the beginning of the nine-
Early references to children in mills were for the most part congratulatory. People were glad that the machines were so simple that children could feed or operate them. It was stated with regret by an Englishman that "a quarter of the mass of mankind are children, males and females under seven years old, from whom little labor is to be expected."

For the most part the same attitude prevailed in America. Mr. McKelwey of the National Child Labor Committee has pointed out that children were sent to Virginia as workers as early as 1619. In 1627 a letter from England mentions the fact that "there are many ships going to Virginia, and with them fourteen or fifteen hundred children," mostly paupers.

"In 1646 two houses were erected in Jamestown for the manufacture of linen and the different counties were requested to send two poor boys or girls at least seven or eight years old, to be instructed in the art of carding, knitting and spinning."

New England likewise was an early victim. In 1638 Johnson in a sermon on "Wonder Working Providence" commended the industrious people of Rawley, Mass., who had "built a fulling mill and caused their little ones to be very diligent in spinning cotton and wool."

In 1656 an order issued in Massachusetts that "all hands not necessarily employed on other occasions, as women, boys and girls, are hereby enjoined to spin according to their skill and ability."

"In Niles' register the statement is made that the work of manufacturing does not demand able-bodied men, but 'is now better done by little girls from six to twelve years old.'"

By the end of the eighteenth century the effects of all this labor on the part of the children began to be noticeable in the physical, mental, and moral development of the whole population, and first of all there was the cry against the long hours. A number of employers and
others were worried about the consequences of this thing which had gone on unheeded for so long.

A short essay written in 1784 said: “It should be observed that the proprietors of some cotton mills, alarmed by the consequences of obliging their servants to work incessantly, have shut up their mills in the night.”

And so there grew up the movement for the abolition of child labor, which is a movement to get children away from work and give them something that will develop them physically, mentally and morally.

This movement began by trying to shorten the length of the working day. There were first far seeing employers who limited the hours in their own plants and there were united attempts to improve the hours by agreement among the employers in an industry, but these always failed because there would be some employers who would refuse to agree and the others felt that they could not compete with them. So the best of these employers, those who felt most keenly that the long hours and child labor must cease, asked for protection of their trade from the less scrupulous employers, through legislation. “Why legislation,” you may ask, “could not people see that this was harmful, and would they not gladly have had the children out of the factories?”

Many of the people, you see, by this time had worked in the factories as children, and they were very insistent that it had not hurt them. They would say: “It did not hurt me, why should it hurt my boy?” Now, perhaps, they had been unusually strong or more probably they did not realize how they had been handicapped by the experience. Then there would be employers who made money from the work of the children, and they, of course, felt that their factory was the best place in the world to work, so they were opposed to taking the children out of the factory. Philip Grant in his History of Labor Legislation says: “The overseers of the mills were paid by the master manufacturer according to the
quantity of work performed, and consequently it was their interest that the children should do as much work as possible."

So the people as a whole stepped in and said: "We must protect ourselves from this thing; we will make the employment of children for long hours illegal." So we have the first child labor legislation. It was only brought about through the determination of those few people who were thoroughly convinced that it was an evil.

One of the English employers of that early day, Fielden by name, said: "The masters and workmen, by cultivating a good understanding with each other, and by union of effort, ought to do it (reduce hours) for themselves without seeking for legislative interference on the subject" . . . but "what society ought to do and failed in doing, it was the duty of government to realize if possible by law."

This small group of people tried hard to show the public what some of the evils were. Their task was not an easy one, for time and again they were told if the children did not work these long hours the industry would be bankrupt and society suffer, but the defenders of the children could not be daunted, and they would answer as did one Mr. Justice Grove in the Lancashire Gazetteer on July 4, 1801: "Should the manufacturers insist that without these children they could not advantageously follow their trade . . . say . . . that trade must not for the thirst of lucre be followed, but at once, for the sake of society, be abandoned."

Fortunately there were employers such as the famous Robert Owen who experimented in their own factories with shorter hours, and, strange to say, it did not ruin them—they made the discovery that people could produce more in a shorter time, if they were not tired, than they could in working long hours when continuously tired; in other words, they learned that because a human being produced so much in one hour it did not follow
that he could produce ten times that amount in ten hours. One of these employers was a Mr. Wood. In Alfred's "History of the Factory Movement" we find the following account of his experiment:

. . . The extension of the factory system brought on a more glaring amount of suffering and injury to the children and young persons working therein, and, about the year 1830, the evil became so great that Mr. Wood felt impelled, by a sense of duty, to make efforts for their deliverance. No law then existed in the woolen and worsted mills to restrain mill owners from enforcing lengthened hours of working, and some of them exacted from those juveniles of both sexes, 14, 16 and even 18 hours of daily toil, the year around! Although, Mr. Wood never worked his mill so long as any of the hours per day above mentioned, he felt that even from 12 to 13 hours a day were far too protracted for human endurance; he determined to adopt a plan whereby ten hours' working per day was the rule for the younger, and eleven hours a day for the elder, branches of those employed at his works.

Workers likewise were seeing the evils of the employment of children. Where they were organized into unions they took an active part in working for legislation and when unorganized they took an active interest in the legislation, the same account of Mr. Woods' factory tells how the children would sing in chorus, "We will have the Ten Hours Bill, that we will, that we will."

In 1819 a law was passed which gave some protection to the children in the cotton mills. This law stated that children must not be employed in the cotton mills if under nine years of age; if under sixteen, they must not work more than twelve hours in one day. Other bills extending the application of the law and adopting higher standards were passed from time to time, until finally by 1878 they applied to all kinds of manufacturing. In 1878 children under ten years of age were compelled to attend school.

In the United States something of the same movement was going on. The labor unions as they developed took the stand that children must have an opportunity to go to school. Massachusetts in 1836 compelled children under fifteen years of age who were employed in
manufacturing to attend school at least three months in a year. Other states followed with similar laws. In 1842 Massachusetts passed an act making a ten-hour day for children under twelve in certain manufacturing establishments, but only those employers were convicted who "knowingly" violated it. Connecticut passed a similar law in the same year.

So other states followed, gradually increasing the amount of education required and making the age at which they could go to work higher, until now there are a few states in the Union where the child must be sixteen years of age before he is allowed to enter the majority of occupations in the state. The National Child Labor Committee was created to make people see the need for such regulation, and, with the Federation of Labor, has been a great force in raising standards.

Throughout the country the standards were advanced, always trying to guarantee to the children more training in school, and a more advanced age for entering work.

Progress, however, has only been step by step, and there have been strange omissions as we have gone along. Agriculture still was part of a home industry—the boy working on the farm had often the training of a variety of work, the supervision and teaching of his father and the mental development which came with a knowledge of growing things, so "farming" in this country was never included in legislation. But, there, some changes similar to those in industry have taken place; there is much agriculture that has become almost as highly specialized as factory work, where the children only do a few processes in a season—where they are employed in large numbers just as in a factory and where their school days are cut because of the work. In 1915, in Colorado, there were five thousand children from six to fifteen years of age in the beet fields.

If we think of the whole world as the field from which child labor must be eradicated we find that child
labor exists in all its stages in various countries. The older civilizations, such as Japan and China, are beginning their factory era and there we find children working as they worked in the early days in England, with the same evil effects upon the race. It is to be hoped that they will use the experience of the other nations and use what preventive measures they can as soon as possible.

The child labor problem then as we know it today and as we will have to help work for its abolition includes every phase of child labor, as it has been from the time that people first tried to do something about it until now. There are very, very young children in certain parts of the world working very long hours, at work which is harmful to them, and the problem of child labor will be a problem until all the children of this world are given the rights of childhood.

CHILD LABOR IN ENGLAND

The growth of child labor is inseparably connected with the introduction of machinery, and forms the most important chapter in the changes consequent upon this innovation. In the year 1769 Mr. Arkwright obtained his first patent for a machine for spinning cotton yarn, and commenced manufacturing by machinery. This was the beginning of the factory system. It was he who took the manufactures out of the cottages and farm-houses of England. Then followed Compton's spinning mule in 1775, Cartwright's power-loom in 1787, and in 1793 the invention of the famous cotton gin by Eli Whitney, a resident of the United States. Under the stimulus of the war, manufactures multiplied rapidly, and were accompanied by a great increase of wealth. With this increase of wealth, however, came the growth of inconceivable misery. Thorold Rogers, in his recent book,

“Work and Wages,” says: “I am convinced that at no period of English history, for which authentic records exist, was the condition of manual labor worse than it was in the years from 1782-1821, the period in which manufacturers and merchants accumulated fortunes rapidly.” It is the poor man, who, in such times of social changes as this, must bear the burdens of the evils induced by them. For, restricted by circumstances, he is unable to adapt himself to new conditions, and the privations of displaced labor cannot be shifted by him. Thousands of hands were suddenly required to work at places far distant from home. The small and nimble fingers of little children were by far the most in request. Before the change had attracted much attention, large numbers of children were massed together in factories. Their employment spread rapidly, and its evils soon developed, and alarmed close observers.

The first form of child employment differed greatly from that of later years. The first system originated in the procuring of apprentices from the different parish workhouses of London, Birmingham and elsewhere. Many thousands of these little hapless creatures, ranging from fourteen down to four and even three years of age, were thus sent down into the north. Agreements of the most revolting character were often made between the manufacturers and the different parish workhouses for bands of children for a number of years, in which the condition of the children was totally disregarded. Such, for example, were those provisions whereby it was agreed that with every twenty sound children one idiot should be taken.

It may be safely said that in the period just succeeding the establishment of the modern factory system, absolutely no regard was shown to the condition of the operatives. Labor was then, in its true sense, but a commodity upon the market. The Report of the Select Committee for the year 1816, on the State of the Children Employed in the Manufactures, portrays vividly the
horrors that the children endured. By that time the number of children employed had increased greatly, very nearly 50 per cent of whom were under the age of eighteen.

Children of all ages, down to three and four, were found in the hardest and most painful labor, while babes of six were commonly found in large numbers in many factories. Labor from twelve to thirteen and often sixteen hours a day was the rule. Children had not a moment free, save to snatch a hasty meal or sleep as best they could. From earliest youth they worked to a point of extreme exhaustion, without open air exercise, or any enjoyment whatever, but grew up, if they survived at all, weak, bloodless, miserable, and in many cases deformed cripples, and victims of almost every disease. Drunkenness, debauchery and filth could not but be the result. Their condition was but the veriest slavery, and the condition of the serf or negro stood out in bright contrast to theirs. The mortality was excessive, and the dread diseases, rickets and scrofula, passed by but few in their path. It was among this class that the horrors of hereditary disease had its chief hold, aided as it was by the repetition and accumulation of the same causes as first planted its seeds. The reports of all the many investigations showed that morality was almost unknown. In the coal mines the condition of the children was even worse. According to the report of 1842, on child labor, it was estimated that fully one-third of those employed in the coal mines of England were children under eighteen, and of these much more than one-half were under thirteen. The facts revealed in this elaborate report of over two thousand pages, devoted chiefly to child labor in coal mines, would be scarcely credible if they were not supported by the best of authority, so fearful was the condition of the children found to be. Down in the depths of the earth they labored from fourteen to sixteen hours daily. The coal often lay in seams only eighteen inches deep, and in these children crawled
on their hands and feet, generally naked and harnessed up by an iron chain and band around their waists, by which they either dragged or pushed heavily loaded cars of coal through these narrow ways. In nearly every case they were driven to work by the brutal miners, and beaten, and sometimes even killed. Law did not seem to reach to the depths of a coal pit. Thus these young infants labored their young lives out as if condemned to torture for some crime. But it is useless to dwell longer on their condition. Volumes might be filled in portraying their sufferings. Treated as brutes they lived with no regard to morals, religion, education or health, in a condition that will probably never be duplicated. In the course of time a process of physical deterioration was seen to be at work among the factory population. They were stunted in size, pallid and emaciated. They were scrofulous and consumptive, and had an aptness for every disease. The foundations were rapidly laid for a population, feeble, shortlived and ignorant, and in all respects debased. The recruiting sergeant already complained that men suitable for the army could not be found in the manufacturing districts.

Where was the boasted freedom of contract of the political economists of that day in all this? To the babe of six, bound over to a factory lord, it meant an apprenticeship which left him or her at twenty broken down with consumption, scrofula, or with distorted and crippled limbs, if indeed death had not in the meantime relieved it of its misery. This is, and always has been, the history of employment of children wherever tried.

The injustice of such a system could not long pass without criticism, and action was demanded of parliament to remedy or abate this social disease. To Sir Robert Peel, Sr., belongs the honor of first providing a measure for the relief of this evil. In 1802 he commenced the factory legislation by securing the passage of his apprentice bill. This bill, although of the most limited scope, and applying only to cotton factories, was
then considered as a measure, radical if not revolutionary. This legislation, then met with the bitterest opposition from the manufacturers and the political economists. Financial ruin to English manufacturers was predicted as the result of such interference.

With the abolition of the apprenticeship system, the law became inoperative, and unrestricted hours of labor again became the rule, and the condition of the children became, if possible, even worse than before. Accordingly, in 1815, Robert Peel again came to the front, and in that year secured the appointment of a committee to "inquire into the expediency of extending the apprenticeship act to children of every description." The result of this examination was presented to Parliament in reports for the years 1816, 1817 and 1818. As the result of this was the passage of the act of 1819. The constant improvement in the laborer's condition, and the absence of injury to the capitalists, which accompanied this legislation, was so marked, that, although with few exceptions it was bitterly opposed by the political economists and the manufacturers, it steadily gained in public favor, and other legislation followed rapidly.

By the act of 1819 the employment of children under nine was forbidden, and the hours of labor for those between nine and sixteen were limited to twelve hours daily. In 1825 a partial holiday was made compulsory for the children. In 1831 night work was forbidden to all under twenty-one, and eleven hours a day was made the limit for those under eighteen.

In 1833 Lord Ashley, (afterward Earl of Shaftesbury) became the champion of the laborers by the introduction of a new bill, extending yet farther the provisions of former acts. This act was the most substantial step yet taken in this direction. Its principal provisions were: (1) The employment of children under nine was forbidden. (2) The hours of labor for those between nine and thirteen was limited to eight hours a day. (3) The hours of labor for those under eighteen engaged
in worsted, hemp, tow and linen spinning should not exceed twelve hours a day, and night work was forbidden them. The most significant feature of this act, however, was that relating to school attendance, and the appointment of inspectors to enforce the law.

In 1835 the employment of children under ten in the mines was forbidden. These regulations were, however, by various devices, persistently evaded.

As the introduction and use of machinery became more general, and the subdivision of labor became more minute, the employment of children became more extensive. The Parliamentary report of 1833, estimated that out of one hundred and seventy thousand employees in the cotton mills in that year, seventy thousand were children under eighteen. In 1839 there were employed in the factories of England a total of 419,590 persons of all ages, and of these 192,887 or nearly one-half were under eighteen years of age.

In 1842, through the efforts of Lord Ashley, a commission was appointed to investigate the conditions of children employed in England, and in 1842 was presented their first report, already referred to. In consequence of this report, the act of 1843 was passed, which was the most important measure that had up to that time been adopted. It applied to all laborers outside of agriculture. By it "freedom of contract" on the part of women was finally abolished. Women over eighteen years of age were put in the same category as young persons, and their toil limited to eleven hours a day. Children under thirteen were not allowed to work more than six and a half hours a day, and above all, attendance at school was required for the other half day as a condition of employment. By this act the restriction of child employment was reduced to a uniform basis. It is difficult to measure the advancement thus given to the oppressed children. The foundation for a degree of intellectual and social development among the masses was thus laid, and a greater social opportunity was offered
them than they had ever before enjoyed. From this time on, every working child in England spent as much time in school as in the work-shop.

In 1847 Lord Ashley secured the passage of another act, carrying out his plan still more fully. This completed the reduction of the working time for children under thirteen to five hours per day, and to ten hours for all women and those minors between the ages of thirteen and eighteen.

During the following years until 1878 various acts were passed extending the provisions of former acts in one or another direction. Of these, the Factory Act of 1874 was the most important. By it the minimum age for the employment of children was raised to ten.

In 1878, this long line of legislation was fittingly crowned by the act of that year. This act, entitled "An Act to Consolidate and Amend the Law Relating to Factories and Workshops," amends and consolidates in one wide embracing act, all the ground covered by the sixteen acts passed between 1802 and 1878, besides embracing, with some changes, the Provision of the Public Health Act of 1875, and the Elementary Education Act of 1876. It was prepared with the greatest care and fullness, and furnishes an admirable code for factory regulation. Never before had the paternity of government been so strongly declared, and never before had the right of the workmen to demand protection by the state against their employers been so distinctly asserted.

The direct benefits resulting to the lower classes from this act cannot be equalled by any other act upon the rolls of Parliament.

COMPULSORY SCHOOL ATTENDANCE AND CHILD LABOR

At the present time the progressive educational programs in the various states and the most effective legis-
lation for the control of child labor are based upon carefully conducted investigations carried on by selected experts appointed under legislative authority. It is not difficult to find crude precedent for the elaborate child labor and educational laws of today in the statute of Henry IV, in 1405, requiring children to engage in regular employment if not attending school. This statute was in response to the petitions of Commons based upon industrial facts which, in the judgment of the petitioners, demanded far more drastic legislation than that finally secured. Methods of obtaining data upon which laws in control of children were based apparently remained crude and inadequate in England up to the middle of the nineteenth century. In the beginning of that fruitful century, the investigations which laid the foundation for modern methods were carried on largely by private initiative and private means. By the middle of the century, however, legislative commissions were making thorough-going inquiries into industrial and educational conditions which have served as working models on both sides of the Atlantic.

In America, seventeenth century legislation relating to the employment and education of children was based upon facts of common knowledge or upon tradition. In the early national period there were half-hearted inquiries of no great value, usually made at the insistent demand of the newly enfranchised working men, and not seriously intended to present facts upon which compelling laws might be built. Such investigations were made by the legislators themselves and were neither extensive nor definite in character, though sometimes revealing conditions bad enough to warrant far more vigorous action than any proposed. Toward the close of the nineteenth century more definite inquiries began to be made, now conducted by committees or commissions in accordance with legislative resolutions or acts. As a rule these bodies studied with some care the industrial or
educational problems assigned to them, and their reports throw much light upon conditions prevailing at the time. In the first and second decades of the twentieth century, inquiries, investigations, and surveys have assumed highly specialized aspects; they have been carried out, sometimes by direct legislative orders, sometimes under the authority of boards vested with legal powers to order and support such investigations, but always under the immediate direction of trained experts not members of the authorizing bodies. As might be expected, resulting legislation, based on data secured, has carried constantly diminishing evidence of political and other vested interests.

CHANGE IN ATTITUDE TOWARD THE CHILD

Fear was the force back of the Elizabethan child labor laws compelling young children of the poorer classes to engage in productive toil, fear of poverty and of the evil effects of idleness. That same fear, likewise, was in the hearts of the colonial law-makers of 1642 and 1647, supplemented by the fear of Satan who, they were assured, ever used ignorance to damn the race. There was, to be sure, an appreciation of the earning power of children, which became more pronounced in the later years of the seventeenth century, when, in the new material prosperity, the educational requirements were relaxed in order that thrifty parents and masters might more diligently "improve their children and servants in labor." But the economic value of the child was not stressed in America until the application of power to textile machinery in the closing years of the eighteenth century put a premium upon nimble fingers and mental alertness. Under the new conditions parents found in a large family of children a very substantial source of income. No one questioned the father's right to the time and labor of his child, and early attempts to limit the employment of very young children were opposed on the
grounds of unwarranted interference with the natural and holy privileges of parenthood.

The earlier legislation was not written in a spirit friendly and sympathetic to the child; rather it is typical of the stern idea of Puritan justice untempered by mercy. It was not the idea of reformation but of unquestioned control which moved the law-maker as he sought to solve the social problems of his day, and in case the parent was not able to maintain a sufficient degree of control over his child, the state stood ready to assist. Very naturally the employer was regarded, in a sense, as standing in loco parentis. The early system of apprenticeship would make this conception inevitable. Therefore, until quite recently, the interests of the employer rather than those of the child have been uppermost in the making and administration of laws regulating employment and schooling. It has not been difficult for those who were exploiting children in factories to control at least one branch of a state legislature, if action prejudicial to their interests seemed imminent. Even when adequate laws finally were secured, enforcing officers usually dealt tenderly with employers who continued children on their pay rolls in defiance of restrictions. In case of actual prosecution, conviction was made next to impossible by throwing upon the prosecutor the burden of proving that the child had been "knowingly and wilfully" employed. In modern legislation the interests of the child and of society have first place. Needy parents may no longer jeopardize the future of the state by denying to their children the elements of education. Employers have discovered that, after all, the labor of younger children is not so profitable as had been supposed, and in case of illegal employment there is little opportunity for refuge in the ambiguous or confusing phrasing of statutes. It is now a kindly state that safeguards the child, secures his physical and moral health, insists that he acquire the fundamentals of a literary education, puts him in posses-
sion of some industrial skill and seeks to advance him to intelligent, useful citizenship.

Prime Movers for the Protection of Children

It is not pleasant to conclude that schools and teachers have had an inconspicuous place in the development of a public sentiment necessary to secure adequate laws for the protection and education of children. Teachers have not been anxious to receive in their well-ordered classes those who, by taste or necessity, placed foremost the bread-winning pursuits. School superintendents and other school officials empowered to enforce attendance laws often have persistently declined to discharge their duty. Those interested in parochial schools have, in many instances, opposed compulsory attendance legislation, fearing that the enforcement of such laws would lead to state interference with the conduct of their schools. Strangely enough a very general argument in opposition to laws requiring attendance at school, during the first three-quarters of the nineteenth century, was that such measures were undemocratic and out of harmony with American principles of government.

Enfranchised working men, organized and able to command the attention of the state legislatures, were largely responsible for the earliest authorized investigations of the conditions under which children were employed. Philanthropic agencies, even before labor became influential, had accomplished something, and when these two forces learned how to cooperate they became the outstanding influence in the movement in behalf of children.

Naturally enough, labor organizations have been primarily interested in restricting the employment of children, and only indirectly were they at first concerned with their schooling; philanthropy, on the other hand, was first aroused by the fact that industry was robbing
CHILD LABOR

children of even the elements of school education. That the forces controlled or influenced by labor and philanthropy have not been completely coordinated is evidenced by the fact that in few states has there been entire harmony in the laws relating to child labor and school attendance. In the administration of such laws there has been even less harmony.

Both labor and philanthropy have operated in the program in behalf of children through various specialized agencies, such as committees of labor unions, state departments or bureaus of labor, and state and national child labor committees. State departments of education have more recently exercised considerable influence, while teachers through state and national organizations have fallen in with the general movement.

SOME OF THE RETARDING INFLUENCES

Since the time of James Carter and Horace Mann there has been constant agitation for legislation intended to restrain children from severe labor and to provide for their schooling. Many causes have contributed to delay adequate legislation. Some of them have already been indicated. Selfishness of employers and poverty of parents, unwilling to sacrifice their real or fancied interests to the social good, were for years relatively constant factors. Social inertia long rendered adequate laws impossible. A few men with vested interests could easily prevent legislation, could usually divert attention from the real issues. Progress was delayed, also, by the early enactment of spineless laws, which were widely copied in various states. The Michigan attendance law of 1871, copied without substantial change in half a dozen other states, and the Massachusetts act of 1852, the first general attendance law in America, are good examples.
Present Situation in Child Labor

Number of Working Children in 1920

The decennial census is our only source of information as to the total number of working children in the United States as a whole. In 1920 over one million (1,060,858) children ten to fifteen years of age, inclusive, were reported by census enumerators as "engaged in gainful occupations." This number was approximately one-twelfth of the total number (12,502,582) of children of that age in the entire country, as the following table shows:

Per cent of children engaged in gainful occupations3 by sex: 1920

<table>
<thead>
<tr>
<th>Sex</th>
<th>Total</th>
<th>Engaged in gainful occupations</th>
<th>Number</th>
<th>Per cent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Both Sexes</td>
<td>12,502,582</td>
<td></td>
<td>1,060,858</td>
<td>8.5</td>
</tr>
<tr>
<td>Male</td>
<td>6,204,985</td>
<td></td>
<td>714,248</td>
<td>11.3</td>
</tr>
<tr>
<td>Female</td>
<td>6,297,597</td>
<td></td>
<td>346,610</td>
<td>5.6</td>
</tr>
</tbody>
</table>

The number of child workers ten to thirteen years of age, inclusive, was 378,063. The census does not report the number of working children under ten years of age.

Geographical Distribution of Child Labor

Child labor is confined to no one section of the country. According to the 1920 census the proportion of the total child population ten to fifteen years of age, inclusive, "employed in gainful occupations" ranged from 3 per cent in the three Pacific coast states to 17 per cent in the east south central states, comprising Kentucky, Tennessee, Alabama, and Mississippi. In Missis-

---


3 The instruction to the census enumerators was that "gainful occupations" when applied to children includes the occupations of all child workers except those working at home, merely on general household work, on chores, or at odd times on other work.
more than one-fourth of all the children ten to fifteen years of age were at work; in Alabama and in South Carolina, 24 per cent; in Georgia, 21 per cent; and in Arkansas, 19 per cent. Of the New England states, Rhode Island had the largest proportion of children from ten to fifteen years of age, 13 per cent, “employed in gainful occupations.” Except in the south, no other state has so large a percentage of employed children as this.

The Occupations of the Working Children

Of the 1,060,858 children ten to fifteen years of age, inclusive, who were reported by the census to be “gainfully employed” in 1920, 647,309, or 61 per cent, were in agricultural pursuits and 413,549 were in non-agricultural pursuits. Since the employment of children in agriculture is usually on the home farm,¹ is seasonal instead of continuous, and is out of doors, it is with reference to the more than four hundred thousand children in non-agricultural pursuits that the advocates of the Federal child labor amendment have been principally concerned. The occupations of these working children were as follows in 1920:

Number and per cent distribution, by occupation, of children 10 to 15 years of age, inclusive, engaged in selected non-agricultural pursuits, for the United States, 1920.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Number</th>
<th>Per cent distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>All non-agricultural pursuits</td>
<td>413,549</td>
<td>100.0</td>
</tr>
<tr>
<td>Messenger, bundle, and office boys and girls</td>
<td>48,028</td>
<td>11.6</td>
</tr>
<tr>
<td>Servants and waiters</td>
<td>41,586</td>
<td>10.1</td>
</tr>
<tr>
<td>Salesmen and saleswomen (stores)</td>
<td>30,370</td>
<td>7.3</td>
</tr>
<tr>
<td>Clerks (except clerks in stores)</td>
<td>22,521</td>
<td>5.4</td>
</tr>
<tr>
<td>Cotton-mill operatives</td>
<td>21,875</td>
<td>5.3</td>
</tr>
<tr>
<td>Newsboys</td>
<td>20,706</td>
<td>5.0</td>
</tr>
</tbody>
</table>

¹ Eighty-eight per cent of the children engaged in agricultural pursuits in 1920 were employed on the home farm.
² Fourteenth Census of the United States, 1920: Children in Gainful Occupations.
³ Except telegraph messengers.
⁴ Includes clerks in stores.
### Selected Articles

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Number</th>
<th>Per cent distribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iron and steel industry operatives</td>
<td>12,904</td>
<td>3.1</td>
</tr>
<tr>
<td>Clothing-industry operatives</td>
<td>11,757</td>
<td>2.8</td>
</tr>
<tr>
<td>Lumber and furniture industry operatives</td>
<td>10,585</td>
<td>2.6</td>
</tr>
<tr>
<td>Silk-mill operatives</td>
<td>10,023</td>
<td>2.4</td>
</tr>
<tr>
<td>Shoe-factory operatives</td>
<td>7,545</td>
<td>1.8</td>
</tr>
<tr>
<td>Woolen and worsted mill operatives</td>
<td>7,077</td>
<td>1.7</td>
</tr>
<tr>
<td>Coal-mine operatives</td>
<td>5,850</td>
<td>1.4</td>
</tr>
<tr>
<td>All other occupations</td>
<td>162,722</td>
<td>39.3</td>
</tr>
</tbody>
</table>

### The Numbers, by Decades, Since 1880.

The number of children in non-agricultural pursuits was smaller in 1920 than in 1910 and 1900, but larger than the number so employed in 1880, as the following table shows:

*Number and per cent of children engaged in non-agricultural pursuits, 1880 to 1920*

<table>
<thead>
<tr>
<th>Children 10 to 15 years of age, inclusive</th>
<th>Engaged in non-agricultural pursuits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Census year</td>
<td>Total number</td>
</tr>
<tr>
<td>1920</td>
<td>12,502,582</td>
</tr>
<tr>
<td>1910</td>
<td>10,828,365</td>
</tr>
<tr>
<td>1900</td>
<td>9,613,252</td>
</tr>
<tr>
<td>1890*</td>
<td>6,649,483</td>
</tr>
</tbody>
</table>

### Has Child Labor Increased Since 1920

The 1920 census was taken in January when the Federal child labor tax law was discouraging by a heavy tax the employment of children under fourteen in mills and workshops and of children under sixteen in mines and quarries. Since that time this law has been declared unconstitutional and the protection it afforded against

---

1 Fourteenth Census of the United States, 1920: Children in Gainful Occupations.

2 The statistics for 1890 were tabulated only for the age period ten to fourteen. For that age group the number and per cent were, for 1890, 274,167, or 3.9 per cent of the total number of children ten to fourteen years of age.
CHILD LABOR

premature employment no longer exists. Figures are not available as to the number of children who have returned to work as a result of the nullification of this law. The decision came during the recent industrial depression, when many thousands of children as well as many hundreds of thousands of men and women were unemployed. Figures secured by the Children's Bureau of the Department of Labor indicate that since the middle of 1922 the number of children between fourteen and sixteen going to work has steadily increased, and that the decrease in the employment of such children during the industrial depression of 1920 and 1921 was only a temporary one. In twenty-one out of thirty-five cities furnishing statistics to the Children's Bureau more children under sixteen years of age were given permits to go to work in 1922 than in 1921, and in twenty-nine out of thirty-four cities more children received permits in 1923 than in 1922. In these thirty-four cities, 90,166 children fourteen and fifteen years of age went to work in 1923, the majority of them in factories and stores. In nineteen of the cities reporting in 1923 there was an increase over 1922 of at least 20 per cent, and in nine cities the increase was approximately 50 per cent or more. These figures, it should be remembered, are based on the number of work permits issued and show, therefore, the number of legally employed children. How many were illegally employed is not known. In New York State since 1917 the state inspectors report from two thousand to three thousand children fourteen or fifteen years of age working without work permits annually, and in addition from one thousand to two thousand under fourteen years of age found illegally employed each year. While it is to be expected that the number of employed children will fluctuate with changing local industrial conditions, the figures of the table which follows would seem to indicate a general and substantial increase in the number of working children in the last two years:
Number of children between fourteen and sixteen years of age receiving regular employment certificates for the first time in the calendar years 1921, 1922, and 1923, and per cent of increase or decrease as compared with preceding year, by city.

<table>
<thead>
<tr>
<th>State and city</th>
<th>1921</th>
<th>1922</th>
<th>1923</th>
<th>1921</th>
<th>1922</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Birmingham</td>
<td>166</td>
<td>139</td>
<td>-16.3</td>
<td>240</td>
<td>+72.7</td>
</tr>
<tr>
<td>Huntsville</td>
<td>252</td>
<td>189</td>
<td>-25.0</td>
<td>208</td>
<td>+10.1</td>
</tr>
<tr>
<td>Mobile</td>
<td>166</td>
<td>78</td>
<td>-53.0</td>
<td>128</td>
<td>+64.1</td>
</tr>
<tr>
<td>Montgomery</td>
<td>79</td>
<td>90</td>
<td>+13.9</td>
<td>93</td>
<td>+3.3</td>
</tr>
<tr>
<td>California:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>San Francisco</td>
<td>310</td>
<td>295</td>
<td>-4.8</td>
<td>381</td>
<td>+29.2</td>
</tr>
<tr>
<td>Connecticut:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bridgeport</td>
<td>871</td>
<td>806</td>
<td>-7.5</td>
<td>1,032</td>
<td>+28.0</td>
</tr>
<tr>
<td>New Haven</td>
<td>572</td>
<td>856</td>
<td>+49.7</td>
<td>1,235</td>
<td>+44.3</td>
</tr>
<tr>
<td>Waterbury</td>
<td>111</td>
<td>308</td>
<td>+177.5</td>
<td>736</td>
<td>+139.0</td>
</tr>
<tr>
<td>Delaware:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wilmington</td>
<td>171</td>
<td>423</td>
<td>+147.4</td>
<td>430</td>
<td>+1.7</td>
</tr>
<tr>
<td>District of Columbia:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>959</td>
<td>693</td>
<td>-27.7</td>
<td>474</td>
<td>-31.6</td>
</tr>
<tr>
<td>Indiana:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Indianapolis</td>
<td>672</td>
<td>607</td>
<td>-9.7</td>
<td>727</td>
<td>+19.8</td>
</tr>
<tr>
<td>Kentucky:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Louisville</td>
<td>186</td>
<td>351</td>
<td>-88.7</td>
<td>795</td>
<td>+126.5</td>
</tr>
<tr>
<td>Louisiana:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New Orleans</td>
<td>2,091</td>
<td>2,031</td>
<td>-2.9</td>
<td>2,445</td>
<td>+20.4</td>
</tr>
<tr>
<td>Maryland:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Baltimore</td>
<td>2,503</td>
<td>3,199</td>
<td>+27.8</td>
<td>4,145</td>
<td>+29.6</td>
</tr>
<tr>
<td>Massachusetts:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Boston</td>
<td>2,473</td>
<td>2,375</td>
<td>-4.0</td>
<td>2,810</td>
<td>+18.3</td>
</tr>
<tr>
<td>Fall River</td>
<td>904</td>
<td>1,574</td>
<td>+74.1</td>
<td>1,176</td>
<td>-25.3</td>
</tr>
<tr>
<td>New Bedford</td>
<td>841</td>
<td>1,322</td>
<td>+57.2</td>
<td>2,111</td>
<td>+59.7</td>
</tr>
<tr>
<td>Somerville</td>
<td>362</td>
<td>313</td>
<td>-13.5</td>
<td>366</td>
<td>+16.9</td>
</tr>
<tr>
<td>Springfield</td>
<td>194</td>
<td>581</td>
<td>+199.5</td>
<td>698</td>
<td>+20.1</td>
</tr>
<tr>
<td>Worcester</td>
<td>349</td>
<td>904</td>
<td>+159.0</td>
<td>1,077</td>
<td>+19.1</td>
</tr>
<tr>
<td>Michigan:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Detroit</td>
<td>264</td>
<td>288</td>
<td>+9.1</td>
<td>277</td>
<td>-3.8</td>
</tr>
<tr>
<td>Minnesota:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minneapolis</td>
<td>407</td>
<td>339</td>
<td>-16.7</td>
<td>301</td>
<td>-11.2</td>
</tr>
<tr>
<td>St. Paul</td>
<td>217</td>
<td>218</td>
<td>+0.5</td>
<td>207</td>
<td>-5.0</td>
</tr>
</tbody>
</table>

1 Compiled, except where otherwise noted, from figures furnished by certificating officers, school officials, etc., in correspondence with the United States Children's Bureau.

2 Reports of the factories inspection department of the parish of Orleans for the year ending December 31, 1921, p. 5; 1922, p. 1.

3 Annual report of the school committee of the city of New Bedford for the year 1922, p. 18.
CHILD LABOR

<table>
<thead>
<tr>
<th>State and City</th>
<th>1921</th>
<th>1923</th>
<th>1922</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri: St. Louis</td>
<td>3,865</td>
<td>4,978</td>
<td>+11.4</td>
</tr>
<tr>
<td>New Hampshire:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manchester</td>
<td>251</td>
<td>346</td>
<td>+117.6</td>
</tr>
<tr>
<td>New Jersey:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jersey City</td>
<td>1,136</td>
<td>1,977</td>
<td>+25.9</td>
</tr>
<tr>
<td>Newark</td>
<td>1,033</td>
<td>2,509</td>
<td>+44</td>
</tr>
<tr>
<td>Trenton</td>
<td>508</td>
<td>974</td>
<td>+23.1</td>
</tr>
<tr>
<td>New York:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>New York City</td>
<td>38,888</td>
<td>36,518</td>
<td>+12.4</td>
</tr>
<tr>
<td>Yonkers</td>
<td>418</td>
<td>814</td>
<td>+103.0</td>
</tr>
<tr>
<td>Pennsylvania:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Philadelphia</td>
<td>6,618</td>
<td>10,937</td>
<td>+67.5</td>
</tr>
<tr>
<td>Pittsburgh</td>
<td>1,227</td>
<td>2,778</td>
<td>+67.5</td>
</tr>
<tr>
<td>Rhode Island:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Providence</td>
<td>1,567</td>
<td>2,463</td>
<td>+18.2</td>
</tr>
<tr>
<td>Wisconsin:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Milwaukee</td>
<td>2,359</td>
<td>3,780</td>
<td>+47.9</td>
</tr>
</tbody>
</table>

Per cent of increase (+) or decrease (−) as compared with 1921.

CHILD LABOR AND CHILD NATURE *

Vital to the solution of the child labor problem is an increased popular appreciation of childhood itself; and this presupposes, of course, a better understanding of childhood. In spite of parental love for children, in spite of the claim on the part of society to have a special place in its heart for children, children even today are visited with vast cruelty and abuse—not so much a conscious cruelty and abuse, not so much a brutal cruelty and abuse, as a cruelty and abuse of adult ignorance and thoughtlessness and neglect. So many fathers and mothers know so little about children that one sometimes wonders whether they are entitled to be the fathers.

---

and mothers of children; and society, upon which also devolves the task of fostering and bringing up each succeeding generation, is not better informed or more intelligent, and a doubt similar to that concerning fathers arises concerning society.

Two sources of encouragement may be noted: the first is the comparative recentness of real humanitarian regard for children, together with the results of this regard; and the second is the rapid spread of the facts discovered through scientific study of child nature in both its physical and psychical aspects.

**BEYOND ECONOMICS**

There are those who believe that child labor is solely an economic phenomenon, and its solution therefore an economic solution; that if we could do away with economic greed and economic pressure, we should thereby do away with child labor. They are only partly right. That is to say, child labor may flourish and indeed does flourish in the midst of plenty. It is not a matter alone of power to provide children with the things they need, but is also a matter of knowing what they need and of willingness, nay, eagerness to provide it at all costs. It is not so much a matter of economic income as it is of spiritual outgo. Unless the needs of children are understood and highly regarded, these children may receive stones instead of bread even where prosperity is boasted.

A writer on the rural child labor problem recently said: "Give the farmer his just due economically and he will take care of the child labor problem on the farm. With economic justice, he will furnish his boys and girls with every advantage." It is difficult to believe that children in the country are going to be provided with every advantage just as soon as a few dollars have been added to the farm income. The parents must know what is advantageous; they must know the meaning and value of play, the meaning and value of schooling, and the
meaning and value of children’s work as distinguished from child labor. We cannot wait for the economic prosperity of the country before beginning the campaign for the development among the rural population of appreciation and demand for the things that children really should have, and the things that children really should have we cannot adequately measure in terms of their future adulthood.

We often, in dealing with child labor, condemn conditions which we regard as injurious to the child’s future efficiency; but the real question should be, not what kind of adulthood he is being prepared for, but what kind of childhood is he having now? There is needed a new reverence for childhood. There is called for such a reverence as shall regard growth as its own end and childhood as its own glory, without measuring everything by adult ideas or in terms of the future adulthood of boys and girls; such a reverence as shall guarantee to every child his right to have a childhood, and to enjoy it fully, and to be fully efficient in his proper capacity of being a child. The principal new value in the field of child welfare is the new value attaching to childhood as a good-in-itself.

CHILD-LABOR PSYCHOLOGY

Though it is true, undoubtedly, that we need in child labor reform a social vision, a social conception of the child labor evil and of the objective in child labor reform—in a word, a humanitarianism broader than the old humanitarianism of pity and tears for the individual exploited child—it is equally true that our central and dominant interest should be in the child, the child as child. He is our proper point of departure in child labor reform. The elder economists used to talk about the economic man, as if he were a separate and distinct being from other men; but that viewpoint has been discarded. There is no economic man, merely as such. There is likewise no child laborer, merely as such. There
is, instead a child. We may consider the child in connection with child labor; we may consider child labor in connection with the child; but in either case we need to know what the child is by nature.

Modern child psychology has taught us that in neither body nor mind is the child a miniature adult. Children are not "little men" or "little women," however much we may foolishly wish them to be, or however hard we may criminally try to make them such. Quite as truly, "little men" and "little women" are not children.

Out of the nature of children arise their needs; and out of children's needs, children's rights. As the primary and principal right of children is the right to childhood, so it is also the right to a full childhood and a normal childhood, which really amount to the same thing. What constitutes a normal childhood, and what are the environmental conditions of a normal childhood? This is the most important question in the entire field of child welfare. The answer will not be attempted here, beyond the pointing out that a normal childhood is one of natural development in accordance with development needs, that development of body or mind depends on previous development, and that between physical and psychical development there is close relation and more or less interdependence. Any occupation that interferes with a full childhood, a childhood of normal and complete development, a characteristic childhood in each of its stages, is far from being a gainful occupation.

Childhood is peculiarly and pre-eminently the motor period of life. The child's great need is activity. His nature demands it. His growth and his health, both physical and psychical, depend upon it. Without it the establishment of proper and necessary coordinations in the neuro-muscular system and of that constitutional unity which the ancients described in the phrase, "A sound mind in a sound body," is impossible.
What Is Play

The characteristic mode of childhood activity is play activity, which is sometimes interpreted as a sort of resurgence, in the individual, of the racial past. It is true that play activity tends strongly to take those forms that involve the larger muscles, the simpler coordinations and "brain tracts that are old, well-worn, and pervious"—tendencies and powers that are racially inherited from the hoariest of hoary antiquity—but while the elements of play come from the past, the secret of play is found in the present. The secret of play is found, not in racial history, but in individual development. Yet this is hardly a fair statement, for the secret of play is itself a racial inheritance. There seems to be an inborn tendency to exercise the physical and psychical powers that are ready to be exercised and to satisfy the interests that are related to these powers. Thus play may be properly regarded as the joyous exercise of the powers and capacities, muscular and mental. It is sometimes said that play is self-expression, but perhaps it might better be said that self-expression is play.

Growth is the secret of play, and play is the secret of growth. The man who has never played at all is non-existent. He could not have grown up if he never played. He could never have learned to know his feet from his hands, or learned to walk. For play begins with progressive triumph in the use of physical powers—powers of manipulation of movement and coordination. The baby gurgles with joy as he plays with his toes, then exults in his new-found ability to creep about the floor, then in learning to balance himself on his feet, and stand and walk. Essentially play is self-discovery and the trying out of powers—the joyous doing of what one is able to do, the exercise of ripening capacities, an exploration in the realms of muscle and mind. It is growth and development and progress.
The motions and motives, the acts and thoughts of play, are the products as well as the causes of growth. The individual in ceasing to grow ceases to play, and he who ceases to play ceases to grow. The compulsions of play are the compulsions of growth, both physical and mental; inner compulsions, not external, and therefore allied to spontaneity and freedom. Happy is the child who plays, and happy is the man who has “found his work,” or, as we sometimes say, who has “found himself in his work,” for in his work he has found a play satisfaction, due to its suitability to his powers and capacities, and the opportunity it affords for self-expression and self-expansion.

Play and interest are one and inseparable as body and soul, and there is no growth, no learning, without interest and the satisfaction of interest. Needs give interest, but the needs of a child are not the needs of an adult; the former are the needs of growth, while many of the latter are governed by extrinsic factors—the necessity of making a living, of doing business, of paying taxes. The adult has powers for the needs of adult life; the child has powers only for the needs of childhood, except as tremendous and devastating strain is put upon his physical and nervous system. Force upon children activities physically or mentally beyond their needs or beyond their powers, work in which they can take no interest, work which evokes no spontaneity or enthusiasm and brings no satisfaction, and you have done that which inevitably will retard or pervert their development, and prevent their all-round development, and which will seriously impair the normal functioning of the vital processes within the body and very likely sow the seeds of nervous disorder.

Let us see what the modern scientist has to say on this subject. The following is quoted from Herbert S. Jennings, professor of biology in Johns Hopkins University: “There is one method of the exercise of the powers that is almost free from these dangers, and that is what we call play. For years, play was looked upon
merely as a sort of inevitable waste of time among children, but scientific study of the cultivation of these organisms has shown that play is in most respects the best, the ideal form of the exercise of the powers. Particularly is this true for the younger children, but it is in large measure true as they grow older. Play is the activity which their own natures suggest and guide; it is varied as their diverse budding capabilities require; and when free it is not carried beyond the point where one activity interferes with the development of others."

Not all work is child labor. Give a child work suited to his powers and appealing to his interests, give him work in which he can express himself, in which the instincts of initiation, creativeness and ownership are involved, in which he can use his imagination and serve purposes of his own, work that he can do with enthusiasm and satisfaction, and you have given him developmental and educative work—children's work, not child labor. This is the kind of work that he does when he joins one of the agricultural clubs now gaining a foothold in rural America. Give him also play, for much as there is in common between play and children's work, they are not the same; there is something playful in play that is not in any work. But do not give him child labor, for the results are exactly those that Professor Jennings mentions as produced by conditions in badly conducted schools: "By continued repression of many of the powers, and by forcing activity in powers not yet ready, strain is brought about; spontaneity is done away with; interest in work is destroyed; the instinct of workmanship is rooted out, hate for work cultivated in place of it." He speaks of malnutrition and nervous disturbance as among the evil consequences of such repression and forcement—consequences in no wise associated with play, except through the fact that play, and especially vigorous outdoor play, is the best of all preventive agencies and a therapeutic agency of no little value. No child labor, an increasing amount of children's work, and always an abundance of play and rec-
reaction is the right of every child in his progress toward maturity.

One of the chief indictments against child labor is that it deprives children of opportunity to play. We do not, however, without considerable knowledge of child nature, appreciate fully what this indictment means. To rob children of childhood as playtime is to rob them of childhood itself, for as Wood says: "Children love play as all young beings love life, because life is play. The child's life is one of physical, mental and moral development. Development means self-expression, self-expression means activity, and activity means play. Children do not play deliberately from ulterior motives; with them it is play for play's sake; play is life, they live to play; they are children because they play."

It has been said that the child who has not played has missed half of life. Rather he has missed childhood, which is more than half of life, since, in Froebel's words, "The whole later life of man, even to the moment when he shall leave it again, has its source in this period of childhood." It is no exaggeration to say, as Waddle does, that the child must play or he cannot become a man; for play is functionally related to growth and development of body and mind and the integration of personality. It is the secret of all progress in the individual and the race. Norsworthy and Whitley write: "A child who does not play not only misses much of the joy of childhood, but he can never be a fully developed adult. He will lack in many of the qualities most worth while because many of the avenues of growth were unused and neglected during the most plastic period of his life."

Childhood is properly playtime, not worktime. By no means is a workless childhood implied, but the work of children should be children's work in amount and kind, and not child labor. Nor is a playless adulthood implied either as a fact or as a desideratum. Grown-ups play and ought to play. In a recent psychological essay, Professor Patrick so defines play as to include practically
all the activities of children and a large share of those of adults, such, for instance, as baseball, football, tennis, golf, polo, billiards and countless other games and sports; diversions such as traveling, hunting, fishing, yachting, motoring, flying, dancing, vacation outings, games, races, spectacles, fairs, amusements and expositions; the theater, opera, moving pictures, lectures and entertainments; the enjoyment of music, painting, poetry and other arts; the daily paper, the magazine, the short story and the novel. A difference is sometimes noted between the play of children and the recreation of adults; but adults do play in response to purely and distinctly playful impulses, and children in school or at work have need and desire for that recreation which is diversional, relaxational, re-creative.

**CHILD LABOR VS. CHILDREN’S WORK**

Nothing could be farther from the truth than the rather widespread notion that child labor reform is predicated on the assumption that children should have no work whatever to do. It must be said, however, that the belief that children should have work is responsible for a good deal of child labor. Though much has been done by society to abolish child labor, little has been done to establish children’s work on a proper basis. Society has made no serious constructive attack on the children’s work problem, but sooner or later we must come to grips with this problem. The school has not done its part toward answering the true work needs of children; neither has the home, and the urban home is under a heavy handicap in this regard. Instead of enough children’s work we have had too much child labor. As part of the solution of the child labor problem, as a means to the abolition of child labor and the breaking down of opposition to reform, we must give attention to the work that children should have and see that they have it. To establish children’s work is quite as important as to establish children’s play or to abolish child labor. These are all aspects of a single problem.
Let us consider for a moment some of the supposed values of child labor. In defence of it we have heard the assertion that it furnishes training in the sense of responsibility and in the habit of thrift, and that it affords the discipline of self-subordination to unpleasant tasks. However, there is abundant opportunity for developing the sense of responsibility in the home and the school through household duties, home-projects under school auspices, schemes of self-government and so on. The same is true of thriftiness. Moreover, thrift is not merely a matter of money, and the virtues connected with it may be developed in relation to school supplies, home possessions, food and clothes. Child laborers have not yet been shown to be especially thrifty with their earnings. As to the disciplinary value of child labor, modern psychology teaches that the only discipline that is worth while is that which accords with the child's own nature, his instincts and desires—not all of them of course, but a selected few. It is not the discipline that runs counter to his nature, resulting in nothing more than sullen obedience or strained submission. This latter kind weakens or breaks what we sometimes, rather inaccurately, call the will. The activity that develops the will is willing activity. Work performed in accordance with the child's own purposes and desires has far more disciplinary value than drudgery, which stifles initiative, individuality and expressiveness, all of which may be enlisted in the service of character-building and without which there is no character.

The assertion, which is not infrequent, that doing away with child labor would do away with experiences that develop vigor of personality and strength of character, that it would make children's lives too soft and easy, might be answered by a question, Why child labor for some children and not for others? Parents seldom want their own children to be child laborers. This is never the wish of educated and well-to-do parents. Child labor reform does not seek the removal of obstacles and difficulties from the lives of children, but only obstacles
CHILD LABOR

43

to development and achievement. There is nothing prejudicial or weakening to character in suitable schooling, suitable play or suitable work, the three principal substitutes alike for child labor and child idleness; these on the contrary challenge and exercise and discipline all the growing powers of the child, leading to self-development, self-control, self-discovery, self-confidence and the fulness of selfhood.

Psychologically, the fundamental characteristic of child labor is unmotivated activity—or activity motivated from without rather than from within. Some forms of activity involved even in school work may be described as child labor. They are beyond the child’s needs; that is to say, beyond his powers, except as they are externally motivated or artificially forced. They may run directly counter to his needs; for instance, his need of free bodily movement or his need of interesting occupation. Child labor in the schools is one of the chief causes of child labor in industry and agriculture and on the streets. Child labor out of school is often entered upon as a means of escape from child labor in school. Schooling must be somehow reconciled both with what goes on inside the child and with what goes on outside the school if it is not to be child labor.

The criteria of children’s work are numerous. We shall mention only five: (1) Children’s work leaves plenty of time for schooling and for play. (2) It is performed in suitable places. (3) Children’s work is of a kind that not only is not injurious but is positively favorable to physical and to mental development and health. (4) It is educational in the sense that has to do with one’s accumulating fund of knowledge (as well as with the educative process and mental power). (5) Children’s work is supervised work. The supervision may be slight, but it is there, and it is always in the interest of the child himself.

In distinguishing between child labor and children’s work, very definite psychological facts and principals are
available for guidance and aid. This from John Dewey is suggestive: “To confine the growing child to the same kind of muscular activity is harmful both physically and mentally; to keep on growing, he must have work that exercises his whole body, which presents new problems, which teaches him new things, and thus develops his powers of reasoning and judgment. Any manual labor ceases to be educative the moment it becomes thoroughly familiar and automatic.” Child labor is child labor partly because it is not educative in this psychological sense. It does not give the child experience in solving problems and coming off well from situations; it does not, in other words, develop intelligence.

To illustrate further the educative possibilities of work in contrast with conditions characteristic of child labor, let us take the situation of the children of tenant farmers as Charles E. Gibbons found it in Tennessee. “The kinds of work the children are called upon to do in the one-crop sections is not training them to be any better farmers than their parents. It is mere drudgery and wholly uneducational. It does not teach them thrift and economy, for the parents as a rule get all the returns from their labor; in fact their labor is simply a ‘board and keep’ proposition. Out of one hundred and twelve tenant parents in Tennessee only eighteen reported their children owning anything, such as a pig, calf, acre of corn, cotton, etc., and receiving the profits therefrom. There is nothing in this drudgery that centers interest in the farm.” Farm work is not drudgery to children if it be work in which an intelligent interest has been developed through agricultural clubs or through schools related to rural life; but it is drudgery and it is child labor when it is meaningless labor or forced labor or in any way excessive.

Uninteresting work is fatiguing work. “A man with no interest is rapidly fatigued,” said Galton; and so is a boy. A boy can do more work with less fatigue and injury if it possesses that element of interest which is
characteristic of children’s work. Work in which the movements themselves rather than the thing to be done require attention, in which the action springs from the mind of another or from external compulsion rather than spontaneously and purposively from the mind of the doer, causes a large nervous expenditure for a small muscular result and tends toward excessive fatigue. O’Shea remarks: “Observe a boy at play and at work. The play may really be harder, in the sense that more gross energy may be expended and more difficult movements are performed, but yet he is really less fatigued over the heavier than the lighter task.” The difference is one of interest, and it is interest that levels the distinctions between play and the work that is not drudgery. Interest is fundamental not only to play and to children’s work, but to the learning process, regard for which is one of the criteria of children’s work. Woodworth says that a trade or profession “cannot be learned without getting interested in it directly and on its own account.”

Dewey shows the relative value of the school and of work in a store in furthering the educative process: “The grocer’s boy knows what a peck is because he has used it to measure things with, but since his stock of knowledge is not increased as he goes on measuring out peck after peck, the point is soon reached where intellectual discovery ends and mere performance of a task takes its place. This is the point where the school can see that the pupil’s intellectual growth continues; while the activity of the mere worker who is doing the thing for its immediate practical use becomes mechanical. The school says the pupil has had enough of this particular experience; he knows how to do this thing when he needs to and he has understood the principles or facts which it illustrates; it is time he moved on to other experiences which will teach him other values and facts. When the pupil has learned how to follow a receipt, how to handle foodstuffs, and use the stove, he does not go on repeating the same elementary steps; he begins to extend his work to take in the larger aspects of cook-
ing. The educative value of the cooking lessons continues because he is now studying questions of food values, menus, the cost of food, and the chemistry of foodstuffs, and cooking. The kitchen becomes a laboratory for the study of a fundamental factor in human life."

Almost nobody believes in child labor, and almost everybody believes in children's work. Mere recognition of the fact that a difference between the two exists—and that is by no means universal among parents and citizens—is not, however, the whole end of the difficulty. It must be understood wherein they differ—how they differ. As the data of scientific research accumulate, we must in course of time set up for the guidance of parents, schoolmen and administrators of the law clearer standards of what constitutes children's work as distinguished from child labor. We are setting up standards of physical fitness for children entering industry and are thinking a little about setting up standards of mental fitness. We are measuring children with reference to their fitness to go to work, but we ought also to measure work with reference to its fitness for children. We ought to know very precisely what kinds of work are especially suitable to boys and girls in their various stages of development. This, to an extent, vocational guidance is attempting to do; but, important as it is to distinguish between suitable and unsuitable jobs, this is not quite the same thing as to distinguish between suitable and unsuitable work. The latter distinction will serve in making the former, but it has to do with the child's work needs rather than his vocational needs. The work needs are psychological rather than sociological. What they are exactly and how they are best and most fully to be met are questions calling for knowledge far beyond that represented in the child psychology and the educational practice of the present day.

That children have work impulses and needs as well as play impulses and needs, and that they should have the experience and discipline of suitable work activities, is not to be gainsaid. The public school has a responsi-
bility not only for the formal schooling of children and for the enrichment of their play life but also for the enrichment and partial guidance of their work life. They should educate not only through work, but for work; and not only for adult work, but for children’s work. The schools are beginning to recognize their proper relation to work activities outside the school. Some of them are allowing credit for milking the cow, caring for the horse, splitting kindling-wood, sweeping and dusting the house and caring for the baby. But merely to give credit for the performance of home tasks and duties is not enough. Children should be helped in school to a more efficient and intelligent usefulness in the home. Meriam, writing of the relation of the school to home life, says: “Boys and girls waste a great deal of time at home because they do not know what to do. . . . Every boy should have some sort of shop at home, which may be equipped very meagerly at first; it will be better equipped when its value is discovered. The girl does not call for a special space called a shop; the whole house is hers. Knowledge, direction, and encouragement to make things useful or artistic, or both, are needed; there is scarcely a home which does not need this constructive work on the part of children. To instruct children in handwork, not as a school exercise, but as an occupation that should have a large place in the home, is the opportunity and the obligation of the schools.”

It is greatly to be regretted that vocational training and part-time schools are so often recommended and urged with too little thought of their developmental value—their effect on the child. Our vocational education suffers from the pressure and domination of the industrial institution; and the industrial institution does not exist for the satisfaction of children’s needs. Says Helen Marot: “The institution of industry rather than institution of education, dominates thought in industrial educational courses. It is the institution of industry as it
has affected the life of every man, woman and child, which has inhibited educational thought in conjunction with schemes for industrial schools. No established system of education or none proposed is more circumscribed by institutionalized thought than the vocational and industrial school movement.” The vocational education of today is almost as far from meeting the needs of children as children as the older traditional education. Just as the latter has over-emphasized subjects to the neglect of child nature, so the former is now over-emphasizing vocations. In both the traditional and the vocational curriculum, the content of the whole is divided, subdivided and parcelled out according to what is believed to be the child’s ability at his age—that is, the starting point is the subject or the vocation itself, not the child. Growth, however, is the really important consideration. The vocational curriculum has the advantage in that it involves more action—especially action of body and mind together—and that it also makes the appeal to the concrete and practical.

In considering the true work needs of children, we have to consider the child, not industry or production, and not the economic condition of parents; and the responsibility of the schools in regard to children’s work will not and cannot be met by any method which fails to emphasize first and all the time the growth, development and education of the child himself.

THE RATIONAL BASIS OF LEGISLATION FOR WOMEN AND CHILDREN

It is the old theory concerning childhood that the child is merely an undersized adult; that he is a person with the same physical make-up, only that his body is

---

smaller and weaker in its various parts; also, that his moral nature is essentially the same as that of an adult except that it is not under control. The logical conclusion of this theory is that so far as children's interests and natural activities are different from those of adults they are to be tolerated, and if disagreeable to adults they are to be suppressed. These natural activities are looked upon as interfering with, rather than preparing the child for the legitimate work for life; and the earlier he can be plunged into this work, the better.

Starting with the acceptance of the doctrine of evolution, and continuing through a scientific study of child nature, both physiological and psychological, authorities have reached conclusions that flatly contradict the old theory thus stated and have convinced teachers and many parents that old methods of suppression and dictation in dealing with children are wrong. The child, they say, is not merely an undersized adult; he is a very different being. Physically, the human body passes through certain stages of development; these are somewhat the same as the stages through which the race has developed. It is quite certain that our remote ancestors dwelt in caves and before that they probably went on all fours; back still farther they may have led an amphibious existence. There are in our bodies certain useless organs that seem to be remnants of outgrown physical states. All of these matters I mention merely to enforce the idea that the human body passes through certain stages of development. The young boy then is not a complete adult in all but size and strength. His physical constitution is in a state of development through which it should pass completely, without interference, if it is to become that of a normal adult.

The same is true of his mental and moral nature. As an infant, until the age of six, he is plastic, imitative, easily led, and affectionate. At about that age comes a change that all parents know about; he becomes wilful,
and selfish; he is a little savage in cruelty; he lies and steals, it may be, without apparently knowing why he should not. At about the age of fourteen there comes another great change. This is the age of adolescence, of sex development. His large bones grow rapidly; he becomes lazy; he seeks companions in a "gang;" he wants to go off wandering; and he rebels against authority. Play seems to be his chief end in life. Now, many old school parents and educators regarded these peculiar and somewhat disagreeable phenomena as totally undesirable, to be eradicated as soon as possible. It is the newer idea that these peculiarities of the adolescent age are signs of a normal and necessary stage in physical and normal development. If a boy should be made to omit this state he would become an abnormal adult. It would be as impossible to develop a healthy, normal man in this way as it would be to develop a butterfly that was never a caterpillar or a frog that was never a tadpole.

Now, what is the connection between these facts and child labor laws? In the age of adolescence, extending with boys from the age of fourteen to sixteen or seventeen, certain characteristics show themselves for which the boy is no more responsible than the tadpole is for his tail. These characteristics make the boy's nature demand certain things that are in many instances exactly contrary to the requirements that are made if he goes into a factory at that age. First, the large bones and muscles of his body must have much exercise; but the finer movements cannot well be accomplished. In other words, the boy is in the "awkward age;" there is lack of close coordination between his nervous and muscular systems; they have not become fully adjusted. Hence the number of accidents with boys is twice that with adults. We say he is careless; he says he can't help it—and he can't. Second, in this age the boy rebels against authority. This is his saving grace; his will is developing, and he will never be of much account until it does. Third, his nature demands variety of scene and occupa-
tion and tempts him to wander off from home and work. But factory life is monotonous; hence he floats from one factory to another. Fourth, when he gets interested in a piece of work he wants to see it through, and not leave it half finished. But in most factories he finishes only a part of the product upon which he is working, and so is deprived of the very training that he needs at this age. Lastly, one of the strongest demands of boy nature at this age is that for play. Now, many adults look upon play as simply a childish luxury fit only for those children who do not need to work. Psychologists, on the other hand, regard the play of children as the means by which alone they develop their physical and moral natures into those of manhood and womanhood. Space will not permit the full discussion of this topic; but it may be said, in brief, that children are educated more by their play than in any other one way. Factory life that deprives children of the opportunity to play stunts their natures; they become either dullards and weaklings or develop criminal tendencies.

The same general principles that have been stated as governing boy life apply to the natural development of girls. Moreover, woman’s physical nature is much more susceptible to outward bad conditions than man’s is. The strain, monotony, and speed of factory work are abnormal; hence sterility, due to long hours, hence accidents, due to overstrain, hence puny children, due to exhaustion.

In brief, the employment of women and children for long hours and at wrong times as a result of modern commercial life tends to warp their physical natures out of the lines in which they have been developing for thousands of years. This indictment does not lie against a moderate amount of light household employment for girls; nor against a similar amount of labor for boys on the farm. Yet there are farmers who will put their children to hard, stunting work, who would not think of hitching a yearling colt to a plow.
It is out of the wrecks of factory life that race degeneracy comes, with poverty, illiteracy, and crime as accompaniments. Where is the economy? Who is going to buy your goods ten years from now? Will it be a fully developed, healthy, intelligent mass of people? Or a crowd that is unable to earn a good living? Which group will buy more goods then? Imagine a procession, ten years away, but headed for your factory or your store, and sure to arrive with money in hand to buy your goods unless something interferes. Would you not protest if an enemy should attack the column and cripple some who would never thereafter be able to earn enough to furnish comfortable homes; if another should spread germs of disease in the procession that would lessen its numbers; if a third enemy of mankind should imprison some of the children, who would then fall behind and never be able to catch up with the procession, or, if able, then with lowered earning power? The children of today are the customers of tomorrow. Self-interest alone on the part of every manufacturer and merchant should demand for every child a healthy, normal childhood. It is said that the wages of the average child beginning work at sixteen overtake those of one who began at fourteen in less than two years; and that the latter earns less in the aggregate than the former. Again, it is stated that for every dollar earned by a child under the age of fourteen, tenfold will be taken from his earning power, and consequently from his purchasing capacity, in later years. Such are some of the considerations that make our present extension of legislation covering the work of women and children both national and far-sighted.

CHILD LABOR AND PAUPERISM

Each age has, of course, its own temptations, and above all its own peculiar industrial temptations. When

---

we ask why it is that child labor has been given to us to discuss and to rectify rather than to the people who lived before us, we need only remember that for the first time in industrial history the labor of the little child has in many industries become as valuable as that of a man or woman. The old-fashioned weaver was obliged to possess skill and enough strength to pull his beam back and forth. With the invention of machinery the need of skill has been eliminated from many processes; with the application of steam and electricity, strength has also been largely eliminated, so that a little child may mend the thread in a textile mill almost as well and in some respects better than a strong and clumsy man or woman. This is true of many other industries, until it has come about that we are tempted as never before to use the labor of little children and that the temptation to exploit premature labor is peculiar to this industrial epoch.

What then are we doing about it? How deeply are we concerned that this labor shall not result to the detriment of the child, and what excuses are we making to ourselves for thus prematurely using up the strength of a child? Of course it is always difficult to see the wrong in a familiar thing and it is a test of moral insight to be able to see that an affair of familiar intercourse and daily living may also be wrong. I have taken a Chicago street car on a winter’s night in December at ten o’clock when dozens of little girls who have worked in the department stores all day are also boarding the cars. I know as many others do that these children will not get into their beds much before midnight, and that they will have to be up again early in the morning to go to their daily work. And yet I take my car almost placidly—I am happy to say not quite placidly—because I have seen it many times. Almost every day at six o’clock I see certain factories pouring out a stream of men and women and boys and girls. The boys and
girls have a peculiar hue, a color so distinctive that any one meeting them on the street even on Sunday in their best clothes and mixed up with other children who go to school and play out of doors, can distinguish almost in an instant the children working in factories. There is also on their faces a something indescribable, a premature anxiety and sense of responsibility which we should declare pathetic if we were not used to it.

How far are we responsible when we allow custom to blind our eyes to the things that are wrong? In spite of all our charities and corrections, are we really so lacking in moral enterprise and vigor that the people who come after us may say—"the real temptation which came to them they did not even perceive; they talked about morality, seemed to have good ideas, but they fell down before the one situation which they ought to have grappled with."

What excuses do we make for ourselves? The sentimental excuse is the one in use most frequently in the north. It is said that the labor of these little children is needed for the support of widowed mothers. Some of us are sure that the widowed mother argument has been seriously over-worked. In every community there are only a certain number of widowed mothers, unless some plague has carried off the men in the prime of life. Out of that number of widows only a certain number will be absolutely impecunious, for if the community is prosperous some of the working men by benefit societies and insurances will have made some little provision for their families. Out of that certain number of impecunious widows only a few will have children between the ages of ten and fourteen, in which short space of time the temptation to the premature use of children's labor always lies.

In a certain manufacturing town it was discovered that thirty-six hundred children on the school census roll were not to be found in the schools. We have a
much larger number than that in Chicago; according to our school census we lose eleven thousand between the first and second grades. In this particular manufacturing town it was suggested that the children be looked up and the number of those who were supporting widowed mothers be verified. Out of the thirty-six hundred children it was found that eleven hundred were legitimately out of the public schools, i.e., that they had moved out of the district, that they were ill, that they were attending private institutions, or that they were legally at work. That left twenty-five hundred to be accounted for, and out of those it was found that exactly sixty-six were the children of widows. Out of the sixty-six only twenty-three were in any real sense contributing to the support of their mothers. The other mothers had older children or other means of support, so that only twenty-three were in any way absolutely dependent on the wages of those children, which wages could be only supplementary at best. It was certainly a great deal better for the community, for the widows and the children, that grown up, vigorous people should take care of those twenty-three widows for a few years, until the children were old enough to go out to work and bring in a decent wage with which to support the family, and that the children should be saved from the breakdown, which premature labor so often implies.

When children are thus broken down it means that we do not stand up to the obligations which belong to our own time, but insist upon using up the energy which belongs to the future.

What connection do we find between child labor and pauperism? In the little book on American Charities written by Dr. A. G. Warner, a better than which has never been issued, he takes statistics from various cities and gives three or four leading causes of pauperism. The first cause is non-employment. In almost every case the men who first lose their places and are most
quickly thrown out in an industrial crisis, those who are the last to be taken on in times of industrial prosperity, who are inefficient and not very strong, men who do not stand well in the trades and whom the foreman is glad to get rid of in any way, are those who have never had sufficient training, and who curiously lack strength and vigor. How far is child labor responsible for this lack of training and vigor, for this class of paupers? We have a municipal lodging house in Chicago largely filled with tramps. In addition to housing them, an intelligent effort is made to get them into regular industry. A physician is in attendance and makes a careful examination of each man who comes to the lodging house, and for the last few months we have been trying to see what connection can be genuinely established between premature labor and worn out men. It is surprising to find how many of them are tired to death of monotonous labor and begin to tramp in order to get away from it, just as a business man goes into the woods because he is worn out with the monotony of business life. This inordinate desire to get away from work seems to be connected with the fact that the men have started to work very early, before they had the physique to stand up to it, or the mental vigor with which to overcome its difficulties, or the moral stamina which makes a man stick to his work whether he likes it or not. But we cannot demand any of these things from a growing boy. A boy grows restless, his determination breaks down and he runs away. At least this seems to be true of many of the men who come to the lodging house. I recall a man who had begun to work in a textile mill quite below the present legal age in New England, and who had worked hard for sixteen years. He told his tale with all simplicity, and as he made a motion with his hand, he said: "I done that for sixteen years." I give the words as he gave them to me. "At last I was sick in bed for two or three days with a fever, and when I
crawled out I made up my mind that I would rather go to hell than to go back to that mill.” Whether he considered Chicago an equivalent for that I do not know, but he certainly tramped to Chicago and has been tramping four years. He does not drink except occasionally, and that only during the last two years. He does not steal. He works in the summer and wanders about the rest of the year getting something to do when he can; but the suggestion of a factory throws him into a panic and quickly causes him to disappear from the lodging house. The physician has made a diagnosis of “general debility.” The man is not fit for steady work. He has been whipped in the battle of life, and is spent prematurely because he began prematurely.

What does this mean? That the young cannot stand up to the grind of factory life; that they break down under it, and that we have no right to increase the list of paupers, the list of those who must be cared for by the municipality and by state agencies because when they are still immature and undeveloped, they are subjected to this tremendous pressure.

Let us take another of Mr. Warner’s classifications—his classification of illness. We know of course, how the hospitals are beginning to look into this matter, and how they trace certain diseases to the breakdown of the organs which were subjected to abnormal uses, before they were ready to bear it. I recall a tailor for whom the residents of Hull-House tried to get medical assistance. He died at the age of thirty-three, and his death certificate bore the record of “premature senility” due to the fact that he had run a sewing machine since he was six years old. It is no figment of the imagination to say that the human system breaks down when it is put to monotonous work before it is ready to stand up to that work, and that general debility and many diseases may be traced to premature labor. No horse trainer would permit his colts to be so broken down.
Take the pauperizing effects of child labor on the parents. We have in Chicago a great many European immigrants, people who have come from country life in the south of Italy, or Bohemia, hoping that their children will have a better chance than at home. In the old country they worked on farms, which was a very normal life for a young boy or girl. When they come to Chicago they see no reason why their children should not go to work, because they see no difference between the normal activity which they had as boys and the grinding life to which they subject their children. It is difficult for a man who has grown up in out door life to adapt himself to the factory.

You have had similar experience in the south with the families who come to the textile mills from the little farms. They resent the monotonous, petty work. They get out from under it. They will in preference do more poorly paid work, like the care of horses, sweeping floors, or work which has some similarity to that to which they have been accustomed. At least that is our experience in Chicago. So the parents drop out, and the children make the adaptation and remain, and you get the curious result of the parent of the household being more or less dependent on the earnings of the child. You will hear a child say, “My mother can’t say nothing to me; I pay the rent:” or, “I can do what I please because I bring home the biggest wages.” All this tends to break down the normal relation between parents and children. The Italian men who go out to work on the railroad in summer tend to settle down in winter upon the wages of their children. It is too great a temptation. A young man from the south of Italy was mourning the death of his little girl of twelve, and in his grief he said quite simply, “She was my oldest kid”—(that is the English that many of our friends learn first) “and in two years she could have supported me, and now I shall have to work five, or six years longer until the next one” (who
was three or four years younger) "can do it." He expected to retire permanently at thirty-six. That breaking down of the normal relation of parent and child and the tendency to pauperize the parent is something to which we have no right to subject him. We ought to hold the parent up to the obligation which he would have fulfilled, had he remained in his early environment.

But the pauperization of society itself is the most serious charge. To paraphrase an illustration used by the Webbs, the factories say to the community; you have educated the children in the public schools, now please give them to me for my factory. I will use them until they begin to demand an adult's wages and then I will turn them out again. If I have broken them down, the community will take care of them in the poorhouse and hospitals. The community which allows this allows itself to be most unfairly treated. What happens when an industry depends upon the labor of boys and girls? It takes those boys and girls at the time when they ought to be at school, when if they were the children of business men they would be having the most expensive education. The wages which are paid to these children of the poor are not the wages which the adult requires, for even the old political economist demanded enough for subsistence and reproduction of his kind, but wages of mere subsistence, so that the boy and girl takes home barely what is necessary to eat and wear. The manufacturer gives him no real instruction and teaches him nothing beyond the habits of promptness and obedience. In almost all factories the work at which the children are employed leads to no trade. By the time they are old enough to receive adult wages they are often sick of the whole business. Such an industry is parasitic on the community. All recall that when the recruiting officers went into the factory regions of the north of England they found the bulk of the people below the standard in stature required in the English army. They were found specially
dwarfed in that part of the country where the third generation recorded in their frames the effects of child labor.

Children subjected to premature labor are handed over to the future in an abnormal condition. They are deprived of education as well as depleted physically, and they enter the life of the community handicapped in every way. There is, of course, the argument that the effect on the wages of the normal adult is such as to point to pauperism.

I think Carroll D. Wright made the statement that in New England 97½ per cent of the bricklayers support their wives and children up to sixteen, and that only 33 per cent of the textile workers support their wives and children to the same age. In the textile industries the fathers and mothers and older children pooling all their wages into a common fund receive $50 less than the bricklayer himself receives during a year.

The gravest charge I have to bring against child labor is that it pauperizes the consumers. If I wear a garment which has been made in a sweat shop or a garment for which the maker has not been paid a living wage—a wage so small that her earnings had to be supplemented by the earnings of her husband and children, then I am in debt to the woman who made my cloak. I am a pauper and I permit myself to accept charity from the poorest people of the community. All that can be said against the parasitic character of sweated industries can be said against the parasitic character of child labor, with this difference that the latter robs the assets of the community, it uses up those resources which should have kept industry going for many years.

We may trace a connection between child labor and pauperism not only for the child of his own family, bringing on premature old age and laying aside able bodied men and women in the moontide of their years; but also the grievous charge is true that it pauperizes
the community itself. I should also add that it debauches our moral sentiment, it confuses our sense of values, so that we learn to think that a bale of cheap cotton is more to be prized than a child properly nourished, educated and prepared to take his place in life. Let us stand up to the obligations of our own age. Let us watch that we do not discount the future and cripple the next generation because we were too indolent, I was going to say because we were too dull, to see all that it involves when we use the labor of little children.

SOCIAL COST OF CHILD LABOR

There is a child labor problem, first because a large number of children are at work, and second because the probable result of their work will be the stunting of body or mind. All child workers do not have stunted bodies. As one great man of the nation, towering to his full six foot two, exclaimed, "I went to work in a factory when I was seven, and look at me." There is only one answer,—thousands of other children have gone to work at seven and look at them. At ten they bear the factory stamp, and they carry it through life.

In the vast majority of cases, the factory child of seven does not become great. He disappears among the "submerged tenth," an inefficient, fagged-out worker. The child worker does not as a rule develop into the skilled artisan, the expert business man, or the picked soldier. What child labor employer is there who would exhibit the children in his factory as ideal types of American children? How many employers of child labor give their children the advantages of a life of factory toil?

Child labor is really harmful to the child. Even if its body is not stunted, and its mind blunted, by the work

SELECTED ARTICLES

performed, the child loses an opportunity for mind training in the schools, which can never be duplicated in later life.

What then?

The child is the embryo citizen. The citizen is the unit of society, and the society of tomorrow, composed of its individual citizens, will depend for its standard upon the training received by the children of today. If the men and women of today decide to advance civilization, to build strong and safe for the future, to know that the coming generation is working out some of the problems which have so vexed the present age,—in short, if the men and women of today have social ideals, they must protect the children of today for the society of the future.

There are those who deny that there is any obligation on the present generation to provide for the future. A certain member of the English Parliament is reported to have demanded,—"What should we do for posterity? What has posterity ever done for us?" Generally speaking, however, the whole matter resolves itself, for each individual, into one question, "Have you social ideals?"

What are social ideals?

When men speak of heaven they voice a social ideal: when they dream of prosperity they anticipate a social ideal; brotherhood is a social ideal, and so are education, art, literature, and every other great and good hope or prophecy for the future. No matter what the basis, no matter what the form of the ideal, its goal is a state of society in which every man, woman, and child will have rights, privileges, and opportunities, equal to those of every other man, woman, and child.

Child workers are debarred from this equality. Long hours of monotonous toil under unvaryingly wearisome conditions; the loss of play time; the loss of adequate schooling; the lack of any character-building influence,
such as is supplied in the home or school,—these things are involved in child labor. They prove for the child worker a handicap which in the majority of cases is never overcome.

A wealthy nation, provided with an income sufficient to give every citizen a comfortable living, cannot honestly believe in a social ideal and permit the existence of child labor. Each generation should hand down to the next generation a higher type of social structure if progress is to be insured. A social structure honeycombed and weakened by child labor can scarce be considered worthy of transmission to the future.

So much may be said in general terms of the undesirability of transmitting to the future children stunted and worn by premature toil. There are two very concrete ways in which child labor injures the society of the present and thus indirectly of the future. In the first place it helps to destroy family life; and in the second place, it helps to raise taxes.

"The Peril and Preservation of the Home" is the title of one of Jacob Riis' books. To him it is of great importance, if national integrity is to be preserved, that the home be maintained at a high standard. In this position he is vigorously supported by the best sentiment of every Anglo-Saxon community. It is, then, of the utmost importance in dealing with the cost of child labor, to determine what changes in the status of the home have been made by the entrance of children into industrial competition.

How can child labor influence family life?

There are two ways in which the influence may be felt. It may be either an influence exerted by the child in the family group to which it belongs as a child, or it may be an influence exerted by the child, grown to adult years, upon the family of which he or she is the head. Child labor may influence the family by taking children away from home for eleven hours a day and
giving them an attitude wholly independent of home control, or it may stunt them physically or mentally, thus making them incapable of fulfilling the functions of fathers and mothers, of home-makers and home-keepers. In either case, child labor thwarts the purpose of the home.

In addition to coming prematurely into a state of independence from family control, the child worker is surrounded by none of the influences which are ordinarily associated with home life. Ten or eleven hours in a factory, with a half-hour to come and go, leaves little of the day that is not taken up with eating and sleeping; and a place in which one eats and sleeps is a lodging house, not a home.

Not only is the child cut off during its working hours from any uplifting influence, but it is often surrounded by unbearable monotony, bad air, unlovely companions, and every other form of undesirable influence that may be developed where indiscriminate grouping of men and women occurs. Working under such conditions, and becoming gradually accustomed to such low standard surroundings, the child laborer adopts and accepts a low standard as a matter of course. Accustomed to a low standard of work as a child, the worker fails to demand a high standard as a man. The standards of child work are very low, as anyone who has visited the industrial establishments will have observed. Generally, the greater the proportion of women and children in an establishment, the worse the conditions of the light, the air, and the sanitation. Men rebel. Women and children seldom complain except to one another. Thus the child laborer is generally educated as a low standard laborer.

Low standards are imposed upon child labor industries. The child, growing to manhood and accepting these low standards, imposes them upon his family, and the gradual acceptance of such low standards lowers the standard of the entire community.
Child workers’ wages are very low and, as a rule, add little to family income. Not only is this true, but the child who goes to work at fourteen probably deprives the family of earning capacity. There is little definite information on this point, but the Massachusetts Commission on Industrial and Technical Education concludes:—“The most important fact in the consideration of wages is that the child commencing at sixteen overtakes his brother beginning at fourteen in less than two years. That his total income in four years would equal that of his brother for six years we cannot prove, but the slight data on hand so indicates.”

The probable effects of child labor on the home of its parents are, therefore, three:—

1. The child becomes prematurely independent and indifferent to home restraint.
2. The wage of the father is lowered by the competition of the child.
3. The child who goes to work at fourteen is capable of earning less in the aggregate than the child who goes to work at sixteen.

Were these the sole effects of child labor on the family, the problem might well be called a serious one, but the family life of the whole present generation of child laborers is threatened by the existence of child labor. It is sad to think of children growing to manhood and womanhood, incapable of attaining even a normal physical or mental standard; but it is far more terrible to think that a large percentage of these low standard men and women will marry, and in their turn raise children to a similar mode of life.

The standard of the community can be maintained only by maintaining a high standard of home life. The high standard of home life depends for its existence and maintenance upon the standard of the father and the mother. The father must have the capacity to earn for his children a good living. He must likewise have the
mental development and the development of character which will enable him to set for them a high standard of example. The absence of these qualities in the father almost inevitably disrupts the home.

The solidarity of family life can be maintained only by trained mothers and capable fathers, mothers who will make habitable homes to the extent of their means, and fathers who will use every effort to provide the means with which to make the home habitable. Factory work for children goes far to thwart both ideals, by making of the boy an unskilled worker, incapable of earning large means, and by making of the girl a wife and mother, incapable of doing her duty by her husband, her home, or her children.

There is a second social aspect of the problem, of almost equal interest with the effect of child labor on the family. What effect has child labor on taxes? A definite, accurate answer to the proposition is impossible. Nothing can be done except to indicate some evident tendencies, and point to some apparent conclusions. Taking all of the facts into consideration, it would appear that child labor results not only in disintegrating family life, but in increasing taxes as well.

The community which allows its children to start work early in life, and in pursuit of their badly directed ideas, to learn things that result in their being committed to the House of Refuge, pays the penalty for its folly in the increasing taxes that go to support penal institutions.

In addition to facing the problem of supporting, in its houses of refuge and its penitentiaries, boys and men whose criminal careers have been started by too early exposure to the trials and temptations of modern industrial life, the community must face the problem of maintaining in its hospitals and almshouses the crippled and degenerate and inefficient, who have been thrown out of the great industrial treadmills and left ruined for life,—broken, incompetent workers. The studies which
have been made indicate that the proportion of industrial accidents among working children is far higher than among adult workers. Children are essentially ignorant and careless. They do not realize the dangers connected with their occupations, and constant injuries and accidents are the result.

The average child who enters industry at an early age closes behind him the door of opportunity to a higher and better industrial plane. The child worker becomes a less efficient producer than the child who had additional schooling advantages. As Jane Addams puts it:—"The pauperization of society itself, however, is the most serious charge." To paraphrase an illustration used by the Webbs, the factory says of the community, "You have educated the children in the public schools; now please give them to me, I will use them until they begin to demand an adult wage, and then I will turn them out again. If I have broken them down the community will take care of them in the poorhouse and the hospitals."

Laying aside for the moment any humane considerations, both crime and pauperism are expensive. A ready method of doing away with one element in these expensive, inhuman mal-adjustments is to do away with child labor, which so readily leads to crime, pauperism, or both.

In the social fiber, in family life, in taxes, child labor is costly. It breaks down the individual, it destroys the family life of the present, and threatens the family life of the future, and last, probably least in importance, it adds to the number of incompetent that the community must support. From any social standpoint, child labor is costly.

SEVEN SINS OF CHILD LABOR

1. The direct and notorious victim of child labor, the lamb torn by the wolf, is the child itself, in so far as its physical, mental, and moral development is

Child labor is primarily and obviously a sin against the child.

2. Child labor is a sin against the parents, though often they are accomplices in perpetrating it. From the point of view of economics, we are bound to say that the wages of undeveloped human beings ought not to compete with the earnings of adults. Morally, the spectacle of fathers wholly or in part idle while they are being supported by the toil of their immature offspring, has in it something revolting. It is contrary to the order of nature. Even birds supply food to their nestlings until they are able to do for themselves. Even wild, ferocious animals are moved by a marvelous instinct to put their life in jeopardy if necessary to protect the life of their young. It is a condition which nature has annexed to survival that the older generation shall sustain the younger during its period of preparation for the struggle of existence, be that period long or short.

If there is to be sacrifice, it is the older generation that should sacrifice itself, in order that life may flourish more abundantly in the new. But to blight and exhaust the life of the young in order to preserve the stationary or dwindling life of the old, is an inversion of the right relation, it is contra naturam, it has about it something of the repulsiveness which attaches to any perversion of natural tendencies.

3. The precocious toil of children is a sin against the spirit of youth. And it has in it this peculiar taint of meanness that it takes advantage of the child’s playful ambition to make believe being a man in order to rivet him in good earnest to pursuits which only a man is fitted to follow. Children are often kidnapped from the home into the factory with their own consent, for they take a pathetic pleasure in imitating the occupations of their elders, and the prospect of earnings, however pitifully small, flatters their premature desire for independence. They are in fact often eager for the chains
which once they have assumed they will hardly ever be able to put off. The sin of the exploiter is like that of the Erl-king in the ballad, who appeals to the child's play instinct (in this instance the passion for make-believe) in order to woo it to its destruction.

4. It is a huge obstacle put in the way of industrial progress. The progress of industry is in no small measure conditioned by increase of efficiency among the workers. Efficiency depends on concentrated training, issuing in superior skill. When the time allotted to training is scandalously abridged as it is by child labor the net result of education is poor for the worker, and disastrous to the calling in which he is employed.

5. The fifth sin of child labor is against good citizenship. It is a commonplace saying that democracy cannot be worked except by intelligence. For a people to be self-governing, it is not enough that the public good be acknowledged to be the object of government. Unless the masses of the people are intelligent enough to distinguish what is really for the public welfare from what is only so in appearance, they will easily become the tools of particular interests or of ambitious demagogues. The chief aim in a republic, therefore, must be to make the masses of the people as intelligent as possible, and especially to develop in them the faculty of discrimination or judgment. And here we should be particularly warned against confusing the mere ability to read with the kind of intelligence necessary for the exercise of good citizenship. It is true that literacy, even of the barest description, is better than total illiteracy, and yet it offers in itself but a feeble guarantee for the wise exercise of the franchise. Very much more than just literacy is required, nay, is indispensable, to the sound operation of democratic institutions. A body of electors who are merely able to read the newspapers, without a higher mental discipline super-added, may be compared to a town situated on the banks of the Mississippi or of some other great river, and drinking the polluted waters of the
stream as it pours unfiltered through the mains. The newspapers, and in general the ephemeral literature of the day, are the pipes through which flow in on the mind of the readers truth and falsehood, beauty and deformity, foulness and purity hopelessly intermingled. There is needed the filter to strain out the one kind and admit the other. And judgment is the filter. But judgment must be cultivated, and it takes time to do so. The child that is graduated at twelve into the mill has scarcely acquired the rudiments of learning, the bare and insufficient literacy. How much less can it be expected to have received a sufficient quickening of the faculties to make possible the ripening of judgment later on.

6. The sixth sin inherent in the exploitation of child labor is against the exploiter himself. In his eagerness to gain the prestige connected with great wealth, and even more to enjoy the sense of the power exhibited in the process of accumulating wealth, he starves in himself as he destroys in his child employees the seeds of different and nobler kinds of power; he narrows his life, so that it flows almost entirely in a single restricted channel. He courts success in one direction, to meet with spiritual defeat in other directions. If he could be made to pause in his hot career long enough to divine the possibilities in the child which he misuses, he might be led to discover the same divine possibilities which he has neglected in himself.

7. The toleration of child labor by the American people is a sin against the supreme American ideal. Every nation, besides being under obligation to secure to its members safety and prosperity, has a certain ultimate ideal. There is a certain goal toward which it is to look, a certain task in the history of mankind which it is called upon to perform. That task may be described in a general way as the task of contributing toward the evolution of a higher human type, toward the creation of a manhood and womanhood on earth as far removed from the present type as that is perhaps from the type
of the caveman. But in attempting the perfection of the race the aristocratic principle thus far adopted by the older nations of Europe has led them to pay attention to the conspicuous few, and to ignore the inconspicuous many. They spent their efforts in still further refining that which was already fine, or seemed so. They left aside, as negligible with respect to the advancement of the human type, the seemingly unfine multitude; they hedged off a little garden patch in which choice flowers were to be cultivated, and allowed the larger area outside to remain a wilderness.

The American ideal is different. It has for its source the belief in the uncommon fineness that is latent in the common man,—latent even when not obvious, susceptible of being brought to light even if deeply hidden. The American ideal, as related to the grand purpose of our race on earth—the evolution of the more perfect type—rests on the conviction that in the production of this type no germ of talent may be overlooked, no trace of ingenuity or power may be treated as superfluous; yes, on the conviction that even a sublime genius cannot wholly fulfill his promise unless subject to the influence and replenished with the energy that flows unseen in the humblest of men. And it is because child labor crushes these unnumbered possibilities, in so many thousands of the children of the next generation, that it becomes the unpardonable sin against the American ideal, retarding so far as in it lies the fulfilment of our task as a people, postponing the realisation of our truest vision, frustrating our hope, and with it the hopes of mankind that are so intimately bound up with our own.

CHILD LABOR A DRAG ON PROGRESS

The tremendous waste in all human activities has shocked and startled the world for many years; yet it

1 From address of James Michael Curley, Mayor of Boston, before the Boston University School of Medicine, October 26, 1923. Boston City Record. 15 : 1561-2. November 3, 1923.
took a World War, with its waste and wreckage, its death and destruction, the earth-wide misery and suffering it precipitated, and the evil aftermath that touched the remotest ends of the world with famine and wretchedness, to bring to the consciousness of the race the vital necessity for ending the folly and futility that had staggered civilization and for the recasting of ancient wisdom to fit modern needs. Conservation, the old philosophy with the new name, is the age's answer to the stark necessity of self-preservation, the acknowledgment of the chastened nations that obedience to the laws of God and respect for the teachings of morality are the fundamentals of all human constructive accomplishment, for which man can furnish no substitutes.

The child is the pledge of the nation; in its preservation and development lie the solution of our ills and the promise of that day when the Kingdom of Heaven shall be on earth. The Divine Master has said, "Suffer little children to come unto me;" and yet the waste of child life is the crime of our civilization.

The poets of the race are its prophets and its seers; they have told us of the young men who see visions and the old men who dream dreams; one of them has said, "the child is father to the man;" and the gentlest of them has written out of a heart charged with indignation:

Ill fares the land, to hastening ill a prey
Where wealth accumulates and men decay.

It is for us to change a system that makes riches and decay partners in evil; and by the sane and righteous use of wealth make it the agency of a more splendid humanity, a nobler civilization, the instrumentality of a better day, and neither a sword in the service of the conqueror or destroyer, nor a tool in the hands of the cruel and greedy sweater and exploiter of a necessitous humanity.

It is our duty to arrest the hastening ills preying on society; to see that childhood shall reach a sane, vigorous
star-eyed manhood; that by an equitable use and a just distribution of the gifts of God and the rewards of industry, wealth may be made the ally of progress and development, the strong right arm of contentment and happiness, the protector of peace and prosperity and the preventive of social decay. If we but realize that all our modern evils are fundamentally economic; that the waste, extravagance and decay all about us are not only immediately economic but everlastinglly immoral, we may turn back profitably to the parable of the talents and find in Holy Writ the story of the moral and economic basis of our civilization—the right or evil use of wealth and opportunity.

The mill, the shop, the factory, with all their legal restrictions and modern appliances, tax the strength of manhood and womanhood and stunt and degenerate the children of the poor that toil in them; and instead of a human asset being added to the commonwealth at maturity, a burden is placed on the community and an industrial worker is added to the waste of the human scrap heap.

There should be no compromise with child labor; it is a crime against the race, a drag on the progress of the American democracy and an evil that should not be permitted to exist. The child that is added to the army of industry, as many a one is by legal chicanery and the excuse of poverty, will eventually cost the state more economically, when his brief industrial career is closed by shattered health and enfeebled mind, than it would require to keep him in the schools and out of doors until mind and body are developed and he is mentally and physically prepared to face the tasks of life as an industrial asset.

Let us get rid of a system hateful in the face of heaven and earth. Let no straining of constitutional principles or shadowy interpretations of law thrust the child into industry, for in the industrial immolation of childhood we foster the decrepitude of the state.
The conservation of childhood and motherhood, of manhood and womanhood, is the supreme duty of the state, and if it does not stand between the greed of industrial exploitation and the preservation of the race the end of American government and all it connotes will soon emerge.

The work of the world must be done by the trained, educated, vigorous manhood and womanhood of the race; they must be conserved in youth and protected in their old age; and industry for its own safety must bear the burdens of the conservation of childhood and the leisure and contentment of age. Freed of the human wastage of childhood and age the rewards of industry will be sufficient at all times and the sum total of human happiness will be greater.

Give the child its childhood; give to age the serenity and peace that come from assured protection from the specter of pauperism, and we will build up a splendid army of thinkers and workers whose high intelligence can and will save us from the folly and wickedness of war's stupidities and the waste of men and the fruits of their industry.

Let conservation begin at the sources of the race, the home and the child. Much has been done by science and sense to better conditions in the past decade, but much remains to be done and it is our duty to do it.

Industry—and every productive activity of man from the gathering of raw material to the marketing of finished product is industry—has learned that man is supreme, the vital, the indispensable factor in every effort of the race; and that as he deteriorates and becomes industrially subnormal industry declines, social decay sets in, calamity stalks abroad and civilization and democracy are threatened. As man is conserved, as his faculties are trained and developed, as his health is guarded and his environment protected, as he is brought closer to the ideal, to the man made in the image of his God,
CHILD LABOR

then it will be well with the world; its peace and prosperity will be assured and the contentment and happiness of the community upon which all else is posited will be secured.

Man is the supreme effort of creation and the betterment of the world is in proportion to the betterment of man. This is the message of the age; the answer to all human ills. Not only is the conservation of the race, its increase and multiplication, a response to the divine mandate and obedience to the moral law, but it is the instant urge of enlightened self-interest and the instinct of self-preservation.

CHILD AT THE LOOM

We must not grind the seed corn.—Jefferson Davis.

Once, so the story goes, an old Indian chieftain was shown the ways and wonders of New York. He saw the cathedrals, the skyscrapers, the bleak tenements, the blaring mansions, the crowded circus, the airy span of Brooklyn Bridge. “What is the most surprising thing you have seen?” asked several comfortable Christian gentlemen of this benighted pagan whose worship was a “bowing down to stocks and stone.” The savage shifted his red blanket, and answered in three slow words, “Little children working.”

It has remained, then, for civilization to give the world an abominable custom which shocks the social ethics of even an unregenerate savage. For the Indian father does not ask his children to work, but leaves them free until the age of maturity, when they are ushered with solemn rites into the obligations of their elders. Some of us are wondering why our savage friends do not send their medicine men as missionaries, to shed upon our Christian darkness the light of barbarism.

Child labor is a new thing in human affairs. Ancient history records no such infamy. “Children,” says the

Talmud, "must not be taken from the schools even to rebuild the Temple." In Greece and Rome the children of both slave and master fared alike in a common nursery. The trainers worked to build up strong and beautiful bodies, careless of the accident of lineage or fortune. But how different is our "Christian civilization"! Seventeen hundred thousand children at work! Does the enumeration bring any significance to our minds when we say that an army of one million seven hundred thousand children are at work in our "land of the free?" This was the figure in 1900; now there are hundreds of thousands more. And many of them working their long ten or fourteen hours by day or by night, with only a miserable dime for wage! Can the heart take in the enormity?

Picture the long procession of them—enough to people a modern Babylon—all held from the green fields, barred from school, shut out of home, dragged from play and sleep and rest, and set tramping in grim, forced march to the mills and mines and shops and offices in this our America—the land whose other name we have been told is Opportunity! We of the "upper crust" give our children books and beauty by day, and fold them into white beds at night; and we feel all this caretaking to be only the natural order of things. Do we ever think of the over two million children who—in free America—are pushed out as little burden-bearers to share the toils and strains and dangers of the world of battling men?

Let us glance into the weaving-rooms of the cotton mills and behold in the hot, damp, decaying atmosphere the little wan figures flying in hideous cotillion among looms and wheels—children choked and blinded by clouds of lint forever molting from the webs, children deafened by the jar and uproar of an eternal Niagara of machines, children silenced utterly in the desert desolation in the heart of the never-ceasing clamor, children that seem like specter-shapes, doomed to silence and done
CHILD LABOR

with life, beckoning to one another across some thunder-shaken Inferno.

Is it not shameful, is it not astounding, that this craft that was known to the toilers of Memphis and Shushan, of Sardis and Tadmor, should now, after all the advance of the ages, be loaded in any degree upon the frail, half-formed bodies of little children? To what purpose then is our “age of invention?” Why these machines at all, if they do not help to lift care from the soul and burden from the back? To what purpose is our “age of enlightenment,” if, just to cover our nakedness, we establish among us a barbarism that over-shadows the barbarism of the savage cycle? Is this the wisdom of the wise? Is this the Christianity we boast of and parade in benighted Madagascar and unsaved Malabar? Is this what our orators mean when they jubilate over “civilization” and “the progress of the species?”

After all these ages, more children are crowded into this limbo of the loom than into any other cavern of our industrial abyss. In the southern cotton mills, where the doors shut out the odor of the magnolia and shut in the reeking damps and clouds of lint, and where the mocking bird outside keeps obbligato to the whirring wheels within, we find a gaunt goblin army of children keeping their forced march on the factory-floors—an army that out-watches the sun by day and the stars by night. Eighty thousand children, mostly girls, are at work in the textile mills of the United States. The south, the center of the cotton industry, happens to have the bad eminence of being the leader in this social infamy. At the beginning of 1903 there were in the south twenty thousand children at the spindles. The “Tradesman,” of Chattanooga, estimates that with the springing up of new mills there must now be fifty thousand children at the southern looms. This is 30 per cent of all the cotton workers of the south—a spectral army of pigmy people sucked in from the hills to dance beside the crazing wheels.
Let us again reckon up this Devil’s toll. In the north (where, God knows, conditions are bad enough), for every one thousand workers over sixteen years of age there are eighty-three workers under sixteen (that young old-age of the working-child); while in the south, for every one thousand workers in the mills over sixteen years of age there are three hundred and fifty-three under sixteen. Some of these are eight and nine years old, and some are only five and six. For a day or a night at a stretch these little children do some one monotonous thing—abusing their eyes in watching the rushing threads; dwarfing their muscles in an eternity of petty movements; befouling their lungs by breathing flecks of flying cotton; bestowing ceaseless, anxious attention for hours, where science says that “a twenty-minute strain is long enough for a growing mind.” And these are not the children of recent immigrants, hardened by the effete conditions of foreign servitude. Nor are they negro children who have shifted their shackles from field to mill. They are white children of old and pure colonial stock. Think of it! Here is a people that has outlived the bondage of England, that has seen the rise and fall of slavery—a people that must now fling their children into the clutches of capital, into the maw of the blind machine; must see their latest-born drag on in a base servility that reminds us of the Saxon churl under the frown of the Norman lord. For Mammon is merciless.

Fifty thousand children, mostly girls, are in the textile mills of the south. Six times as many children are working now as were working twenty years ago. Unless the conscience of the nation can be awakened, it will not be long before one hundred thousand children will be hobbling in hopeless lock-step to these Bastilles of labor. It will not be long till these little spinners shall be “far on the way to be spiders and needles.”

Think of the deadly drudgery in these cotton mills. Children rise at half-past four, commanded by the ogre
scream of the factory whistle; they hurry, ill-fed, unkempt, unwashed, half dressed, to the walls which shut out the day and which confine them amid the din and dust and merciless maze of the machines. Here, penned in little narrow lanes, they look and leap and reach and tie among acres and acres of looms. Always the snow of the lint in their faces, always the thunder of the machines in their ears. A scant half-hour at noon breaks the twelve-hour vigil, for it is nightfall when the long hours end and the children may return to the barracks they call “home,” often too tired to wait for the cheerless meal which the mother, also working in the factory, must cook, after her factory-day is over. Frequently at noon and at night they fall asleep with the food unswallowed in the mouth. Frequently they snatch only a bite and curl up undressed on the bed, to gather strength for the same dull round tomorrow, and tomorrow, and tomorrow.

When I was in the south I was everywhere charmed by the bright courtesy of the cultured classes, but I was everywhere depressed by the stark penury of the working-people. This penury stands grimly out in the gray monotonous shells that they call “homes”—dingy shacks, or bleak, barn-like structures. And for these dirty desolate homes the workers must pay rent to the mill-owner. But the rent is graded according to the number of children sent to work in the mill. The more the children, the less the rent. Mammon is wise: he knows how to keep a cruel grip upon the tots at the fireside.

And why do these children know no rest, no play, no learning, nothing but the grim grind of existence? Is it because we are all naked and shivering? Is it because there is sudden destitution in the land? Is it because pestilence walks at noonday? Is it because war’s red hand is pillaging our storehouses and burning our cities? No, forsooth! Never before were the storehouses so crammed to bursting with bolts and bales of every warp
and woof. No, forsooth! The children, while yet in the gristle, are ground down that a few more useless millions may be heaped up. We boast that we are leading the commercialism of the world, and we grind in our mills the bones of the little ones to make good our boast.

Irene Macfadyen of England, after inspecting our conditions, a year or two ago, wrote: "The physical, mental, and moral effect of these long hours of toil on the children is indescribably sad. Mill children are so stunted that every foreman will tell you that you cannot judge their ages. The lint in their lungs forms a perfect cultivating medium for tuberculosis and pneumonia, and consumption is common among them. Many die after a few years of this service." The Washington Post, commenting on child labor in the south, says:

The average life of the children after they go into the mills is four years. It would be less cruel for a state to have children painlessly put to death than it is to permit them to be ground to death by this awful process.

Elbert Hubbard has been through the mills of South Carolina. "I know," says he, "the sweat-shops of Hester Street, New York; I am familiar with the vice, depravity, and degradation of Whitechapel, London; I have visited the Ghetto of Venice; I know the lot of the coal miners of Pennsylvania; and I know somewhat of Siberian atrocities; but for misery, woe, and hopeless suffering, I have never seen anything to equal the cotton-mill slavery of South Carolina."

But not alone upon the south lies the blame of these human hells. Many of the mills of the south are owned by New England capitalists, the machinery having been removed from the north to the south, so as to be near the cotton fields, near the waterpower, and, shame to record, near the cheap labor of these baby fingers, for the brief time before they shall be folded waxenly and forever. It was the New England shipper, greedy for gold at any cost, who carried the blacks to the south, planting the
tree of slavery in our soil. And now it is the northern money-grubber who is grafting upon our civilization this new and more terrible white slavery. "South Carolina weaves cotton that Massachusetts may wear silk!"

These white children often begin work in the mill with no fragment of education. And often after a year of this brain-blasting labor they lose the power to learn even the simple art of reading. There is sometimes a night-school for the little workers, but they often topple over with sleep at the desks, after the long grind of the day. Indeed they must not spend too many wakeful hours in the night-school, shortening their sleep-time; for the ogre of the mill must have their strength at full head in the early morning. The overseer cannot afford to be sending his mounted "poker-up" to their homes to rout them out of bed day after day, nor can he be continually watching lest they fall asleep on the mill-floor while working or eating. Nor can he afford to keep a clerk busy docking the wages of these little sleep-starved workers for the constant mistakes and accidents of the fatigued and fumbling fingers. For these little drudges are fined for their lacks and lapses; and they are sometimes in debt to the concern at the week's end.

Well does Emerson cry out, "Give us worse cotton, but give us better men!" Well does Carlyle cry out, "Deliver me those rickety, perishing souls of infants, and let the cotton trade take its chances." What boots a social order that makes thousands of degenerates as the by-product of its exquisite linens and delicate muslins? Must we take our civilization on such terms as this? Must thousands fall and perish that a few may soar and shine? Let us rather go back to the clout of the savage, for "the body is more than raiment." The savage, the grim son of the forest, has at least a light step, a sound body, a brood of lusty children, and a treasure of poetic legend and song. But our savage of civilization, what of him? Look at his wasted body, his empty face, his
beauty-robbed existence. Men are such cravens before custom that they often think a thing because it has been long in existence. But child labor has about it no halo of antiquity. It is a thing of yesterday—a sudden toadstool in the infernal garden. It shot up with the coming of steam and loom at the end of the eighteenth century. England began to fight the villany in 1802, yet today the black shadow of it lies wide upon America.

The factory, we are told, must make a certain profit, or the owners (absentee proprietors generally, living in larded luxury) will complain. Therefore, the president is goaded on by the directors. He in turn whips up the overseer; the overseer takes it out of the workers. So the long end of the lash cuts red the backs of the little children. Need we wonder, then, that cotton-factory stock gives back portly profits—25, 35, yes, even 50 per cent? It pays, my masters, to grind little children into dividends! And the silks and muslins do not show the stain of blood, although they are splashed with scarlet on God's side.

**HEALTH OFFICER’S REPORT**

Over one thousand children were reported doing sweatshop work at home; these children being between the ages of six and fourteen years. Teachers stated that these children were retarded in their lessons and because of this, children were compelled to work after school and until late at night, causing many cases of defective eyesight.

During school hours some were so tired that they fell asleep at their desks. One teacher stated that the majority of children in her class of forty were unable to do their lessons in the classroom because they were compelled to labor at home. None of these children had working papers and all were under fourteen years of age.

---

The classes of work are as follows: nightgowns, bloomers, shirts, beading, embroidery, caps, dolls and dolls' clothing, infants' wear, pants and flowers.

Many homes were found unsanitary and persons suffering from communicable diseases were found employed therein. Cases of tuberculosis, trachoma, malnutrition, hemorrhages, curvature of the spine, defective eyesight, etc., were reported by nurses and inspectors. These cases were later verified by Dr. Emilie Rundlott, medical inspector, Board of Health. We are of the opinion that if a medical inspection was made of each person so employed a great many more cases of disease would be located among these people.

Not all these people are poor in worldly goods. A number of them are owners of property and fathers earn good salaries at other lines of endeavor.

I am submitting herewith photographs taken by us of one family doing sweatshop work at home, showing the filthy conditions under which they were carrying on this work. The ground floor is occupied by the family, consisting of nine members—father, mother and seven children, ranging from eight months to sixteen years of age, also three men boarders, all living in four small rooms—kitchen and three bedrooms, all in filthy condition. The father is employed, and a son, sixteen years of age, works in a bakery.

Two bedrooms contained two beds each, the other room one bed and numerous articles, such as dirty clothing, empty beer boxes and bottles. The bed clothing was very dirty.

The woman admitted that she and two children, ages twelve and eight, embroidered bloomers and night gowns and received fifteen cents a dozen. They are obliged to pay two cents a skein for the colored worsted used. The girl does not go to school regularly and the children work until as late as 10 p. m., according to the mother's statement, and as much as $6 per week may be earned by the united efforts of the whole family. Sewing is done
by hand. Five dozen of these bloomers were found upon one of the dirty beds.

The kitchen and work room has a door opening directly into the yard where chickens were observed walking about feeding upon scraps of food. Coops are provided to house same. The fowl have access to the rooms and the children to the yard. Chicken dirt may in this manner be readily carried into the house and contaminate all articles inside.

All the children appear to be undernourished and suffering from malnutrition. The baby is suffering from consumption. It is the opinion of Dr. Emilie Rundlott, who made the medical examination of the family, that a predisposition to tuberculosis exists in this family, owing to the fact that four other children died before reaching the age of two years. The mother stated that the baby has had only one full bath in its life and that was given by a midwife at birth.

The mother and children were dirty and wore filthy clothing. The baby had no underwear on at the time of inspection. The place was absolutely unfit for the business carried on therein.

Upon our inspectors visiting the homes, many of the parents or custodians became alarmed and ceased their operations or denied they were doing work in their homes. In several instances material to be finished was found hidden under dirty mattresses or sleeping beds.

The wages paid to these people are pitifully small. Whole families composed of three or four make as low as $3 to $5 per week. Some children receive from 70 cents to $1.20 weekly for their labor. An injustice to the honorable manufacturer?

Herewith is furnished a list of contractors hiring this kind of labor without a license. You will please note that New York city has a large quota of the firms. Several others are located in other parts of Hudson County.

The labor law requires that no person, firm or corporation shall hire, employ or contract with any member
of a family not holding a license to manufacture, alter, repair or finish for wages or for sale any article in their tenements or dwellings. This law is being violated in all instances investigated.

In our opinion the labor laws enacted to protect the health and enhance the education of children under fourteen years are in this community being totally disregarded by all concerned.

A sanitary inspector will be stationed daily at each sweatshop with instructions to keep closed all unlicensed places and to warn children and others from operating unlawfully.

As these conditions are reported to be of state-wide occurrence, I hereby recommend that a resolution be passed by the City Commission of Jersey City presenting these facts to the Governor of this state; and as this state lies between New York city and Philadelphia, and as it has been shown here that sweatshop operators elsewhere extend their nefarious operations to the confines of New Jersey, and as it may be necessary, in order to successfully cope with these evils, to have Federal aid, I respectfully suggest that this matter be also referred to United States senators, and that the City Commission establish within the Department of Public Affairs, under the supervision of the Board of Health, a Division of Industrial Hygiene for the purpose of preventing and curing occupational diseases and safeguarding the health, lives and limbs of industrial workers and establishing such other salutary measures as may be deemed advantageous to the laboring class of people.

REPORT ON MANUFACTURING IN TENEMENTS

For almost thirty years the legislature has attempted to regulate the system of giving out factory products to be manufactured in tenement houses. In 1884 an act

was passed prohibiting the manufacture of cigars and cigarettes in tenement houses in cities having over five hundred thousand inhabitants. This act was declared unconstitutional by the Court of Appeals in the famous Jacobs case. From 1885, when the Jacobs case was decided, down to 1892, practically nothing was done to regulate or control manufacturing in tenement houses.

In 1892, the unsanitary conditions found in tenement work rooms made it necessary for the state to take some action, and in that year a system of licensing home workers was established. Originally the law provided that a homeworker engaged in manufacturing or finishing certain articles specified in the law was required to obtain a license for the apartment in which he lived and worked. From time to time the law was amended, but licensing is still its essential feature. Today it is no longer the individual apartment, but the tenement house itself which must be licensed for homework, and a factory owner is required to obtain a permit from the Department of Labor before he is allowed to send any of his goods out to a tenement house to be worked on there. The application for a license of the tenement house is made by the owner or his agent to the Department of Labor and, if the premises are found to be in a sanitary condition, the license is issued. The license may be revoked at any time because of unsanitary conditions, or for other good cause shown. Originally the license was required only if certain articles specified in the law were to be manufactured in the homes, but today a license for a tenement house must be obtained if any article is manufactured or worked on therein for a factory.

In 1913 there were about twelve thousand licensed tenement houses all over the state, almost all of them being in the city of New York. Today there are about sixteen thousand such licensed tenements.

In 1913 the Factory Commission made a study of manufacturing in tenements, and as the result of its findings a law was passed prohibiting the manufacture, alter-
CHILD LABOR

ation or repair of any article of food, dolls, or dolls' clothing, or infants' or children's wearing apparel in any portion of an apartment used for living purposes.

There was also passed, on the recommendation of the Factory Commission, an amendment to the Labor Law prohibiting the employment in tenement houses of a child under fourteen years of age in any work for a factory, whether directly or indirectly, through the instrumentality of one or more contractors or third persons.

The results of the investigation recently conducted under Mr. Hall's direction are fully set forth in his report and are here only summarized briefly.

Twenty-one hundred and sixty-nine families were investigated, of whom two hundred and seventy-three were in thirteen communities outside of New York city. Over sixty different kinds of articles were found manufactured in tenement homes. Certain of these articles, such as men's clothing, artificial flowers and the carding of buttons, are the types of work in which children are able to assist.

The sanitary conditions in the homes in which the work was done were on the whole reported to be good. In this respect there undoubtedly is an improvement over conditions that prevailed some years ago. Only thirty-one of the workrooms or 1.7 per cent were classed as filthy. The large majority, however, fifteen hundred and thirty-three workrooms or 85 per cent, were graded "a" or "b," as to cleanliness and general housekeeping standards.

The investigators of the commission found no cases of communicable disease in apartments in which work was being done, although several such cases were reported to them. Three-quarters of the homeworkers live in the old law tenements in New York city, in which congestion and overcrowding were found to be very great.

Considering the arbitrary cutting in half of the staff of the Division of Homework Inspection of the Labor Department, a condition which has been remedied since
July, 1923, there was found to be a fairly good compliance with the law requiring the licensing of tenements for homework. Only 16 per cent of the families visited were found to be in unlicensed tenements. With the increase in the number of homework inspectors, from eleven to twenty-two, shortly after I took office in February, 1923, it is safe to assume that this percentage has since been reduced.

Wages paid to the homeworker varied, the details being given in the report of the investigation. In many instances the earnings meant long hours of work extending well into the night, and were so low as to justify the characterization of much of this work as sweated labor.

There was nothing in the information gathered by the commission to support the claim that homework was necessary because it is the chief means of support for a large number of widows and their children. Only two hundred and thirty-seven, or 10 per cent, of all homework mothers were widows, while but nine additional instances were found of mothers who had been deserted by their husbands.

It is true that the husbands of many of the homeworkers were seasonal workers, men who were unskilled and poorly paid and had no capacity for regular work. In over 45 per cent of the cases, however, the chief breadwinner was employed in a highly skilled occupation.

Outside of New York city an insignificant number of child workers was found. In New York city the report shows that illegal child labor is the most serious feature of the homework system, although it would appear that the proportion of children so employed is probably smaller than in former years.

Of the 2,169 families studied there were 1,591 with children over five and under sixteen years of age, and 563 having no children between these ages. In 359, or 22 per cent of the families, 535 children between five and sixteen years of age were reported as working in
the homes. Two hundred and thirty-three, or 43 per cent of them, were actually seen working by the investigators of the commission, while 302, or 57 per cent, were reported as working regularly, although not actually seen at work when the investigators called. Of the children reported working, 220, or 41 per cent, worked on men's clothing, while 108, or 20 per cent, were employed on flowers and feathers, and 66, or 12 per cent, on embroidery and beading. Four hundred and twenty-four, or 79 per cent, of the children reported working were found to be under fourteen years of age, while 190, or 35 per cent, were ten years of age or under.

The investigation disclosed that the children engaged in homework did not remain away from school, but, while there was a tendency for them to be retarded in their school work, their scholarship on the whole was good.

The seriousness involved in connection with the illegal employment of young children in the homes is very apparent. It is not necessary to emphasize it by reference to some exceptional cases, sometimes unintentionally exaggerated, of the use of infants two and three years of age in this kind of work. It is bad enough to have large numbers of young children under ten years of age deprived of recreation and of the pleasures of childhood, and employed in violation of the express provisions of law, in doing factory work in the homes.

There is no doubt that, so long as the present system of licensing homework in tenements continues, there will always be a certain amount of illegal child labor. That is so in the very nature of things. No staff of inspectors, however large, could adequately cope with the problem.

On the other hand, it seems clear that a more aggressive policy of administration would, even under the present provisions of the law, be productive of better results. There has been a tendency not to hold the factory employer fully responsible for conditions in the home where his goods are being manufactured. If the Labor Depart-
ment should revoke a number of permits of factory owners when it found young children engaged on their work in tenements, such revocations would soon set a good example to others.

There is no doubt that on principle manufacturing in tenement houses should be eliminated. There is no reason why the home should be used as a branch of a factory or industrial workshop. From the standpoint of public health, having in view the welfare of the workers and primarily the children in these tenement houses, it seems clear that there is no real legitimate reason why this work should be permitted to continue.

CHILD LABOR AND THE CHILD \(^1\)

Child labor stunts the growth of the child. According to the measurements made of children applying for work certificates in Chicago, there is a very considerable difference in the height and weight of boys and girls of fifteen and those of fourteen than is to be accounted for by the normal growth of a year. A farmer would not hitch a colt to a plow and compel it to work ten hours a day. Why should the child be treated differently? The answer is very simple. It requires money to replace the colt: a "want ad" will replace the child.

Child labor continued without restriction produces inevitably such results as those of which England became aware at the time of the Boer War. In 1845 the minimum height of recruits for the British army was 5 feet 6 inches. In 1885 it was 5 feet 2 inches, while in 1901 "Specials" were accepted at 5 feet. In Manchester, the great center of the modern industrial system, eight thousand out of twelve thousand recruits were rejected, and of the four thousand accepted only twelve hundred were really fit. This physical decline during fifty years is due partly to child labor. England has been the industrial

pioneer; but that nation has paid heavily for the advantages if the price has been registered in the physical decline of its population. In view of events now taking place in Europe can any nation neglect to protect the physical fitness of its citizens?

Child labor seems also to be responsible for a surprisingly large proportion of juvenile delinquency. A superintendent of a boys' reformatory was asked what proportion of his boys were school boys and what working boys. His reply was that he could not answer, for the school boy was such a rare exception. A study of the first one hundred boys who were brought before the Chicago juvenile court in 1909 resulted in the discovery that only thirteen claimed never to have worked. In the Report on Conditions of Woman and Child Wage-Earners in the United States, prepared under the direction of the United States Department of Labor, the same relation between employment and juvenile delinquency is pointed out. Among children from ten to fourteen years of age who were at work in Boston 16 per cent were delinquent, while among children of the same age at school the percentage was only 1 1/2 per cent.

Of all the forms of child labor, none is so injurious as that of the "street trades," which include "newspaper selling, peddling, boot-blackin, messenger service, delivery service, running errands and the tending of market stands." Curiously enough, these especially objectionable kinds of child labor have been accepted by the general public, because it has labored under the delusion that these little "merchants" of the street were receiving valuable training in business methods, and would later develop into leaders in the affairs of men. Consequently, one finds many states with excellent provisions for the protection of children, where there are no regulations of these street trades. Only recently has the control of these forms of child labor been energetically taken up even by those engaged in the campaign against the exploitation of children. Street trades "are not specifically
covered by the provisions of child labor laws except in the District of Columbia and the states of Massachusetts, Missouri, New York, Oklahoma, Colorado, Utah, Nevada, New Hampshire and Wisconsin.

The evil effects of street work upon children are threefold—physical, moral, and material. Little more need be said as to the physical effect, except to call attention to the irregularity of habits and the exposure to the weather at all times of the day and year. Much more serious are the moral dangers to which they are exposed. The superintendent of the John Worthy School of Chicago asserts that “one-third of all the newsboys” who come to the school “have venereal diseases and that 10 per cent of the remaining newsboys at present in the Bridewell are, according to the physician’s diagnosis, suffering from similar diseases.” Furthermore, the newsboys who come to the school are on an average of one-third below the ordinary standard of physical development.

A recent report for New York city shows that eighty out of two hundred and thirty inmates of the school for truants were newsboys, while 60 per cent had been street traders. Another institution, “full of Italians” (noted as street traders) gives a record of four hundred and sixty-nine or 80 per cent out of five hundred and ninety who have followed the street profession, and two hundred and ninety-five or 50 per cent had been newsboys selling over three months. Still another institution (the New York Juvenile Asylum) gives 31 per cent of its inmates as newsboys; and 63 per cent of those committed to it had been street traders, of whom 32 per cent were newsboys. Again, “street work leads to nothing else; the various occupations are so many industrial pitfalls, and the children who get into them must sooner or later struggle out and begin over again. . . . They lack skill and perseverance, shun the monotony of a permanent job, and as they grow older either follow itinerant and ques-
tionable trades or become ill-paid and inefficient casual laborers."

Of all the forms of street work the night messenger service is absolutely the worst and should be completely abolished as soon as possible. Night service is very different from the day work. The principal line of business is supplying relaxation or amusement to the general public of day workers. Two groups call for the services of night messengers: (1) business houses open at night, such as newspaper offices, hotels, and hospitals; (2) public dance halls, houses of prostitution, gambling houses, Chinese restaurants, police stations, and disreputable hotels. So far as the first group is concerned the chief objection is to night work for children and young persons. The objections to the second group are obvious. "These boys are thrown into associations of the lowest kind, night after night, and come to regard these evil conditions as normal phases of life. Usually the brightest boys on the night force become the favorites of the prostitutes; the women take a fancy to particular boys because of their personal attractiveness and show them many favors, so that the most promising boys in this work are the ones most liable to suffer complete moral degradation."

The objection that it would not be possible to find a sufficient number of adult men who would be willing to serve as uniformed messengers is not confirmed by the facts of observation. Railroad conductors, motormen, hospital physicians, and others engaged in duties of a semi-public nature do not object to uniforms. Such objection would be based almost entirely upon the compensation. A monthly salary of twenty-five dollars, supplemented by gratuities, would be insufficient: a service that cannot pay its employees more should be reconstructed or abandoned. If it must be continued "cripples, elderly persons, industrial misfits and others beyond the probability of being tempted to wrong-doing, and to whom this meager wage would be a welcome alternative
to their present occupation, can be substituted.” That such a course is the only solution is by no means certain. The postman performs a similar service and receives a reasonable wage. Perhaps, if the mail business had remained a private business our letters would be delivered by boys.

SHRIMPS AND BABIES

Two questions—one of them relating to child labor, and the other having to do with shrimps—have combined to make a puzzling problem for the wise men.

Along the Gulf coast—at Biloxi, at Pass Christian, and other points favorably located with reference to the fishery—there are great shrimp canneries, in which children by the hundreds, many of them very little ones, are employed. The work they do consists chiefly in picking the shrimps out of their shells.

It is not only very arduous labor, but attended with an incidental hardship of no ordinary kind, inasmuch as the shrimps contain a chemical substance of a corrosive nature which attacks the hands, causing the skin to peel off. So powerful is this corrosive that the clothes of the children, and even their shoes, as they stand amid accumulations of the shells, are eaten and destroyed by it.

In order to keep on at their work, the children are obliged to harden their hands by dipping them from time to time into a solution of alum. They suffer severely. But the distress they have to undergo has had nothing to do with an investigation recently undertaken by the government Bureau of Chemistry, the object of which was purely commercial. The sufferings of the children might be ignored, but the chemical substance in question eats the tins in which the shrimps are packed, causing perforations.

So much loss has been occasioned in this way that appeal was made by the shrimp packers to the Bureau of Chemistry for definite information as to the nature of the chemic substance, and for a remedy for the mischief, if obtainable. In response, the government experts have made an elaborate series of experiments with consignments of the long-whiskered crustaceans shipped for the purpose from Biloxi, Miss. They have succeeded in isolating the mysterious corrosive, and in reducing it to the form of crystals. It is a somewhat complex compound, to which the name “monomethylamin” has been given.

One fact ascertained long ago by the packers was that the corrosive substance seems to disappear when the shrimps have been preserved for a while with ice. If they are caught at some distance from the packing houses, they are commonly iced in the boats; or, if taken near by, they are sometimes laid down in ice for a day or two, during which time they appear to lose the peculiar chemic property described. This (say the experts) is because the substance concerned is volatile, and much of it evaporates and passes off while the shrimps are on ice. But it is evident that a good deal remains, for, even when the shrimps are thus treated, the cans containing them will rapidly corrode unless lined in some way—preferably with parchment paper.

So much having been said for the commercial side of the question, which is all that interests the packers, it is almost equally worth while perhaps to consider the unfortunate situation of the children employed in the canneries. But, inasmuch as the conditions in their case are in no way different from those governing child workers in the oyster canneries, it may be as well to bunch them all together in a discussion of the subject.

As a matter of fact, children of more tender age are employed in the shrimp and oyster canneries than in any of the cotton mills of the south, some of them being only four or five years old. The method of handling the
oysters consists in piling them into small cars and running them into big "steam-chests," out of which they come with their shells open, so that, when spread on long tables, it is an easy matter to take out the "meats." This is the task allotted to the children, who, under the stern eye of a "shucking boss," cut the meats out of the shells and transfer them to tin buckets, ready for canning.

This is an immense industry in the Gulf states. At Pass Christian, Miss., and other points great numbers of children are employed to shuck oysters in the canneries. Nearly all of them are of foreign parentage, and largely they are Poles. They are often housed under the most squalid and insanitary conditions, and it is beyond question that many of them die from the hardships they are obliged to endure.

Most of these children come from Maryland and Delaware. They are employed during the summer and early fall in the vegetable and fruit canneries of those states, and are shipped to the south in flocks to shuck oysters and pick shrimps through the winter and spring. When autumn arrives, agents for the shrimp and oyster packers visit Baltimore and other large towns in that part of the country, and pick up as many poor immigrants as they need, especially among the Poles—the Italians having become wary through experience. Such families, usually provided with plenty of children, are persuaded to go by the promise of free transportation and of the payment of their return passage—the latter expectation being nearly always unfulfilled. Very ignorant and commonly unacquainted with any language except their own, they are helpless to protect themselves, and, once herded on board steamers, they have no chance to escape.

Filled with the hope of going to a warm latitude—where, they are told, they can pick oranges off the trees—they are carried to Biloxi, Appalachicola, Pass Christian, and other places where the shrimp and oyster can-
Child Labor

Canneries are located. While at work, they commonly live under such conditions of squalor as would not be tolerated in the most poverty-stricken quarter of any northern city. The pay is small, and for the children often not more than 10 cents a day; but a good deal of northern capital is most profitably invested in the canneries, and the big dividends they yield are largely derived from the labor of mere infants. Dr. A. J. McKelway, Secretary of the National Child Labor Committee says: "Our chief adversary in the fight for a better child labor law in Florida has been the owner of an oyster cannery at Apalachicola. I visited his factory, and saw acres of oyster shells fifteen feet deep, a great proportion of which had been shucked by little children."

Lewis W. Hine, a special agent of the Committee, writes:

From statements made by themselves, I have record of thirteen children employed in the Gulf Coast canneries from three to five years of age, twenty-five from six to eight years of age, and from nine to eleven years of age. The mother of three-year-old Alma told me proudly "Yes, I'm learnin' her the trade." The little one's sisters, Grace and Maud, three and five years old, helped, but Alma was "the fastest."

It is not rare to see children four and five years old struggling with the rough and heavy oyster shells, and in one day earning about five cents. The earnings of the very little ones are usually not over five cents a day. Bill, a lad of five, said he made fifteen cents; and his mother added, "He kin when he wants to work, but he won't keep at it." Several children of seven to eight years earn from ten cents to "two bits."

I wish I could take you into one of the long, dingy shucking sheds at three o'clock some cold damp morning. You would find several hundred women and children lined up on both sides of the low cars of oysters which have just been steamed in order that they may be more easily opened. The shucking is a simple process, and, as the bodies of the workers sway back and forth with rhythm, one is reminded forcibly of sweatshop scenes in the large cities.

An agent reporting from Bayou La Batre, Ala., says:

At this place I inspected one of thirteen oyster canneries which, scattered along the Gulf Coast, are owned by a single firm. I counted a dozen boys and girls who appeared to be under twelve—half of them under ten. One little girl—a man
said she was three years old—was shucking oysters. The manager told me that all hands began work in the morning at three o’clock. “When they don’t get up by then” he explained, “I go and get them up.” They toil continuously until four o’clock in the afternoon—not stopping for lunch, but “just eating a bite now and then while working.”

In this cannery there were a number of children of seven and eight who had already been shucking for several years. There was no school in the neighborhood. The little ones, like their elders, were paid by the “pot”—a pot holding four pounds of shucked oysters, for which the toiler received five cents. Their output was from one or two pots, for the very small tots, to eight or nine pots per day.

The workers in these canneries are obliged to stand and walk about for many hours every day on the hard and sharp oyster shells. Often they cut their hands on them severely. They are continually saturated with steam and moisture, or exposed to cold wind. The odors of the oysters that have “gone bad” are nauseating.

At Bay St. Louis, Miss., many of the children engaged in picking shrimps were found suffering from bleeding fingers. They said it was an acid in the head of the shrimps that made the trouble. One cannery manager explained that six hours was about all the most practiced hands could stand of this sort of work in a day. Then their fingers were so sore that they had to stop, soaking them in alum to harden them for a renewal of the toil the following morning. The mother of one three-year-old girl said: “She really does help considerably.” So likewise did a five-year-old sister.

NEGLECTED CHILDREN OF MIGRANT WORKERS

Large armies of boys and girls, with their parents, migrate annually to the open country to do hand work

in specified farm crops, in truck gardens and small fruit areas, without regulation as to age, daily working hours, kind of labor required, its conflict with their attendance upon school, and other factors affecting their development. These children do not belong to the "tramp family" well known to social workers, nor the "crop follower," leading a nomadic life with little or no desire for a permanent home. They belong to the high-type laborer family, unafraid of adventure, unafraid of hard toil or of life in the open.

East, west, mid-west, north, and south they are to be found in all parts of the United States. Two widely different groups furnish illustration of what in general seems to be the experience of all. They are the children of native born parents who migrated from rural and urban districts in 1922 to the "onion-marshes" of Ohio; and children of foreign born parents who, during the same season, migrated largely from urban centers, to the "sugar-beet fields" of Michigan. Who are they? How old? Why do they migrate? How long do they stay? What of their work and their life in the neighborhood? Are they deprived of essentials for proper development, and where does responsibility rest?

The children are largely American born. In crops depending almost exclusively on contract labor recruited from immigrant sections of large cities, the children are predominately American born. In two hundred and seventy-four contract beet-laborer families there are thirteen hundred children living at home, of whom eleven hundred and sixteen or 86 per cent, are native born. Of their fathers, only seventeen, or 6 per cent, are native born, while the foreign born fathers represent a dozen or more nationalities. In the onion group, there are two hundred and seventy-six children, of whom one hundred and seventy-two, or more than 62 per cent, are natives of Ohio, and one hundred and four, or more
than 37 per cent, largely natives of Kentucky, while their parents are all native born.

Parents take children of all ages to the country, though the largest number are from five to sixteen and most of them work. Little "tots" under five go with their mothers into the fields or remain at the house in charge of another child acting as "little mother."

The major reason families migrate to the open country is work: work with its contribution to the family income; work without restriction for all members of the household, young and small, old and large. Unhesitatingly fathers say they would not go without the children to do the work: "In the city jes' me and the woman works, chillins' go to school; in the country chillins' work too, more money, go to school jes' after work." Mothers after many years as migrants frequently say, "Me no more come to fields mit the kids when they is big enough to work in the city." The work children may do in factories and mills is regulated by school and child labor laws, not so for children of migrant workers.

However, the factory has made its way into the open country and industrialized agriculture is reproducing factory conditions involving child workers in large numbers. The "onion marshes" and "beet fields" are but examples of many industries operating in the open country, each in a slightly different way depending upon children to do much of the hand work in the production of the crop. "The beet farms are huge factories without roof or walls, but factories nevertheless. The crop and its finished product are in the hands of comparatively few men and they have organized its production and distribution on a factory basis."

As soon as the work is done in the fall, the family is ready to move again, usually at the end of five or six months. About 25 per cent stay in the country. They come to the fields and marshes early in the spring, often
six weeks or more before they begin work. Families of one hundred and ninety-nine contract beet laborers, who migrated from urban centers, arrived twenty-three days before they began work the first of June. Many were still in the fields after the middle of November. They have been doing this year after year from five to ten years in succession. Movements of the "onion workers" are very much the same.

The hand-work done by the children, generally, is weeding, hoeing, harvesting or gathering in the crop. It is estimated that a child topping beets handles on an average between two and three tons daily. As in other farm work during any season, the work-day is from "light to dark." For two hundred and seventy-six children in the onions it ranges from ten to fourteen hours, with more than half working ten hours or more.

The working days per week show one hundred and eighty-one or more than two-thirds worked six days; others five and one-half to five days per week. Children of contract beet laborers work as high as fifteen hours a day during the three to six weeks pressure of "thinning" and "harvesting," though from eleven to twelve hours, average the season through.

Work goes on in all kinds of weather, in the hot sun, hot winds, dust storms, in rain, snow, cold winds, and freezing temperature. A family of six children from seven to fifteen years of age, and three adults (including the mother with a baby) worked one hundred and eleven acres of beets. Allowing thirty seven acres for the adults, the children earned two-thirds of the $1,998.00 income for seven months of the year. A father with one worker, a girl sixteen, said "with the three little kids we work forty acres; eighteen is 'ge-nuf' without 'em." The three were seven, ten, and twelve and earned more than half the family income for seven months of the year.

The matter of suitable living quarters is always difficult. Every available shelter is used, good farm houses,
others long since discarded, barns, garages, shanties, shacks and "company houses." Many have one room, others have two, three or four. Many are unpainted and unkempt, with leaking roofs; more than half without screened doors; nearly two thirds without screened windows; more than two-fifths without garden space enough to supply the major part of the family living including vegetables.

Overcrowding is common. "Shacks for the housing of onion laborers and families are in most instances unfit for human habitation." For example: three families lived in one garage; fifteen families of fifty persons, in five houses with only thirteen rooms used for sleeping; thirty-two families of one hundred and thirty-six persons living in sixteen houses with sixty-four rooms, thirty-six rooms used for sleeping.

The contract beet laborer family, in most cases, fares somewhat better. For instance, ten persons lived in a garage; six, with two additional child helpers, in two rooms, "living" on seventy-five square feet floor space, sleeping on one hundred and twenty square feet, with only one window three by three feet in each room and one outside door; six in a two-room shanty as the father said "fit only for pigs or chickens; in cities health laws would prosecute a man if he put a family in a house like that."

The most deadening influences are, however, found in the life of the family and the uncertain place it holds in the neighborhood. The family has no sense of belonging to the community—no interest, no responsibility, no part in its government. Residents of the community hold the migrant worker in scorn. He and his children are dubbed "hunkies," and the like. His position is menial. Nothing in the community belongs to him. A fifteen-year old girl for nine years migrating to the beet fields, begged her father not to contract again for she said, "What chance have I ever to be anything but a 'beet hunkie'? What else can I ever know? What can
CHILD LABOR

I ever do but marry a ‘beet hunkie’ and be a ‘hunkie’ all my life?” Never, in the nine years, did the family have a neighborly neighbor.

Children of migrant workers are deprived of essentials for proper development: First, by being set apart from natural community associations of home, of church and school; by being cut off from participation in and responsibility for things pertaining to their own and their neighbors’ welfare. It is little wonder that children and their parents develop bitter feelings of hatred; that many believe every man’s hand is against them, except for what he can get out of them.

Second, they are deprived of opportunity to attend school and of educational training. Those migrating from cities leave six or eight weeks before schools close in the spring and do not enter rural schools. The majority return eight or twelve weeks after schools open in the fall. At least 75 per cent do not attend rural schools at any time. This means each child misses four or five months of school every year. School attendance as affected by migration is not the matter of one or two years, for these families have been migrants an average of six years, many as long as twelve and fourteen. Irregular attendance, among other things, contributed to retardation. Of nine hundred and thirteen nearly two-thirds are retarded in their grade standing, and of two hundred and seventy-six 7 per cent never attended school in any place; while more than two-thirds are in the fourth grade.

It is hard to determine where responsibility rests. Those who defend the working of children of migrant laborers, maintain that the industry deals with the parents under contract, and that he is free to move where and when he chooses. Without doubt, preference is given parents with large families of children, for the amount of work a family undertakes depends on the number of children who are big enough to help. Indus-
tries cannot justly remain indifferent to their responsibility for the system as it pertains to children, to conditions under which they are required to live and work, and to the part they take in producing the crop.

The school and work life conflict. This places upon the school in each locality where the children live a definite responsibility. Because they move twice a year or more between school districts, or even between states, as someone recently put it, "the business of schooling for migrant laborers' children is nobody's business."

Back of the family, the industry, the school, each community into which the migrant family moves is very definitely responsible for the family group: responsible for its attitudes, the evaluation it places on life's experience and relationships; its ideals for children, their education, their religious and moral training, their play, their work, their health. The community, in this sense, is not necessarily confined to the immediate neighborhood; it reaches far enough to embrace the nearest church of the family faith; far enough to counteract attitudes of children who call other children "hunkies;" far enough to reach the nearest person with qualities for leadership, with sympathetic and understanding mind for the migrant laborer family, its intricate and difficult family and social problems. In so far as the family fails for any reason whatsoever, it becomes the responsibility of each of us, the state, the nation, to secure to every migrant worker child in America a happy, healthy, educational childhood in his home, his neighborhood, his church, his school.

EXTENT AND CONTROL OF RURAL CHILD LABOR

There are many kinds of rural child labor and varied conditions under which it has developed, just as is the

---

case in the industrial field. I wish to consider the subject under two sets of agricultural conditions—namely, general farming and one-crop farming.

Under the heading of general farming are included the raising of such crops as corn, the small grains—wheat, oats, barley, rye, and the like—hay and forage crops, truck gardening and fruit culture for home consumption. This form of agriculture may be divided into the two sub-types, general grain farming and live stock farming, depending on which the emphasis is placed.

Under general farming conditions, land ownership is the rule, at least it is an attainable goal, by reason of tenancy being a normal stepping-stone. Laborers and tenants have a reasonable chance of becoming land owners. Likewise the family either owns the tools or enjoys a great measure of freedom in their use. There is little, if any, class feeling between the three groups of workers. The size of the farm is near that required to maintain the highest production commensurate with the highest return. There are, of course, exceptions on this point as in the great corn and wheat-growing belts of the middle west where large acreages are given over to the cultivation of these crops, but because they have other characteristics in common with their cultivation elsewhere, I leave them in this classification.

For the most part these crops are cultivated by the labor of the single family. Parents and children work together. The character of this labor has changed greatly in the last fifty years, due to the influence of machinery. Hand labor has been greatly decreased. The scythe and the cradle have given way to the mower and binder, the flail to the thresher, and the single plow to the riding cultivator and the tractor. This has made work on the farms for both children and adults easier and of shorter duration. The use of machinery has decidedly tended
to decrease the need for child laborers, especially the younger ones. The expense and complication of much of it has made it profitable to have adults, or older children at least to handle it. But, despite a favorable economic system and the aid of modern machinery, our investigations show that a great many children under rural farming conditions are required to work. Children were found working long hours and doing tasks that undoubtedly were far beyond their strength. That is the experience of those who have come up through it and it is a condition that exists at the present time. Numerous investigations show that work is given as an excuse for the non-attendance at school of a great many country children.

In West Virginia, we found, of approximately one hundred and fifty families who kept their children home from school, nearly one-half said they considered work of more importance than school. This is not an extreme illustration. Country parents have developed a work complex. There was a day perhaps when it was necessary for the children to help make the living, but that day has largely passed. That attitude of mind, however, on the part of the parents still exists. Too many still feel that they must keep their children at work so as to keep them out of mischief. The constructive value of play is almost unknown. With this attitude of mind, it is not surprising that we should find premature work, over-work, unhealthful work, uneducational work, yes, sometimes unproductive work, being done by country children. Work is not necessarily inimical to the best interests of childhood; in fact, it is necessary to the highest development of children, and no child should grow up without experiencing the discipline that alone can come from work. Children have a right to childhood and all that childhood implies. They have an
inalienable right to health, education and recreation. Whatever interferes with these things is to be condemned. Children's work should be developmental, educative, and have in it the element of training, but work for mere work's sake is wrong. Too much of the work of rural children is mere drudgery, because too many parents are unable to differentiate between children's work and child labor. The parents have never learned to think of childhood in terms of health, education, recreation. They, themselves, had little schooling when they were children, so why should they be over-zealous in seeing that their children get so much schooling. To their minds, health is a matter of getting better after illness overtakes them. As children they had no time for play, so why should their children waste their time in play. This attitude of mind is not intentional exploitation—exploitation seldom enters into it—it is simply the result of not knowing what childhood is. Hence child labor indirectly has become an important factor in the count against country life, and it is an evil that must be removed.

There is a wide divergence of opinion as to how this may be done. Personally, I am not at all convinced that for the children living under general farming conditions, the hope lies in prohibitory child labor legislation. It might be well to have a child labor law, simply to handle those who can be handled in no other way, but in my mind, the problem is primarily one of education, not legislation. Experience is showing this to be true of all forms of social progress. Children will have a better chance in getting the protection that is due them, by getting the parents to understand what they need, than by merely telling the parents what they cannot do.

The elimination of the evils of child labor is not the job of a single agency, but of every agency and every person interested in country life, and the first requisite is knowledge of country people and their problems. There
has been too much of a tendency on the part of social agencies, including the schools, to develop their programs of work without a clear understanding of the problems to be met. The school can be the greatest factor in solving the child labor problem in general farming areas. It is the biggest socializing agency at work in the country today. It is one of the oldest and comes nearer touching every community than any other one. It has back of it vast resources, in money, personnel, and equipment. Yet until very recently, it has but dimly recognized its obligation. There has been no real leadership in the field of rural education. The kind of training was and in many localities is yet poor. The teachers are underpaid and inadequately trained, the equipment poor and the curriculum illly adapted. Country children have not been taught in terms of their own lives, and have had practically no vocational training. I do not want to be unduly critical—progress has been made and I am not unmindful of the almost insurmountable difficulties to be overcome, but we must solve these problems—we must search deeper and understand more fully the why of the organizations present. We must write anew the aims and purposes; we must understand more intelligently the needs. In doing this, we may be compelled to scrap a lot of our pet theories. If necessary let us do it and do it fearlessly. Let us profit by the experience of other groups. As social workers and as school people we can get a valuable lesson from a careful study of the work of the county and home demonstration agents. In their limited fields, they have done more to enrich, and make wholesome and happy country life, than any other group. The boys’ and girls’ club work is more rapidly eliminating child labor and turning it into children’s work than any other movement. The development is not negative, but positive. The education and training the club leaders are giving is not what parents and children ought not to do, but what they should do. This is the only rational solution.
Thus far child labor has been considered under general farming conditions. I wish now to consider it under one-crop conditions. The most important single-crops are cotton, tobacco, sugar beets, beans, onions, celery, asparagus and other vegetables, fruits, berries and grapes. The cultivation of these crops has taken on many of the aspects of industry. We frequently hear the term "industrialized agriculture." For the most part the growth of these crops is peculiarly favored by soil or climatic conditions, or both. The return per acre is large, hence the price of land is high. A high degree of managerial ability is needed for their successful acreage holdings and absentee ownership, particularly in cotton and tobacco sections.

Tenancy is high. One-crop farming has had its most detrimental effect upon the tenants. In fact, one-crop farming is not generally practiced by owner operators. Diversifications in their areas is not as widely practiced as in general farming areas, but whatever diversification there is, is carried on by the owner operators, and the single-crops left for the tenants to cultivate. There are, of course, exceptions to this statement, for both owners and tenants.

In the cotton and tobacco sections of the south, the tenant is known as a cropper. As a rule he has no tools or equipment, and, of course, owns no land. The number of acres he may cultivate is determined by the number of work hands in his family. His wife and his children from twelve years up are considered field hands. He pays for half the fertilizer, does all the labor, and receives half the crop. He is subjected to the pernicious credit system. He seldom has enough money to carry himself and family through the year, but must depend on the supply merchant. Often times the owner operates a commissary. The credit price varies from 20 to 40 per cent above the cash price. Some may raise enough tobacco or cotton to pay out in the fall, but many of
them have never been out of debt. He is always seeking a place where he can do better and moves nearly every year, although it may be no farther than from one house to another on the same farm. The labor is hard and the hours long. It is nearly all hand labor. Tobacco must be planted, hoed, weeded, suckered, wormed, topped, gathered, and prepared for curing and for markets all by hand, and the operations for cotton are not much less—this means child labor. It is said that it takes thirteen months to make a crop of tobacco, and that required for cotton is almost as long. Child labor here is found in its most pernicious form. Children as young as five years of age can be found working in the cotton or tobacco patch all day long: Partly because of ignorance and partly because of the press of other work, he does not raise his own garden supplies. Many do not keep a cow and hence have no milk for the children.

Many of these communities are hot-beds of illiteracy. Because of their ignorance, the parents have little, if any, interest in schools, and child labor under this economic system is inevitable. It is both cause and effect. In so far as it is cause, child labor legislation will help to remedy the situation but to the degree that it is the result of the system, other phases call for consideration. I believe initial consideration should be given toward righting the economic system. The cotton and tobacco tenantry is largely the product of the system. In many communities sharp class feeling has developed. Tenants and land-owners do not mingle in a social way. More and more land-owners are sending their children to town schools, leaving the tenant children to the mercy of the poorly trained one-room school teacher. Here tenancy is a social status and the tenants have become almost hopeless and helpless, in so far as their own effort is concerned. Their condition is little better than that of peonage, in the old-world meaning of that word. They have that satisfaction that comes from a realization of the use-
fulness of fighting and struggling against such heavy odds. Social efforts and social legislation can have small chance of success against conditions like these, because the very fundamentals of human welfare is not right. Many of the families do not have a living income, and for others the margin above that required for mere existence is too low. This must be made right first. The problem is of a national concern and is calling for the best minds to solve it.

In the sugar beet, vegetable and fruit areas, the workers, for the most part, are called laborers. Most of them are migrant families who go out for the season from urban centers. Occasionally the families come from rural centers, as in Ohio the onion workers come from the mountains of Kentucky. There are, however, a great many single men and single women also who follow the seasonal agricultural work.

Many of the families are of foreign descent. The majority of them own their own homes. In Lincoln, Nebraska, from which go between three and four hundred so-called Russian-German families, annually to the beet field, every one owns their own home and has it paid for. They live in a good section of the city and their homes are well kept, clean and tidy, but that cannot be said about the homes in which they live in the community where they work during the summer. Many of the homes are mere shacks and over-crowding is frequent. Many of them have no toilet facilities and the water supply is unprotected.

In the cherry and other small fruit sections, the workers are usually carried back and forth daily to the fields by the farmer. Mother and children, or frequently the children alone, do most of this work. In the strawberry sections, the workers are often housed in camps. Decent moral and sanitary conditions are hard to maintain. These camp followers work together in the fields where the local children are working and undoubtedly have a bad influence upon them.
For beet workers the maximum length of the season will probably not exceed seven months. Beet work seriously interferes with school attendance. The family leaves the city about the first of May. The beet fields are outside the jurisdiction of the city. In the country the rural school is out or soon will be. In the fall the rural school has not started or else the family will soon be going back to the city, and hence the children do not start to school. Furthermore, in many localities the country people maintain that since their families are here only temporarily and pay no taxes, they ought not to be compelled to school their children. The fact remains the children are not getting the schooling to which they are entitled.

Small fruit picking, onions, celery, and other vegetables, do not, on the whole, seriously interfere with school attendance. Most of work comes during the vacation period.

There is no compulsory regulation whatever as to hours. During certain operations, especially in beet culture, they are long. Where the laborers work in gangs as in the onion, celery, and small fruit-picking sections, the hours are usually limited to ten per day, but climatic conditions may frequently upset this schedule. In the cherry and other small fruit sections, no special means are taken to prevent children from falling out of the trees or off the ladders. In the onion, celery, and beet fields, the children crawl along on their hands and knees and infections are frequent. The ill effects of a stooping posture are given little or no consideration.

Child labor under these conditions must be remedied by legislations. It matters not whether the children work with their parents, or in gangs under a foreman; they are confronted by almost the same situation that children in factories face. They are paid on a piecework or daily wage basis. Children must be protected from exploitation, and education will help, but it will not do what it can for the children under general farming conditions.
There the children are flesh and blood of those who own the land, tools and means of production. In the country child welfare, once understood, will receive primary consideration. In the city profits are placed first. A strict enforcement of the compulsory education laws will greatly help, but more is needed. The protection of health and an opportunity for wholesome play must be given more consideration, thereby safeguarding the unalienable rights of childhood.

EMPLOYMENT OF CHILDREN IN THE MOTION PICTURE INDUSTRY

At the present time there are employed annually about fifteen hundred children in the production phase of the motion picture industry in Los Angeles. The nature of the industry is such that in few instances is the employment continuous. Some of these fifteen hundred children work only a few days annually, while there is a large number who are either working or seeking employment with the various producers the greater part of the time. The average actor spends about as much time waiting for a call from one of the producers, or in going about to the various studios seeking employment, as in actual work before the camera. Even when the employment is continuous for a given period, the actual work before the camera is rarely continuous. An emotional short circuit on the part of some star may cause hours of delay, while much time is also spent in rehearsing, preparing scenery, and correcting faults.

The writer's attention was called to this problem while employed in the Compulsory Education and Child Welfare Department of the Los Angeles Public Schools. There were numerous complaints on the part of school principals that children employed in the motion picture

---

1 By Benjamin S. Weiss, graduate student, University of Southern California. Journal of Applied Sociology. 6 : 11-18. December, 1921.
industry, either full or part time, were retarded in their work and also showed symptoms of physical and moral decline as a direct result from such employment.

During the school year 1919-1920, the writer investigated two hundred and twenty-five cases ranging in age from six to sixteen and including both sexes. The investigation was made in twenty-two schools ranging from elementary to high school and covering every type of community from the slum district to the most exclusive residential section. Of these two hundred and twenty-five cases seventy-eight were ruled out because the time of employment had been too short. A minimum of one week’s absence from school was used as a standard.

Three cases were reported as showing definite improvement in school work. These cases were personally investigated by the writer; two of which were found to be juvenile stars in motion picture acting. Because of their popularity and earning capacity, they were given close supervision by their parents and teachers with the result that their school work showed improvement. The third was an unusually brilliant child in whatever line of work he engaged. Five children were reported as doing just fair work, with no reference to any other type of reaction either physical or moral. Thirty-two cases were classified as doing satisfactory school work with no detrimental reaction in any form. All these children were doing good or excellent work before participating in pictures. Seventy cases showed definite lowering of the grade of work done in school. Six of those which have been classified exhibiting physical and nervous reaction, and six of the number classified as showing a detrimental reaction in their character development also manifested a definite lowering of school work. The total number disclosing a reaction on school work was eighty-two or 36 per cent of the total number investigated.

Twenty cases in all were reported as manifesting definite physical and nervous reaction, including nervousness, irritability, and impaired health.
The most difficult type of cases to judge was that in which a detrimental reaction on the character or moral status of the child had resulted. Of this type seventeen cases were reported. Only the more noticeable reactions could be determined by the teacher, and only those reactions were reported where the teacher was reasonably certain that they could be traced to the influence of working in pictures.

The compulsory education law of the state of California requires that the minimum amount of time a child must spend in school is four hours daily. This applies to every child between the ages of eight and sixteen. The work in the classroom may be substituted by a special tutor, provided the tutor be regularly certified. When children are employed in the production of motion pictures, the minimum compulsory school attendance is provided for by a plan of special tutoring at some convenient place in the studio or at the place of location. The teacher is provided by the Department of Compulsory Education and Child Welfare of the city schools, but the instructor receives his pay from the particular company for which the children are working. The arrangement by which the teacher is provided by the Department of Compulsory Education and Child Welfare helps to sustain a professional attitude on the part of the teacher and eliminates the possibility of the teacher being employed as a result of soliciting studio managers for positions. It also gives the department a means of keeping in touch with the studio school as to location and work. With few exceptions the teacher makes a daily report on her school. This report includes the place and time at which the work was done, the name, age and address of the child, and the time actually spent in work by the teacher and the child.

The work at the studio school has several undesirable features. The lack of coordination with the public school is detrimental to the child’s school work. The child may attend several days consecutively, or he may only attend
a day. The child is subject to call at any time while the studio school is in session. This creates a great deal of confusion and the child is kept in a constant state of nervous inattention. The place of instruction is wherever most convenient for the director in charge of the production. It is always in close proximity to the place where the picture is being filmed. An empty lot, a secluded place behind some props, an automobile, and in a few instances a special room is provided for study and class purposes.

By far the most important factor in child employment is the condition of employment. The employment of children in the motion picture industry may seem to some people to be altogether harmless; to others, to be even desirable. There are two objectionable elements in the conditions of employment which cannot be remedied as they are fundamental to the industry. These two factors are the nature of the adult environment and the make-believe world in which the child is placed. In the studio there is a constant intermingling of the children employed with people whose influence is of a doubtful character. The only requirement is that the children shall be able to take a part before the camera. Some adults employed in picture production are of a shiftless nature, without regular employment. The child is placed in a position where he can listen to the conversation and observe the ways of these people. Not only does the child prematurely take on a grown-up attitude, but he assumes the attitude of those adult members of society who contribute little of that moral stamina upon which society is dependent. One of the most common replies in the questionnaire was that the child had become oversophisticated and worldly wise. This state of mind is a blight to childhood. The attitude of a "grown-up" who is without a regular occupation or who has no chosen vocation is likely to be careless. The child naturally takes on this careless attitude; he is not inspired to do
steady work. The most liberal person must decide that this is an unhealthy mental attitude for the growing child.

The second condition, namely, that of placing the child in a make-believe or unreal world may not have immediate results, but without doubt produces ultimate results of harm to the child. In the studio everything is make-believe. Cities are built only to be torn down. A few boards and the paint brush give the result before the camera of solid masonry. Even the attitude of individuals is make-believe; before the camera, anger, fear, love and hate are only assumed attitudes.

There is also a lack of consideration for individual characteristics that are truly worth while. The star who is envied and idolized by those working about him may have been successful only in playing the part of a fool or a social outcast.

The motion picture industry claims to be the second largest industry in the nation. At any rate it is long past the infant state and therefore needs little consideration as an infant industry. From the social welfare point of view no industry, regardless of its size or development should be given any special privilege at the expense of the childhood of the nation. The industry, not being a producer of necessities of life, can easily adjust itself so as to eliminate any possible injury the child would suffer under the present conditions. If the motion picture industry can employ child labor under conditions which are not above reproach, it would be receiving special privileges, providing other industries were not treated similarly. With the stabilizing and standardizing of this industry there should be a working toward a complete solution of this maladjustment; if this action does not proceed from those interested in the industry, then special legislation will be necessary.

Every new industry calls for a social readjustment in order to solve some social problem which may be the
result of the birth and growth of the industry. These social problems do not necessarily originate because of an anti-social attitude of the promoters of the new industry, but may be the result of the very nature of the new industry or of the economic stress with which the infant industry is confronted. The problem may best be solved by the persons connected with the industry, but if the social maladjustment continues to grow in proportion to the growth in the industry special legislation becomes imperative. If the prosperity of the industry, even to a limited extent, is dependent on its social abuse, legislation is nearly always necessary in order to bring about an adjustment. The motion picture industry, an industry of recent origin, has produced an important child welfare problem. This problem is not entirely the result of the anti-social conscience of some of the leaders in motion picture production but of a combination of the impersonal attitude of modern business and the apparent need of employing children under questionable circumstances.

STAGE CHILDREN

Across the footlights children make a tremendous money-getting appeal and parents fall under the spell as unthinkingly as an audience does. Back of the parents and the audience we have two great commercial enterprises organized from coast to coast—the theatrical business and the moving picture industry. It is probable that no other necessity of life has a more varied output or a wider range of distribution than this necessity of entertaining and amusing the American public through its theaters. To supply this demand statistics show that each year an increasing number of children are being drawn into the business of amusement in every kind of entertainment.

The question of legislation controlling the use of child actors who travel from state to state has been considered and reconsidered throughout the country, but the laws affecting this kind of employment vary to an astonishing degree. As they stand today, these variations of law run from no laws whatsoever to prohibition of such employment for boys under sixteen and girls under eighteen. Between these two extremes are many varieties of permit systems and prohibitions. For example, let us suppose a group of ten children first booked in Michigan where they played without interference, next attempting performance in Chicago. Here they would be served with summons for every child under sixteen, under the child labor law, and arrested under the criminal code if they danced or sang, for every child under fourteen. Passing into Wisconsin, they would find little difficulty in securing permits for all the bookings they could get in the state. In Minnesota they would be confronted by the necessity of having to eliminate all children under ten from their performances. In Iowa, Missouri and Arkansas there would be more prosecutions under the child labor law. In Louisiana they would be obliged to give a $2,000 bond, but could then continue their performance if the Society for the Prevention of Cruelty to Children approved. In Mississippi, Kentucky and Tennessee they would be unmolested, but in Ohio they would again meet with prosecutions under the child labor law.

The most significant aspect of the whole problem is the evidence of persistent and uniform efforts of the theatrical interests to secure legislation that offers no protection to stage children and no impediment to their use. In Delaware and Michigan, in Kentucky and Wisconsin, modifications of laws have been secured, allowing children of any age to perform in any kind of entertainment. The phrasing of these laws is different but the results in each state are the same.

While a small group of people financially interested
in Chicago theaters were backing a bill in Springfield in 1921 to license any child to do anything in a theatrical performance, a bill modifying the child labor law for the same purpose was rushed through both legislative houses in Pennsylvania at the very end of the session. This bill was vetoed by Governor Sproul. From many states we have the same story told in varied ways, but with the same burden. "These laws were passed before we knew what was happening or what they were meant to accomplish." In every case the effort has been to set aside all control.

Two arguments used by the theatrical people in securing modifications of law for stage children are, first, that these children are artists and therefore should not be classified in child labor laws, since they do not work. Second, that public performances are essential to their theatrical education. A group of ten children from Michigan, booked at a north side theater within a month, will illustrate the type of education that many of these children are securing in public performances and the kind of art for which they are being trained. These children ranged in age from six to sixteen years. Only two of them were over fourteen. They presented a "fantastic singing and dancing review." At least four of the children were suffering from severe colds and voice strain. One of these was the six-year-old star, who at eleven o'clock at night could barely make herself heard in parts of her act. Several times during two performances she had to stop singing to cough. The use of these children’s voices in singing was such that there can be very little hope of their having singing voices by the time they grow up. The dancing was of the crudest and without proper technical training. Obviously every child in the group worked physically to the utmost in dancing and in using its childish voice to reach the thousand people in the theater. The greatest moment for the little six-year-old was in singing a song that we made out with great difficulty to be, "I ain’t nobody’s sweetie and
I don’t give a God-gosh-darn!” So far as the education of this group was concerned it was apparent that this baby had acquired an amazing technique with which she evoked roars of laughter and great applause. The other nine members of the company were an indifferent background for her.

It has been said that one reason for not attempting to include these children of the stage under a Federal child labor law is that the children on the professional stage are so greatly outnumbered by children employed to their greater detriment in other ways. Facts in our possession foreshadow that with standards in other employments of children equalized and sustained by Federal legislation this form of child exploitation will increase, and that the efforts to break down prohibitive laws will continue until the highly organized business interests concerned have succeeded in securing complete freedom in their use of children on the professional stage. Today we know that children traveling from state to state are being employed in this way not by ones and twos but by dozens; and that hundreds of other children and their parents are being prepared and stimulated to this end by the moving picture industry and by professional dancing schools all over the country. Seven-year-old Jackie Coogan, under contract for three pictures at $500,000 plus 60 per cent of the profits, sets a standard which may revolutionize the aim of many parents for their offspring. The President’s salary and position are not nearly so alluring.

WORK OPPORTUNITIES AND SCHOOL TRAINING FOR COAL MINERS’ CHILDREN

Probably no industry has a greater influence upon the future of the children of the community in which

it is carried on than mining. By the very physical circumstances under which the industry must develop, it limits narrowly opportunities both for industrial and social achievement for all who are obliged to live within its environment, and to an unusual degree it determines the fate of the growing child. Until recently little has been known or thought about the child of the mining town. Living for the most part in communities practically never reached by any branch of organized social work, and rarely visited even by the casual traveler, it is not surprising that this should have been so. Within the last few years, however, the general awakening of interest in the life and work of the coal-miner has resulted in opening the eyes of a few to the unique relation between the miner's life and the opportunities open to the miner's child.

The Federal Children's Bureau has lately completed two field studies of the conditions affecting children in representative coal-mining communities, and it has seemed to me worth while to present briefly certain of the most significant facts which have been brought out by these studies with reference to the opportunities for work and training which the mining town lays before its children. The first of these studies, made in the summer of 1919, centered at Shenandoah, a town of about twenty-five thousand population in the anthracite coal fields of eastern Pennsylvania. The second, completed a year later, covered eleven mining towns or "camps" in Raleigh County in the mountains of West Virginia.

Mining, being rough work, is done in large part by immigrants or the sons of immigrants. In Shenandoah almost two-thirds of the children interviewed in the bureau's inquiry were of foreign parentage, Lithuanians and Poles predominating, and 5 per cent were themselves born in foreign countries. The population of the bituminous coal camps in West Virginia, Kentucky, and south-
western Virginia, on the other hand, is still predominately of native birth, though foreign races are beginning to come in.

Child Labor in the Anthracite Area

Children in the anthracite towns begin work at a very early age. Over half (1,652) of the 3,136 children between thirteen and sixteen years of age had already begun to do some kind of work, while two-fifths had already entered "regular employment," having made a final break with school. Many of those, moreover, who had commenced regular work were among the younger children; over one-tenth of the thirteen-year-old children in the area had already entered permanent employment. Over six hundred of the children in the Shenandoah district who had gone into some kind of work had done so before they were fourteen, and over four hundred had left school for a regular job before that age. This proportion of children at work increased with each year of age, so that by the time the sixteenth year was reached seven-tenths had started regular work. Boys were more likely to go to work than girls, for of all the boys in the area who had reached sixteen years of age, 86 per cent were employed at regular work, as compared with a little over one-half of the girls of that age.

Nine-tenths of the boys from thirteen to sixteen who had definitely left school for work had entered the mining industry as their first regular job, a number of them, by the way, according to their own statements, having gone to work in the underground occupations even before the age of sixteen, in violation of the state law. An even larger proportion were at work in or about mines at the time of the study, and only sixty-seven boys were found at the time of the inquiry to be employed in other industries. In almost every instance the boys in these industries were engaged in errand-boys' or helpers' jobs, which paid them much lower wages than the work in
the mines and likewise offered no training at all for more lucrative and responsible work.

As for the mining industry itself, the majority of boys when questioned reported that they felt it offered no opportunity for advancement. Only four boys out of one hundred might expect by the time they reached middle age to earn as much as $1,850 in a year of abnormally high production. The conditions and hazards of the work, moreover, further affect the boys' opportunities in that they run a special risk of being killed, crippled, or otherwise physically handicapped.

The girls in the area enjoyed a somewhat greater variety of work opportunities than boys. Most of them (four hundred and twenty-two out of four hundred and fifty-three) found work either in nearby factories or in personal and domestic service, the former employing indeed almost three-fifths of all the girls doing regular work.

CHILD LABOR IN THE BITUMINOUS FIELD

In the mountain coal camps of the bituminous fields opportunities for employment are still more meager. Mining is not only the principal but practically the only industry. Outside of the settlements there is practically nothing for a man to do except to work on a rough mountain farm or to join a lumber gang if there happens to be one nearby.

There are no breakers at the bituminous collieries and the only occupation in which a considerable number of boys are used is underground. This work a boy cannot do legally until he is sixteen years old. But even including those who could legally be employed in the mines, the number of boys thirteen to sixteen years of age who had started regular work in the West Virginia camp was small—one-fifth as compared with almost three-fifths in the anthracite area. For women and girls the only possible employment in the West Virginia
camp is in domestic service or in clerical work in the company stores and offices, but opportunities for such work are few. Most women in the mining camp do their housework unassisted, and there is but one company store to a camp. Only 4 per cent of the West Virginia girls between thirteen and sixteen years of age had been regularly employed, as compared with 29 per cent of the girls in the Shenandoah district.

EARLY SCHOOL-LEAVING AND ITS CAUSES

Fewer chances for work ought to mean that the boy's or girl's school life is prolonged and that the child is better equipped for vocational life before becoming a wage-earner. It is true that the proportion of children remaining in school after the age of fourteen is reached was found to be greater in the West Virginia than in the Shenandoah area. Nevertheless, a great many children in both districts left school between the ages of thirteen and sixteen, even when they did not go to work. In West Virginia the number of children of these ages who had left school was almost twice as large as the number who had gone to work, so that about one-tenth of all the children thirteen to sixteen years old in the West Virginia camps were neither at work nor in school. In the Shenandoah area three hundred and ninety-one, or 8 per cent of the total number of these ages, and 18 per cent of the sixteen-year-old children were neither regularly at work nor were they attending school.

Over three-fourths of the West Virginia children who reported the grades completed before leaving school had not considered it worth while or had not found it possible, to go beyond the sixth grade. Almost a third of these children who reported their age at leaving had left before they were fourteen years old, and before the age of sixteen was reached all except one-sixth had deserted the schoolroom. In the Shenandoah area, almost
one-fourth had left school before they were fourteen. No doubt some of these children become fourteen during the summer vacation after leaving school so that not all of them were violating the state law which required attendance up to that age.

The ease with which compulsory education and child labor laws can be evaded is probably an important factor in early school-leaving.

Probably the most important underlying cause of early school-leaving in the mining community is to be traced to the failure of the schools to provide the child with a training which appears to him or to his parents to be in any way related to the life of the community in which he lives.

**Educational Opportunities for Miners' Children**

If work offers little to the child of the mining town or camp, school, in the child's estimation, at least, offers but little more. Almost a third of the children in the Shenandoah, when asked their reason for leaving school, said that they were dissatisfied with it. Slow progress in school was certainly a factor in breeding discontent with school. Even when children are not obliged by poverty or other circumstances to leave school as soon as the law permits, they are, of course, more likely to leave school at the earliest possible moment if they are older than the other children in their grade, or if they have been obliged to repeat the same school work year after year. By the time a child is fourteen years old he finds the school work and discipline of the fourth or fifth grade entirely unadapted to his needs, and he is anxious to escape and will if he can, even if he has to combat parental opposition in order to do so. In spite of the much smaller proportion of children leaving school for work than in the anthracite field, retardation was much more marked in West Virginia, especially among school-
leaving children. Of the eighty-nine children who had left school for whom age and grade were available, only 19 per cent had been in normal or advanced grades as compared with 28 per cent who remained in school. In Shenandoah 65 per cent of the children thirteen to sixteen years of age still in school were in normal or advanced grades. Thirteen of the West Virginia children who had left school, or about one in every eight who left, were unable to read and write. In Shenandoah one in ten was unable to read and write.

In the larger mining towns, that is, towns in which the population is two thousand or more, high schools as well as schools covering the grammar grades are maintained. In the "camps" or "patches," however, the schools are rural in type, often having but one room and one teacher to the five or six grades which are given. The fact that a child must go to town in many cases to complete even the elementary course probably accounts in part for the large number who drop out at the fifth and sixth grade. The completion of the last grade in the school appeals to the child as an excellent time to stop. Some of the smaller communities have no schools at all. This does not mean in all cases that a child has absolutely no school which he may attend, but a two-mile walk to a school in another camp is not uncommon on the roads which in winter or muddy weather become impassable. Because of distance and weather, the children, as one West Virginia father expressed it, can attend school only on "picked days." This is doubly unfortunate in view of the short terms which prevail. The term varies from five to nine months in the Appalachian area. In the West Virginia camps it is usually only six months, the term required by law, though some of the mining companies supplement the county funds in order to lengthen the school term a month or two.

Deprived of a proper schooling, with little opportunity for wholesome play, driven early into the routine of
unskilled labor in mine or household, or more rarely into
the factory, what future lies before the hundreds of
thousands of children who are growing up in our mining
towns today? In the isolation of their lives the majority of
the boys will probably in any event follow in their fath-
ers' footsteps and become the miners of the next gener-
ation, and an even greater proportion of the girls will,
as wives of miners, spend their lives in the physical and
social isolation of the camp. Nevertheless, it is only
fair that both boys and girls should be offered as broad
a view as it is possible to give them of vocational op-
portunities outside as well as within the mining com-
community and should be able to obtain practical training at
least for all kinds of work carried on within and about
the community. Home economics training for the girls
and women, and agricultural and home gardening for
all the population in the more rural areas, are of special
importance. Day vocational schools, continuation and
evening classes should offer these opportunities to the
girl and boy in the mining camp, as they are now doing
in other industrial communities.

But the most immediate and pressing need is obvi-
ously for a type of education so available, and so adapted
to the child's life and interests, as to combat the influ-
ence of family tradition and the lure of wage-earning
long enough to insure to him at least the rudiments of
a sound elementary education.

Legislation effectively administered should keep out
of work and in school children who have not received
this minimum, and scholarships or pensions should be
provided for those whose families cannot unaided afford
to keep them in school. Proper supervision should be
given to the boys and girls during their first years of
work. Five of the six most important coal-producing
states now have continuation-school laws, which provide
an excellent opportunity to put into effect an adequate
program of supervision for working children in mining
communities, including supervision of their health, recreation, and further vocational training.

ON THE INDUSTRIAL SCRAP HEAP

I am—or rather was—cheap labor, the kind which is so largely in demand by industrial corporations and many advocates of unrestricted immigration. I am the kind of man that you see from the windows of trains working with a pick and shovel or lifting pig iron into railroad cars. I wear as a usual thing overalls and a blue or khaki flannel shirt, brogans and underwear and socks according to the state of my pocket book.

But I always wear them on Sundays. To cheap labor socks and underwear are luxuries, not necessities. Until recently I was a little cog—not perhaps so important as a cog, more like a rivet—in the huge industrial machine. Even as late as May I held my place as a rivet, but since then I have been junked, tossed aside on the industrial scrap heap with no past worth mentioning and no future whatsoever. I do, however, have lots of company on my scrap heap, and, not because my case is unique but because it is entirely typical, I should like to make people understand how cheap labor gets scrapped and what it thinks about scrapping.

My mother died when I was two years old, of consumption and too many babies. My father was even cheaper labor than I have been so that he was quite unable to bring up a family of five adequately. My earliest recollections are of working—of long days under a fiery sun struggling with a hoe twice as tall as I. I was eight or nine then. When I was twelve I went into the coal mines and worked full shifts underground. Black days these were, when the chambers were sometimes full of the voices of the coal and sometimes in spite

of our human activity silent with a silence more terrifying than even the unhuman voices.

When I was fifteen I came out of the mines and went to raw logging, which is heavy work even for grown men. The days with the hoe stooped my shoulders and hollowed my chest. The days in the coal filled my lungs with the fine black dust which sooner or later gets nearly every miner. The raw logging enlarged my heart far beyond its natural size. Of course I did not know what I was doing to myself; but if I had, it would have made no difference. Father was cheap labor and his boys had to look after themselves. Also none of us were ever properly fed. The reason for this was twofold. First we did not have money enough to buy anything but the very cheapest and coarsest food and second, even if we had we would not have known what proper food consisted of. The food we did have undernourished me and ruined my digestion.

All these things together have landed me on the scrap heap at the ripe age of twenty-six. The doctors say that in time I may not be altogether useless if I take care of myself. But think of it! At twenty-six, when, according to the apostles of labor, I should be going forth as a strong man rejoicing to run a race, I am bent, broken, cast aside. Since I have survived so far, it is quite on the cards that I shall go on living for at least another twenty-six years, though how I am to live or what is to become of my family is as yet unrevealed to me, and it is quite possible that ignorance in this case is bliss.

Since I have been rusting here on the scrap heap I have had time to think over what I have read and I have come to certain conclusions first and foremost of which is this: The industrial system is, economically speaking, wasteful of its human material and, humanely speaking, criminally negligent. If I were an exception instead of being a fair sample of the rule I would say nothing against the industrial system. If the scrap heap were
even a small one I should still say nothing, but it is large, larger than one would believe, and beside those of us who are actually, so to speak, in residence there, there are others who in another walk of life would be considered too ill to work, but who are working and "doctoring" at the same time vainly hoping to stave off the scrap heap until some miracle enables them to save enough to keep them from depending on the charities, federated, or associated, or united as the case may be.

We on the scrap heap do not dread poverty, nor cold in moderation, nor even hunger in moderation. All these things are so much a part of our daily lives that they are as unquestioned as the weather. What we dread is charity. Bread that we do not buy for ourselves but that is bought for us by others. Let me tell you that there is infinitely more joy over a sack of coal gleaned from the railroad track than in a ton donated by one of the many well-meaning societies trying to repair the damage done by the system to which they owe at once their existence and their reason for existing.

To go back, however, to my charges against the industrial system of waste and negligence: still considering myself as a sample, I beg of you to look at me. For eighteen years I have been a producer but only for the last eight has my production obtained any appreciable value. Now at the very time when my output should be at its maximum it is cut off completely. Instead of being a producer I am a consumer—with nothing that I can pay for what I consume. Instead of supporting the system I am dead weight on its back. Instead of my contributing to it for the next twenty-five or thirty years (and surely a man of twenty-six should be able to look forward to at least twenty-five more years of productiveness), it will in all probability have to contribute to me indirectly. And it serves it right for it has squandered me. It took my least instead of my most productive years and in so doing it wasted me.
Let me digress a little. In my mind the state and the system are to a certain degree differentiated. Practically all of us are members of both state and system. The difference lies in this. As members of the state we are equal—one man is like another man (theoretically at least). As members of the system we are entirely unequal—our values differ. Just as each citizen is responsible for the well-being of the state, so the state is, or should be, responsible for the well-being of each citizen. If it is not responsible sooner, it will have to be later. If it had been sooner, my value to the state would more than have repaid my cost to the state. As it is, the reverse is the case. Instead of the state’s saving me, the system has squandered me and now the state—that is, organized society—will have to look after me with money paid to it by the system.

I am entitled to this help from the state for two reasons: first, because it is the systems’ fault that I am junk, and second, because part of the money which the system pays to the state should have been paid to me. Had it been paid to me sooner, it would probably have enabled me to avoid the scrap heap. And certainly I would infinitely prefer taking my pay in the form of money justly paid to me for value received than in the form of charity bestowed upon the deserving poor. I believe that both state and system would, in the long run, have found it cheaper.

So much for the economic side of it. Now for the humane. I have already said that I started in working at night. I had no schooling but grew to early manhood physically weakened and mentally untrained. My pleasures were very few and of the crudest, but such as they were, they were all I could find. Not until I met my wife did I have even the vaguest conception of what a life could hold. I knew no books save an occasional Jim Jams read to me by my sister-in-law. I knew nothing about the theater—not even what it was. Underclothes
CHILD LABOR

were luxuries. Newspapers were principally useful to line shelves. I had heard of Lincoln and Washington, but not of Columbus or Shakespeare. As far as I was aware Europe was one of the United States and the United States itself a monarchy. Hard work, poor meals, an occasional drinking or gambling spree and once in a while a revival meeting or a fight made up my life for years. After I met my wife came three years of awakening mind, three years of struggle against industrial depression and increasing ill-health. Then just when there seemed a chance for steady work and a little mild prosperity, and by prosperity I mean enough food of the right kind and enough clothes of any kind—just when I had learned to appreciate the things that made life worth living came the scrap heap—not through my fault but through the negligence of a system that while constantly calling for labor—cheap labor, pick and shovel men, concrete men, pig iron lifters, etc., etc., does not look after the labor it already has, but right and left squanders it and relegates it to the scrap heap even as I am relegated. Next I suppose will come the separation of the family. The state will send me to some hospital, my babies will go to a nursery and my wife back again to work. This is the portion of cheap labor!

WHY CHILDREN WORK

It has always been the assumption that bad industrial conditions are responsible for child labor. Is there another powerful but indirect influence that is also responsible?

Does the factory, heavy as the tax is that it takes from children, represent an escape from something that is even more dreaded?

In all that has been said on the subject of child labor, there is one voice that has not been heard. This is the voice of those most vitally concerned—the children. Their explanation of their own problem has not been given.

In the following article Miss Helen Todd, for years a factory inspector in Chicago, reports their novel and surprising attitude.

We must turn to some one other than the statistician to learn why children work, and what the effect of this work is upon them. I am a factory inspector. If being a factory inspector is to you merely a political job, you will learn little or nothing from the children. You are to them an official, a creature with a policeman’s star, who decoys you into telling the truth as to your age and the number of hours you work, in order to make your boss “holler on you,” your mother weep because of you, and a large, cross man called a judge to take away your job. Fortunately, at fourteen boys and girls are still children. They still have a psychic power of feeling at once the magnetism of people who care for them. None can be worse judges of character, as a whole, than children. One and only one thing they know and value, and that is, if you love them. If you do, you may learn a little of how things really seem to the wage-earning child.

My first years of factory inspection gave me a longing to resign and go where I might never see a factory again. A civilized person can hardly face the reality of child labor without doubting the very value of life itself.

Out of eight hundred wage-earning children whom I questioned, in three hundred and eighty-one cases the cause of the child’s working was the death of the father through some industrial accident, or his sickness from some industrial disease contracted in the course of his work. In twenty-eight cases the father had been killed
CHILD LABOR

outright. In six out of these twenty-eight, there had been some slight compensation given by the employers to the family; but in three of these cases the compensation consisted only in paying the doctor’s bill and the funeral expenses.

In the other twenty-two cases the man’s death came under the Assumption of Risk, Contributory Negligence, or the Fellow Servant clause, which prevented the families of the men from collecting any damages, unless they took it through a long court process which they were unable to afford.

Ask any twenty children in a factory the question: “Why are you working?” The answers will show you that a great part of child labor comes from the premature death or disability of the father through industrial accident or disease, or the unemployment of the father through being engaged in an industry which occupies its people only a portion of the year, at low wages.

Over and over again, in answer to the question, “What does your father do?” the reply is, “He’s sick;” and the same story unfolds in every factory from most of the children you question: “He’s got the brass chills;” “He’s got consumption;” “He’s got blood-poisoning;” “He’s paralyzed;” “He can’t use his hands;” “He works in a foundry, and the cupola burst, and he got burned;” “A rail fell on his foot, and it’s smashed;” “He’s dead—he got killed.” He worked in the steel mills, or the stock-yards, or on the railroad, and the engine ran over him; he was burned with molten metal, or crushed by falling beams, or maimed by an explosion.

These stories, told in the soft voices of little children, are endless. To the question, “Did your mother get any money from the company?” the answer is almost invariably, “No,” or a shake of the small head, the child not caring to take enough strength from its work even to speak; and when you ask, “How many children are there besides you?” the numbers usually range from five to
seven. And when you say, "How many are there of
you who are working?" the answer is sometimes one,
sometimes two, seldom more; and often, without looking
up, the child answers: "My mother she works, and me."
"And how much does your mother make?" She makes
eighteen cents an hour, scrubbing downtown. "And
how much do you make?" "I make six cents a thou­
sand, pasting on cigar bands." "And can you and your
mother earn enough money to take care of the family?"
"Yes, ma'am," she answers; "we gotta."

There can be no doubt that the average healthy life
of the father of the child worker ends at forty or forty­
five. Coming here as an out-of-door peasant, unused
to our climate, to our machinery, to our highly specialized
and speeded-up industries, his health is rapidly under­
mined by the long hours of labor and the extremes of
heat and wet and cold, the lack of any protection from
occupational disease, combined with insanitary housing,
isanitary factories, and insufficient and adulterated
food.

As the man cannot get proper food or air or rest,
drink is the quickest means to drive away hunger and
exhaustion and supply the necessary energy for heavy
work. Young and strong, he can stand the pace set by
the machine, and keep himself and his family above the
poverty line while the children are little; but by the time
the oldest is about fourteen, his only capital, his physical
strength, begins to wane. Some day, when he leaves the
foundry, after from twelve to fourteen hours' work over
red-hot sand-pits, at sixteen cents an hour, an icy chill
stabs through his lungs as he comes out into the winter
air. So the family goes over the poverty line; the man
either dies or comes through broken and weakened; and
the children fall into the struggling, suffering, tumul­
tuous mass at the very foot of the ladder.

I once asked the head of one of our largest foundries
how much he paid unskilled help. "Sixteen cents an
hour," he replied. "Can they save anything on that?" I asked. "No," he answered; "they cannot." "What do they do, then, when you have to shut down for months, as you did last year?" "Well," he answered, "as far as I can make out, the women and the children support the entire family. Those Poles can live on almost nothing. Sausage, and three loaves of stale bread for five cents, is their staple." "How many hours," I asked, "do they work?" "Oh, from twelve to fourteen," he answered; "they're glad enough to get work." "How long do they last?" "Well," he said, "they're no good after forty-five."

"But," he continued, "you ought to see those Polish women and children work when they're put to it. Why, a woman and a half-grown girl will feed the whole family, and the man too. The stock-yards are full of them. Ever seen that box factory in the next block? It's worth seeing. Go into one of those rooms, and you'd think you were in the fourth grade of a Polish school. If it wasn't for the wages of the children and their mothers, the families would never pull through."

The child of the working class represents the human rubbish-pile, the waste material of the industrial world. In our age of efficiency, the horns and the hoofs of cattle, the bristles of the pig, the tar from coal, scraps of iron, of meat and paper, all the waste products of industry are being utilized.

The working people have for a long time possessed an unsuspected mine of wealth. They have, through ignorance, large families of children beyond their earning power to rear; and now the economic waste material these children represent is being utilized. All that is needed to make an iron and steel machine perfect in its money-making power is the addition of a human cog. A child will do as well for this human cog as a man, and so a use has been found for the children of the working
people. As commercial waste products they are the source of some of our largest fortunes.

The commercial system could not bring things to this pass if the parents understood.

A child was working and coughing in the dust-filled air of a lumber-mill which I inspected, and, although I stood close to him and shouted, my voice was drowned in the roar of the machinery, and he continued to work, feeding a gleaming, carnivorous-looking rip-saw with pieces of wood with automaton-like regularity; and as I waited, afraid to startle him while his hands were in reach of those jagged teeth, another fit of inaudible coughing shook his thin body and brought the sweat out on his face.

I sought out a big, muscular Swede who was evidently in charge of the mill. "Tell that child, the one over there, to come into the office. I want to talk to him," I shouted, my lips close to his ear. The man looked bewildered, and I saw his lips move. He shook his head, pointing to the machines to indicate that he could not hear. I motioned him to follow me, and, when I had again reached the boy, indicated that I wanted to speak to him. The boss reached up and pulled a lever above the child's head, and the great circular saw slowed down reluctantly, gleaming and leaping with life. It stood still, and the small, stoop-shouldered child who ran it turned toward me with a dazed look, brushing the dust from his hair and listless, yellowish face with his thin hands. In the office the child stood before me, stooped and passive, covered with dust, looking at nothing, apparently thinking of nothing.

All my stock of little jokes and playful remarks died within me as I looked at him. I could not imagine him smiling or his eyes lighting up. He seemed the very gray breath of weariness. "Sit down," I said. "What is your name?" "Adolph Jenson." "How old are you, Adolph?" "'Bout fifteen." "When did you begin to
work?” “I don’ know.” “How old were you when you started to work?” ’Bout thirteen, I guess.” “When do you come to work in the morning?” No answer. “Listen, Adolph. What time must you start to work?” ’Bout six-thirty.” “Six-thirty! Where do you live?” “1430 Larrabee Street.” “Why, that’s ’way out north. What time do you get up?” No answer. “Adolph, what time do you get up, dear?” ’Bout five.” “When do you stop work?” “Six o’clock.” “Do you have an hour for lunch?” “Yes’m.” “Do you ever play?” “No’m.” “What do you do at night?” He seemed not to hear. His loose, dusty clothes hung about him in shapeless lines, and he sat with his eyes fixed on the floor. “What do you do evenings, Adolph?” I insisted. He raised his dull eyes. “I go to night school,” he said, and dropped them again. “Do you like to work?” He shook his head. “Do you like school?” I put my hand on his arm to rouse him. He shook his head again. “Do you ever play with the other boys—ball or anything?” “No.” “How long have you had that cough?” “I don’t know.”

The office door opened, letting in the roar of the factory and the shriek of the saws through the wood as the manager came in. “How are you getting on with the kid?” he said good-naturedly. “This child is working eleven hours instead of eight, which is a violation of the child labor law. He is working on dangerous machinery, which is another violation. And” I added, “he is sick.”

The man regarded me as one would look down upon an unreasonable pigmy. “You’re all on the wrong track, Inspector!” he said. “I don’t employ that boy. There ain’t no violation. That’s my own boy, working here without pay, learning the business. Only boy I got; all the rest’s girls. D’ye think I wouldn’t take care of him? Don’t I send him to night school every night, to learn him so he will get educated? Don’t his mother cook him everything he wants to eat? Ain’t he got a bedroom with a
stove in it? Ain't I worked up and bought out this business as much fer him as fer me? Why, I own this here place, and he's my boy! Me and him'll be partners when he grows up and when I'm dead and gone he'll be boss over his own men, 'stead of workin' his liver out for 'em."

I gazed at the big Swede. "Your own child!" I said. "You're the proprietor of this factory, and that's your child? Is he"—turning to the dreary little wreck in the chair—"is that man your father?"

The child looked at him. "Yes."

"And he works in this place from six-thirty in the morning till six at night, and all day Saturday, and has done this ever since he was thirteen? Your own little boy? Why," I said, standing up, "why have you done this to him?"

Something in my tone penetrated the peasant mind of the father, and roused him. "See here," he said, with a sort of grave dignity, "work don't hurt nobody. Look at me. I started work in the old country when I was a baby, and I ain't never been sick a day. Used to tend the ducks, up in Sweden, when I was five years old. Bound out to a farmer when I was ten—feedin' stock and doin' chores. Slept in the barn; never had enough to eat, or decent clo's or shoes. Hauled gravel when I got older, and earned forty cents a day. Used to sleep in the barn at night, aching from head to foot from shovel-in' dirt all day. Colder'n Greenland I was, an' hungrier'n a wolf.

"I just made up my mind, after I came to America and my boy was born, that he should have an inside job out of the cold and rain, and a warm bedroom and a bed. None of your day laborers fer him, breakin' his back fer other folks. Why, all he has to do is to stand there and feed that rip-saw. That ain't work. It's just play. And I'm learnin' him the business. He'll own this factory when I'm dead and gone."
"Mr. Jenson," I said, a great pity for the man forcing me to speak, "your boy is sick. Now, here's the address of the doctor that can cure him, if anybody can. To-morrow's Saturday. Won't you take him there to-morrow morning? It won't cost you anything. Just look at him," pointing at the child in the chair. "Can't you see there's something the matter with him?"

The man fumbled at the card with his big hand, staring at the child and back again at the card, an undefined fear showing in his face. "His mother's been pesterin' me, too," he muttered. "She says the boy don't eat nothin'. Yes, if you say this doctor's all right, I'll take him over there to-morrow." . . .

"There's a man been waiting here to see you all the afternoon," they told me at the office, Monday; and, turning, I saw Mr. Jenson sitting on the bench at the door, his big hands resting idly on his knees, his eyes, strained and bloodshot, staring at the opposite wall, so sunk in wretched, anguished thought that I had passed in front of him without his seeing me. He lifted his huge body heavily from the seat, and looked down at me, pulling at his beard with thick, trembling fingers. "Adolph's got the tuberculosis," he told me. "The doctor he says as Adolph would 'a' kept well if he'd had to sleep in a barn and shovel gravel like me. The doctor he says it's the learnin' and machinery that's give Adolph this here tuberculosis. The doctor he says as everything I've been doin' fer Adolph has been bad fer him. I can't understand what he means!" the man cried, breathing hard in his suffering. "The doctor he says my Adolph's sick, and he must go up in the pine woods and live in a shanty, and keep outdoors in the cold, and have the wind blowin' on him from the windows. I—that's got up in the night to keep the fire in the stove, so's his room would be warm—I've got to send him up there, or the doctor says he'll die. I can't understand him. When he talks I don't know what he means. I want to ask you if
you’ll listen to him, and find out what he means, and
tell me so’s I can understand.”

He fixed his eyes, full of dumb suffering, on me.
“You was mad about his tendin’ that rip-saw,” he said,
“but you know I’d do anythin’ for Adolph. And his
mother—” He turned and, pulling his hat down over
his face, pushed open the door and went out.

It was too late to do anything for the boy, the doc­
tor told me.

“I was sorry for that poor old Swede father,” he
added. “He was like a whale with a harpoon through
him, around here in the office, when he finally understood
the boy had consumption and might not live. Kept tell­
ing how he’d never let the boy work outdoors or bum in
the streets, and was bringing him up to own a factory.”

“That’s the trouble. The parents have no conception
of any work being hard, except that which requires sheer
brute force. Cold, hunger, exposure, blows, and heavy
manual toil—that’s all they understand.”

That night I read in Thomas Oliver’s “Diseases of
Occupation” these lines, which sum up the reason why
labor was fostered by the ignorance of the working
people, by paternal greed and poverty, and was en­
couraged by employers.”

The disease of child labor seemed to have similar
sources in all countries. Was there any panacea for it?
I wondered. What future was it making for America?

In 1909 I took five hundred children out of over twen­
ty different factories in all parts of Chicago, and asked
them this question: “If your father had a good job and
you didn’t have to work, which would you rather do—go
to school or work in a factory?” Of five hundred chil­
dren between the ages of fourteen and sixteen, four
hundred and twelve said they would rather work in a
factory than go to school. These astonishing and un­
looked-for statistics bewildered me.
CHILD LABOR

I wrote down their reasons as they gave them to me:

Because you get paid for what you do in a factory.

Because it's easier to work in a factory than 'tis to learn in school.

You never understands what they tells you in school, and you can learn right off to do things in a factory.

They ain't always pickin' on you because you don't know things in a factory.

You can't never do t'ings right in school:

The boss he never hits yer, er slaps yer face, er pulls yer ears, er makes yer stay in at recess.

It's so hard to learn.

I don't like to learn.

I couldn't learn.

The children don't holler at ye and call ye a Christ-killer in a factory.

They don't call ye a Dago.

They're good to you at home when you earn money.

You can eat sittin' down, when youse work.

You can go to the nickel show.

You don't have to work so hard at night when you get home.

Yer folks don't hit ye so much.

You can buy shoes for the baby.

You can give your mother yer pay envelop.

What ye learn in school ain't no good. Ye git paid just as much in the factory if ye never was there. Our boss he never went to school.

That boy can't speak English, and he gets six dollars. I only get four dollars, and I've been through the sixth grade.

When my brother is fourteen, I'm going to get him a job here. Then, my mother says, we'll take the baby out of the 'Sylum for the Half Orphans.

School ain't no good. When you works a whole month at school, the teacher she gives you a card to take home that says how you ain't any good. And yer folks hollers on yer an' hits yer.

Oncet I worked in a night school in the Settlement, an' in the day school too. Gee, I humped myself. I got three cards
with "excellent" on 'em. An' they never did me no good. My mother she kept 'em in the Bible, an' they never did her no good, neither. They ain't like a pay envelop.

School ain't no good. The Holy Father he can send ye to hell, and the boss he can take away yer job er raise yer pay. The teacher she can't do nothing.

To paste thousands of labels, strip mounds of tobacco, make quantities of buttonholes, requires no education that a school gives.

A boy or a girl who at the price of much sacrifice has passed the eighth grade, gets the same wages as a child who signs his name with a cross. And to these children, and to their parents, the object of education is to help you earn money.

A report card makes no change in the family fortunes or in the child's environment. Two plus two may be four; but the baby has no milk, the child has no shoes, and the house is cold, even when he has figured and read and written for a month. But two hands of tobacco stripped is four cents, and four times ten is forty, and when you bring home a pay envelop with $2.40 in it at the end of the week, not only your immediate environment, but that of the baby, the mother and father, and the five other children is immediately affected. No wonder that to exchange the pay envelop for a report card seems a poor bargain to the child who works.

Also, the children fear and dread corporal punishment. Inspecting in the stock-yards one day, I literally stumbled over a little creature who, on being brought to the surface and into the light of the office, proved to be not yet fourteen. His father was laid up with inflammatory rheumatism, and the child had been given a job out of pity, to help the family.

Upon being told that he was not old enough to work, and must go to school, he took his pay envelop and crawled behind a large pile of dusty wrapping-paper and boards in the corner of the room. When we had removed his barrier, piece by piece, in order to reach him, we
found him pressed close against the wall, weeping miserably.

As I walked home with him, I asked him:

"Don't you like to go to school?"
"No," he answered; "I want my job," and began weeping afresh.

"What," I said in despair, remembering the dark, damp basement in which I had found him, "what is it you like so much about your job?"
"The boss," he answered, "don't never hit me."
"Did they hit you at school?"
"Yes."
"What for?"
"They hits ye if ye don't learn, and they hits ye if ye whisper, and they hits ye if ye have string in yer pocket, and they hits ye if yer seat squeaks, and they hits ye if ye scrape yer feet, and they hits ye if ye don't stan' up in time, and they hits ye if yer late, and they hits ye if ye forget the page."

His voice trailed off into silence, and he stood before me with bent head, his face glazed with weeping, at bay, like one of his own little stock-yard sheep being driven down into the shambles.

Out of some eight hundred children questioned, two hundred and sixty-nine gave as their one reason for preferring a factory to school, that they were not hit there.

What the working children need is what all children need, but these especially—love from some one who has the time and intelligence to love, work from some one who knows what kind of work will be most possible and useful to them; but, above all, play, music, stories, pictures, and the personality of a teacher who is joyful, tender, intelligent. Discomfort, anxiety, and privation make their faces old at ten years. They stand, little shabby creatures, between the mockery of what our civilization has made of their homes, and the wreckage that machinery and speeded-up industry will make of their lives. Meantime, there is our school here. Would it not be possible to adapt this child of foreign peasants less to education, and adapt education more to the child?
reach into the home and console and protect and cooperate with him better than we do?

Nothing that a factory sets them to do is so hard, so terrifying, as learning. This ought not to be so; but these rusty, heavy little minds, the product of generations of child labor, need a kind of education that we do not give. We do not make our education fit their psychology, their traditions, their environment or inheritance. The result is, we lose them. Do not think that that little Polish or Lithuanian child who sits stupid and dumb at his desk, conscious that he is the biggest child in the room, is not suffering; for he is experiencing an agony of weariness, bewilderment, and sense of failure that makes the nearest paper-box factory, where he feels that he is of some use, a haven of refuge. He has never been especially clean or petted, but he has always been useful. From the time that he could stand on a chair and wipe dishes, there has been more than enough for him to do. Take from him at school his one asset of usefulness, and his self-respect goes with it, only to return with his working certificate and his first week's pay envelop.

One August afternoon I climbed the long flights of stairs of a factory in Lake Street. The agent of a leather company on the floor next to the top said:

We haven't any children here. Can't use them in our business. But I wish your office would get after that place upstairs. There's a lot of children there. It's some sort of business where they lacquer canes; and what with the smell of the stuff they use, and the heat of that drying-furnace they've got there going full blast in the same room, it's a tough proposition, especially as in these old buildings, which were built for storage-houses, there are only windows at the ends and you can't get any air. You have to burn gas all day to see. But we had to tell the man who runs it to put up a sign saying, "No more children wanted." They were running upstairs as thick as ants, getting in here by mistake, and pestering us to death, wanting a job. It beats all, what gets into children to want to work in a place like that. It can't be the money—they don't earn enough. Seems as if they were all just naturally crazy for a chance to work.
Upstairs, in the long, low, attic of the building, the heat was intense. The gas burned yellow in the turpentine-filled air; three windows at the far ends of the long, dark room were the only means of light or ventilation. A big cement furnace at one end was making intolerable the already oppressive August afternoon, besides sending out a nauseating odor of varnish and turpentine every time the oven door was opened to take out or put in the canes that were being lacquered.

Of the thirty-five people employed, fourteen were children between fourteen and fifteen years of age. They were all little girls, and were seated on stools around a large table. They were putting the last coat of varnish or lacquer on a cheap variety of men's canes, and as the canes went directly from their table to the drying-ovens, the children were seated as near to the furnace as it was humanly possible to endure, in order to save time in transportation.

The manager sharply said:

Who do you want to see, lady? Didn't you see "No Admission" on that door? We don't allow any visitors in here. Oh, the factory inspector. Well—glad to see you, Inspector. Hope you'll find everything all right here. We never employ a child under fourteen years or without a certificate. Short hours, from eight in the morning to five at night. Yes, it's hot here, but we got to keep the furnace going in our business. Yes, it smells bad to some people, but that smell's healthy when you get used to it. Go right ahead with your inspection, and you will find me in the office when you're through.

When I had finished my inspection of the room, I found an empty box, and drew it up to the table where the children were working, and sat down, wearied and depressed. "How can you stand it here, children?" I asked, wiping the dirt and perspiration from my face. "It's so hot. Don't your heads ache?" They stared at me shyly and did not answer. "Why don't you little girls go to school?"

"School!" cried one who had given her name as Tillie Isakowsky, aged fourteen years and three months, shak-
ing her head until her red bows trembled. "School is de fiercest t'ing youse kin come up against. Factories ain't no cinch, but schools is worst."

"Yees, ma'am—yees, ma'am," reiterated Bessie Oxenhelder, who was prodding me softly with her varnish-brush, in an agony of fear lest, even at my age, I might be decoyed into some school.

Yees, ma'am. Hear to me. Me, I works two, three, four, nine mont's for de Washin'ton schools. I will not to mind my baby, I will not to scrub my floor, I will not to wash de dish. I will to learn. My teacher she hollers on me that my hair it shall be wash, that my ear it shall be wash; that my under skin under my clo's, it shall be wash; and I hollers on my mudder. I slap my baby that she spit on my book. I kick my brudders in my bed, that they shall to lay still in the night, for I will to sleep to learn. My fader he gets a mad by dat Washin'-ton school, and take his pay envelop and go to de saloon. For why? For that I must to have a geogroffee; my teacher she hollers on me for those geogroffee, and I hollers on my mudder. I say I will kill myself in the lake if I become not a geogroffee book. My mudder she take the money off the pay envelop of de pants of my fader. He says, "You want I shall work on my empty belly," he say, "that youse kids shall loaf in a seat an' feed der head?" He break de dish, he hit my mudder, he go to the saloon. And what do I gets for all my works by dat Washin'ton man what bosses dose schools? Yous knows! Her eyes blazed. I gets a bad name, dat I eats up de crackers of the lunch of de kindergarten children. It's a lie. My mudder she buy me the work certificate off my cousin, who's sixteen and don't need it no more. I take dat certificate, I get me a job. I go no more to dose Washin'ton schools.

Marie Mamscalsco began shyly;

Once, in the first grade, I had a so beautiful teacher witb a silk waist and feathers in her hat, and when she went for to talk it was like when my brother he plays on de concertina. I feel for my teacher—a sweet passion stained red the pallor of her face—like—like I was dat teacher's mudder. I will to get my teacher's rubbers. I will to fetch my teacher's hat. I will to stan' by the street-car till she come. I will to have my seat in my school change. For why? For so I can touch with my hand my teacher's dress when she write on the blackboard.

Bessie Oxenholder said:

I never had by any teacher no such feelin's like dose.
But the spell of memory was on Marie, and she paid no attention. She laid down her cane softly, and, folding her stained little hands in her lap, murmured on, her clear, childish eyes fixed on mine:

She would not to stay by dat school. She say to me, my teacher say, "Ah, Maria, I must to go. This teachin' school, Maria," she say, "it kill my heart." But I make her a good-by party by my house, and she come to my house, and drink the wine and eat the cake in my house. And she give her hand to my fader and mudder and everybody in my house, and she say "good-by" and she smile. But when she kiss me good-by, I can to feel how my teacher's face it is all wet by tears for that she leave me.

Softened by these memories, Tillie Isakowsky repented of her violent onslaught on schools. "Some schools dey ain't so fierce as oders," she qualified, varnishing violently to make up for lost time. "Der is children what likes schools." Her eyes rested on Anna. "Dis new girl," she cried, "dis new girl der likes fer to go to school. She cries dat she can't to go to school. I seen her. Ain't it so what I say, Anna? Ain't it dat you cry for to go?"

My little girl, as I had called her to myself, the smallest and most lovable of them all, looked up with a quick, quivering smile, and bent her head over her work; and presently I saw on the front of her coarse gingham apron the round wet stains of her tears. "Her fader," shrilled the child next to her, "lady, her father he got killed. He—"

"Dont' talk about it," I said sharply, and, carrying my box around to the child's end of the table, sat down upon it beside her. For a moment her fingers, small and sticky with varnish, clutched my hands. Hot and trembling with fear, they closed over them with I know not what appeal in their grasp. All that men pray to be saved from and break their hearts over was in her touch. Then, from some obscure source, from I know not what depth of resignation and courage from which those who
labor draw endurance to go on, she leaned down, wiped her face on her underskirt, drew her hands out of mine, and bent over her work again, varnishing men's canes with the sweet, clumsy docility of a child.

Sit down by any child in a factory and talk to him; go from one to another; question them about the home and the family—how much the father earns, how many children there are, is he sick, is he dead, what killed him, why is he sick. They will answer you, and their answers will take you into their world. That great Hinterland of disorder and pain which lies back of our commercial system the children will reveal to you; and as you do the few superficial things an inspector in a political office can do, and turn away, is it to be wondered at that “What Shall It Profit?” appears to be written large above all the monstrous buildings and shrieking factories of Chicago?

CHILDREN IN INDUSTRY

One of the great tests for human civilization is its conception of the duration of the period of childhood. It is not a mere physiological fact that the human child takes longer to attain its growth than the young of any other known animal. We all know, of course, that the beginning of civilization, the very foundation upon which it rests, is the necessity for providing an adequate home and continuing family life for the care of the young for this long period of childhood. The recognition of the need of the permanent home is, however, not merely the primitive base of the family. It is the latest, as well as the oldest thing in civilization. I bring this truism up at this time because we are today trying to fix upon some basis for an immigration policy. We are talking about a test based upon the percentage of an alien population

---

now here as a substitute for a literacy rule and are discussing other difficult, clumsy propositions. It seems to me that the old test of civilization is still good when we are dealing with the desirability of races as immigrants to America. Suppose we ask when considering whether a given race will afford us the immigrant stock which we desire, what is the attitude of this race toward childhood? Does it believe in a short childhood, or, as we Americans do, in a long one? Does it believe that children are economic assets, to be exploited by their parents, or potential national assets, to be educated, given the advantages our institutions afford? A study of immigrant races by an investigation of what they do with their children, when they come here, would, I am convinced, furnish us with valuable data on which to establish an immigration policy. Races, which are not primarily interested in giving their children in America the best our country affords, are, I submit, in themselves poor stock and undesirable stock from our standpoint, when tested by the ancient standard to which I have referred. Children who are to be condemned to permanent inferiority in America through the tradition of their immigrant parents by having these children denied American privileges and opportunities intended for them will not be national assets in their own generation. We want stock which will improve as it grows. We do not want a permanent inferior class in America. An analysis of children in industry along these lines, would, as I have stated above, be exceedingly helpful in the formulation of an American policy. It would be helpful also on another line. It would make some of these alien races realize in a new sense the obligations of parenthood on American soil.

Despite good laws and free education about seventy-five thousand children leave school every year in this state to go to work under the age of sixteen—the majority of them armed with the minimum amount of education required by law, and at an age when conservation
of physical strength is essential to a normal physical and mental development.

Why are they in industry? At low wages—children are withdrawn from school to add to the family income. At high wages—children leave school to get them—and spend them. The parent, the child and the employer are co-partners in this exodus. Probably the greatest contributing factors are:

1. The type of public school instruction unsuited to the modern child.

2. The type of parent: (a) the foreign born, regarding his child as a monetary asset to be realized at the minimum working age—or earlier; (b) the native born, weakly yielding to the natural impulse of the child to venture out into life.

3. The type of employer who still demands child labor—witness recent effort of newspapers to lower the age limit of newsboys.

For many years, New York has concerned itself with enacting protective legislation as to compulsory education and the labor of children and has evolved laws which have served as the groundwork for similar laws in many states. But to what avail, unless with each new enactment there is an intensive educational propaganda to teach parents that, as President Harding recently said, our schools cannot succeed in their purpose unless parents cooperate with school authorities to hold the children within the gates.

We have fought to secure free education for the children of this state, from the elementary, through the grammar and the high school, and have extended the compulsory age from seven to sixteen years. Then we nullify the law and the best interest of the children by providing that they may voluntarily relinquish the benefit of a high school education if they elect to leave school at fourteen and go to work.

Is the delivery or messenger work, or the endless rep-
etition of a single process in a machine shop or factory educative by comparison? Is it to be expected that if in lieu of a course in trade or high school the child is turned out into industrial life at fourteen, he can reasonably be expected during those adolescent years to develop an industrial or social value to his employer, to society or to himself? Immature in judgment, unstable in purpose, undeveloped in physique—his employment is an industrial hazard, as the records of our State Compensation Bureau clearly show.

As against the threadbare argument that "hewers of wood and drawers of water" are foreordained and essential and should be released from school at the earliest possible moment to pursue those desirable careers, can we not urge that the school adopt a curriculum devised to meet the needs of our motor minded boys and girls and that these, who most need help to make any advance against the tide of competitive industry, be given their full need of intelligently adapted instruction?

An argument which has not received the consideration which its importance justifies in favor of continuing these so-called motor minded boys and girls in school and for affording a curriculum adequate to care for the needs also of backward children is contained in the Lewisonh Committee's Survey of Our State Prisons. The chapter on educational work in prisons in its printed report contains some startling figures, clearly showing the extent to which our prison population is made up of prisoners who had too little education, the wrong kind of education, or no education, and who were sent out into industry at the earliest possible moment. For example, a chart gives the age on leaving school of twelve hundred and ninety-five prisoners taken at random and whose educational records were carefully examined. Of these prisoners, over 45 per cent left school at or before attaining the age of fourteen. The prisons are full of what teachers call retarded pupils. The retardation chart
of these prisoners also contained in this report clearly shows this: More than three out of four were retarded by one year or more when they left school. As the report says: "Every means available should be brought to bear upon the removal of the causes of retardation of backward pupils, for ignorance and crime have an indubitable relationship." If the state is made to understand that just in so far as it neglects its duty to the backward child, permits him to be thrust into industry untrained and handicapped by lack of proper education, it is building up a prison population, the sooner these problems will receive the attention which they deserve.

We have laws a plenty—but an occasional amendment based on advancing standards may be desirable, and this permissive power of release from school at the volition of either parent or child should be changed to prohibit such release under sixteen years of age, the resultant cases of financial hardship to be met by a system of state scholarship, publicly administered. It ought not to be possible for a child of fourteen or fifteen to decide that his present education will meet his future needs—above all it should be made impossible for an able-bodied parent to deliberately ignore his responsibility for parental support and withdraw his child from school solely because of its money earning capacity.

Some principals, to their eternal credit, refuse to grant a school record to a child who seeks release from school until, in an interview with the parent, every argument against taking the child out of school has been exhausted. Over and over again they have succeeded in gaining a respite of at least one year more of education, and not infrequently have forced a reluctant consent to a course in high school.

On the physical side of the question, figures are not lacking to show that all too many children enter industry with a physique below par and marry with serious physical defects. Although an overwhelming majority of lo-
Health officers report a clean bill of health in children examined by them for working papers, the fact that in Manhattan alone five thousand children a year have their permits withheld until physical defects are remedied, indicates that a large percentage of school children have these defects and that many health officers are permitting them to pass unnoted and uncorrected—handicapping the child at the outset of his industrial life. A reference to the national quota of physical rejects in the draft, 30 per cent, is warranted, if we recall the statement that a majority of these defects which renders the 30 per cent unfit for service, could have been cured in boyhood.

Since we still have children in industry—an unfortunate premise—shall we not demand in their behalf

a. A full measure of educational opportunity based on an intelligent, diversified and flexible curriculum.

b. A high standard of physical fitness with clinical and curative facilities sufficient to meet the need.

c. A systematic “follow up” of children at work.

d. A campaign of interpretation of the real meaning of compulsory and child labor laws to the parent, to the child and to the employer.

This latter recommendation can receive no better endorsement and fulfilment than through agencies already at work in the homes of the people, as child welfare boards, public health nurses, relief agencies, etc. The utter folly of permitting children—especially in times of unemployment—to compete with thousands of adults for hundreds of jobs, requires no argument.

The war taught us how to appraise and how to reckon with “undesirable enemy aliens.” How shall we appraise and what reckoning shall be meted out to the undesirable citizen who impedes state and national progress by spurning adequate education for his offspring, who menaces public health by the premature exploitation of his child?

Americanization will have failed in its aim if it fails to convince these strangers in our midst that the inalien-
able right to life, liberty and the pursuit of happiness is a constitutional right conferred, not alone upon the man seeking naturalization but upon every member of his family down to the newborn child, and that any attempt on his part to infringe upon this right will be summarily dealt with by a fearless judiciary backed by a public determined that laws framed to secure for every child equal opportunities for education, recreation and health, shall be maintained.

And what of us who have helped to develop these standards? Is the communal conscience asleep? We have "meant well, tried a little, failed much." With a little more thought, much more effort, plus the driving power of united public opinion, this conference should be able to embody in its next year's program a paper on "The Child That Was in Industry."

RELATION OF THE SCHOOL TO OCCUPATIONAL LIFE

Associating my topic with the general subject of the meeting, it appears that my function is to point out the negative nature of this combination—the relation of the school to occupational life. We need first to define child labor, then to discuss the kind of educational opportunity we think children need, and then to try to relate the two. First, we distinguish rather sharply between child labor and children's work. Let it be understood that opponents of child labor do not advocate idleness. To say that society has no suitable tasks for little children, which shall develop their bodies, stimulate their minds, kindle their imaginations, clarify their moral conception and develop their esthetic nature, is to confess our own intellectual barrenness and the sterility of our modern industrial organization.

Our confession is not usually so frank. On the other hand, society condones a recognized system of exposure of children to labor by avowing that many children have to work, that family poverty must be recognized, that in their section of the country the evil is much less extensive than elsewhere, that in their locality it is not an evil but a great educational force, that most of the children who work are foreigners and are better off than they would be in their native country, or that they are negroes. The net result of our general condemnation of child labor, minus our specific defense of it is an army of child workers—over a million in number—in whose case it doesn't matter very much what kind of school system we have in America, for they get none of it. These children are not the casual employees, the chore boys, and errand girls who add useful tasks to their school days. They are not in school; they are at work; this is their daily experience. The only other duties they perform besides work are eating and sleeping. Let us get this straight.

These children are employed in manufacturing and mechanical pursuits, in coal-mining and quarrying, commerce and transportation, in city street trades, tenement home manufacturing, domestic service, and agricultural pursuits. Their hours of labor vary from eight a day, in states having the most advanced restrictions, to ten, twelve or more. In many occupations no restrictions of hours give them any protection from a day limited only by utter exhaustion or the demands of the industry itself.

No effective regulation of employment of children in tenement homes exists anywhere. The employment of children in street trades is theoretically regulated in a number of states, but nowhere, to our knowledge, with an effective administration backed by public support. Mr. Bruce Watson of the Pennsylvania committee has aptly said that one result of the legislative war on child labor has been to bring it into secrecy and develop a
system of industrial bootlegging. And no state has recognized the needs of the child in agricultural labor to the extent of furnishing a law with reasonable regulation of hours and with an administration that would be effective.

All our discussion of vocational education, manual training and apprenticeship systems, of work-study-play curricula, etc., are entirely beside the mark when it comes to a consideration of the overwhelming majority of these million children of whom we are now speaking.

We cannot dismiss this discussion, however, by the flat declaration that the kind of school does not matter, for it is obvious that one of the most potent agencies in the cure of the evil against which we have here complained is the school itself. The nature of our educational institutions, therefore—the curriculum, the physical equipment, the administration of school attendance, the quality and training of teachers—all are of vital importance.

Second, we should like to urge, therefore, that in order to appeal to a part of this army of a million child laborers to get them into school and in order to hold those who are already in school, as well as to serve a fundamental function in the development of our American democracy, certain considerations should be involved in any program for improving or extending our school system. We offer the following suggestions: (a) that the school building and school premises should be safe, comfortable, attractive, convenient, and the highest achievement of safety and sanitary science thus far realized should be made applicable to every school building in which children are detained; (b) that the education of the whole child should be the goal, not merely the pouring into his mind of certain lessons drawn from abstract fields, but the linking of his whole being to life and its problems; (c) that the whole atmosphere of the school should be inspiring for children need enthusiasm, and the
studied methods by which this is crushed in many localities are perhaps quite as responsible for the breaking away of childhood from what would ultimately result in substantial development as are the attractions on the outside that tend to pull the child away; (d) that education should be American and by this we are not urging that our children should be taught to talk like the king of England or look like the Pilgrim fathers; we are urging that old-fashioned principle of Americanism, so feared by a multitude of our modern 1920-proof Americans, but so precious to men of the type of Washington, Adams, Jefferson, and Madison—the right to freedom. We should not only have the courage to think for ourselves, but we should grant to children the right to think for themselves; (e) that we recognize the importance of an instructed public. Obviously the race is still too ignorant, American with the rest. And there is real point in the argument that children should be taught to do something useful so that in later life they will not be devoid of a method by which to maintain themselves and to care for those who will later become dependent on them. We do not belittle this claim. But it should be borne in mind that the teaching of the child to do his own thinking, to use the facilities of what we rightfully call our system of English education, to learn to use the tools of expression—the ability to read, to write, to communicate with past ages and with our contemporaries—are also of prime importance. On the other hand, we should like to see the entire curriculum for all the children of school age shot through and through with vocational significance, not primarily for the purpose of teaching these children how to earn money by engaging in one or another vocation, but for the main purpose of giving them an appreciation of the methods by which the human race has maintained itself on the earth in past ages and is likely to take its next steps forward. To learn to think, to develop vision, to develop social appreciation—these are the greatest tasks
before the educational forces of our country, and these, curiously enough, are the tasks most likely to stimulate a spirit of cooperation on the part of the children themselves and win multitudes of those we have neither been able to drive or frighten.

Third, granting all these improvements in our educational system which we have urged, the question still remains how to connect the two, how to relate the American school to our army of child laborers. We simply urge that education shall be democratic. By this we mean that it shall be available to every child within our boundaries. Such a statement sounds terribly obvious! But it lives thus far only in theory. The oft-repeated assurance that a liberal education is available for every child is not only a stupid distortion of the facts but is a flagrant insult to multitudes of ignorant children who have no way of combating its insidious counsels or are unconscious of the actual facts. There are multitudes of children in this country who have no available opportunity to participate in the advantages offered by our school system.

Education must be undertaken as a national enterprise. The theory that our government has no right to intervene in the interest of an enlightened citizenry is as unsound as an objection to a state compulsory school-attendance law.

If a local community has the right to invade a private home to compel children to go to school; if a county has the right thus to invade a community, and if a state has the right to thus invade a county, then the government of the United States has a right to invade a state if that state fails or refuses to produce its quota of educated citizens. There is no escape from this logic. If this means a Federal appropriation of funds to encourage educational improvements, we must face the issue. No money can be more safely invested than in the training of American children for life.
Considerable uneasiness has recently been expressed by the mounting costs of education, especially college education. We are told that too many youths go to college who have no place there. Granted! But it is also true that too many youths are denied even a look-in who ought to be there and who would make fabulous social returns on the investment if they were there. But we are not here discussing college education. We are down on lower levels. We have heard no complaint that too many children are in the grades or in the high schools. On the other hand, our census schedules teem with the unschooled of school age. In 1920 the following children between seven and fifteen years of age were not in school:

Alabama, 108,443; Florida, 33,534; Louisiana, 102,387; Massachusetts, 50,934; Mississippi, 86,873; New York, 140,565; Pennsylvania, 129,633; Rhode Island, 11,663; North Carolina, 86,647; Texas, 169,556.

This census shows a total of 1,437,783 children from seven to thirteen years old out of school, and 2,221,364 between seven and fifteen out of school.

These children are for the most part child laborers, although the census unhappily did not discover them. Imagine a census of child labor in agriculture gathered in January! It will be noticed that the point at which child labor is most prevalent is precisely the point where our educational system most completely falls down; viz., in our rural communities.

This is partly due to our inadequate system of rural schools: a school house which is an architectural miscarriage, erected on a little spot of desert; a curriculum built in the city; a teaching force without normal training and hired at less than a janitor's pay; an attendance department which is a neighborhood joke and is adjusted to the exigencies of local industry; and a school board made up of the three leading citizens with three duties to perform: to keep the school house in as poor repair
as possible without having it fall down on the children, which would cost more; to protect the curriculum from change; and to keep the teacher's salary down. This is the combination the rural child laborer has to break if he is to break into the world of education.

The effects of this impoverished system of rural school life are beginning to be felt by our educational statesmen and to be met by the modernized departments, etc.

Unless we hasten this program, we face the depopulation of our rural communities by the enterprising type of pioneering idealists who have laid the most substantial foundation of our national greatness. Serious attention to rural needs which shall make farming both profitable and attractive is vital to the solution of both the problem of child labor and the problem of education.

Indeed, it is only when we come to recognize that the welfare of the child both as a citizen and as a factor in our social and industrial future is the one desideratum that we shall develop such a comprehensive program of child welfare as shall guarantee both the emancipation of our child laborers on the one hand and the emancipation of our educational system on the other.

POVERTY AND CHILD WORK

The war and its settlement, on the one hand, and the succeeding reaction toward individual profit and pleasure, on the other, make it easy for us to become forgetful of some of the most valuable results of many years of effort and struggle. There are not wanting indications that society has become somewhat indifferent to the existence of child labor, though the social danger is as real as it ever was. And because there is still in many minds some confusion over certain aspects of the problem, there

is reason to draw attention again to the social responsibility which the situation involves.

The industrial system does not call for skill alone; it also clears a path for the unskilled. Specialization, while sometimes meaning a definite kind of training, taking time to acquire, often involves the breaking up of occupations into simple operations for which neither training nor skill is needed. The result is to open forms of industry to children and to youth without apprenticeship, as well as to adults who have no skill. And the great increase in volume of such unskilled workers makes the wages low and the conditions surrounding work more careless and less human. America even more than Europe has been flooded with a vast oversupply of cheap labor without skill whose work is the result of an extraordinary subdivision and simplification of industrial processes through the use of machinery. The occupational distribution of labor is bad, and the consequence is seen in inadequate wages, in an increasing insecurity of employment, and in the pathetic stream of child workers.

The cheapest thing in the world is a child; and yet the ends of life are realized only through the upbuilding of childhood. Coming with the factory system, as machinery has divided work into specialized and minute forms, each detached from its neighbor, the growth of child labor with the growth of the opportunities for it has at last claimed the attention of mankind. By direct legislation some of the worst conditions have been met, but still in the United States we have a large number—perhaps two million—of our children under fifteen years of age earning their living day by day.

Together with this recognized fact we have become conscious, as industries have forsaken the home and have gathered in factories, that the home does not train children as workers, and therefore the school must be counted upon to do this work. Hence the demand that the school should prepare for industry. But over against
this vocational demand upon the school is the fact that children are not in the school, but in large numbers are at work in the industries at the age when the school should claim them. The possibilities of progress are wrapped up in the holding of growing children under the influences of the better factors of civilization for longer and longer periods as these factors become more complex and varied. It is this which, as Fiske pointed out, constitutes the meaning of the prolonged infancy of children as compared with the lower animals, though we recognize that children must in time enter the world of work. Children need the school to mediate and direct their experiences in relation to the social heritage of the race; they need the school also as the means of directly and healthfully relating them to the world of work. But something seems to stand in the way of the school performing this task. In part it is the failure of the school to see its real social function; but in even greater part it is the vast background of poverty which dominates the lives of men. This it is which stands out as after all the most vital fact in the relation of childhood and youth to the problem of labor; and this must be faced as we ask the question, is it possible to keep children under the better social influences of the school, while at the same time they are being prepared for their later work life?

Two doors are open to childhood; one is a wage of a few dollars a week; the other is the life of the school. Unfortunately the school life is none too successful a competitor with the small weekly earnings. The problem evidently points in two directions; on the one hand it is a question of economic conditions; on the other it is a question of education. The heart of the problem from the educational side is the fact of the “blind alley” occupations, that is, the over-specialized and unmeaning of machinery. The heart of the problem viewed from pieces of work which have followed the increasing use the side of industry is the inadequacy of the family wage,
that is, the reality of poverty. The plain fact to be recognized is that the members of a family other than its head must work in order to live, since they are on the subsistence margin; and following closely upon it, is the further consideration that if this forces the young members of the family into industry, they enter specialized, unskilled, poorly paid jobs, leading to no other work of a better sort. Whether they enter industry from the fifth grade or the eighth grade or the tenth grade, they receive about the same wage; and no kind of school training can change this fact, since the jobs require neither training nor great strength nor maturity of judgment. In reporting her study of girls at work in Wilkes-Barre, Pennsylvania, Miss Atherton says, "The astonishing thing about the wage-scale is that it varies scarcely at all in proportion to the grade at which the girl left school."

The survey of the New York Educational Commission reaches the conclusion that possibly 5 per cent of children under sixteen enter occupations which have some future. What then can we look forward to for the remaining 95 per cent of those who, at too early an age, enter industry through the doorway of the hope-destroying unskilled life. To educate children for industrial vocations is wise if you have work for them in and through which they may develop. But to fit them into jobs which lead nowhere and which are so routine and mechanical as to fail entirely to arouse and hold the interest is the worst folly, and for children in the grades not much more than this is possible. The best the school can do in this dilemma, is to try to hold the youth in school till sixteen, and if possible, eighteen years of age, and thus to guide as many as possible away from these unskilled, monotonous pieces of work. Certainly it ought not to direct children to low-grade types of work that neither need nor ask for training, but should rather be warned against as a source of human destruction.
Meanwhile perhaps the most important work in the field of industrial education which the school can do is with the public rather than with the boy or girl. It is time that the adult world fully realized that children who begin work as so-called apprentices, ordinarily are not apprentices, because apprenticeship is dead. And it is dead because the organization of industry today has largely eliminated gradations of work. Instead of the stairway or ladder which every lad used to be encouraged to climb, with the hope of landing at the top, today we have the closed compartment system, no piece of work serving as a preparation for another. And the greater the quantity of cheap labor, the more complete and minute is this specialized compartment organization of industry. Cheap immigrant labor makes it; cheap woman labor extends it; and child labor intensifies it. What the school as well as every other educational agency ought to do is to insist that the system itself is wrong, is destructive, and involves the very overthrow of the educational value of work in relation to life. It is the sacrifice of life to machinery. What business has the school so to guide children as to perpetuate the system? Instead of the effort to fit children for such work, the great need is to make the industrial life fit for either children or their parents.

And so again we are forced back to the other phase of the problem. Here is the family with the wage of its male head less than sufficient to keep the family above the poverty line; and here are children in the family who may quickly earn a few dollars a week,—perhaps a third as much as the father can earn. The Massachusetts Bureau of the Statistics of Labor for 1912 reported that nearly five thousand children were engaged in manual work in that state (four hundred being under fourteen years of age); that three hundred and ninety-seven families show that the fathers did not earn enough to support their families, and that they were forced to
depend upon their children for from one-fourth to one-sixth of the total family wage. Three-fifths of the wage-earners of the state earned less than $7.50 per week. Similar facts were brought to light in the investigations of the Federal Immigration Commission, the New York Factory Investigation Commission, and other similar careful studies.

Thus it is not only a temptation by which the family is overcome, if the child is taken from the school to enter such a job; it is an imperious necessity. "The destruction of the poor is their poverty;" and the problems of child labor and child education are not isolated questions to be solved by a shift in the school system. The handicaps upon opportunity are so commonly poverty-bred that it may almost be said that the effort to provide opportunity must always end in being an effort to remove poverty. Vice is largely poverty; crime is largely poverty; drunkenness is poverty; sickness is poverty; ignorance is poverty. The great opportunity is therefore economic, except as we modify this statement by the recognition that education is a means of changing economic life, and so of extending opportunity. And yet here is society ordering and enforcing an educational standard upon its youth which involves a delay to their entrance into the economic life and entails an immediate burden upon the income of the family. If this standard is to function it evidently is a problem which society itself must face. The standard can have significance and reality only if it be economically possible, which is only to say in other words that the economic order of society must serve its social order as expressed in its standards. The school may well explain the social need of the standard, but society has in no way met and solved the problem by compelling school attendance and ordering the school to educate its youth.

As children are seen drifting into industry, and the problem of child labor with its degenerating consequences grows before our eyes as opportunity is denied,
it becomes necessary, therefore, to remember the all-pervading influence of poverty, and to recognize its relation to this problem. Usually it is poverty which, directly or indirectly, drives children to work; and this may be asserted in the face of published statistics which seem to show that children leave the school largely for other reasons. For the "other reasons" are in the main, at least indirectly, poverty reasons. They are commonly based upon the fact that no mere rearrangement of the educational activities of the school for individual children, can, by itself, change the work system of the world into which they must fit. They arise from a recognition of the fact that it is as easy to earn three dollars a week at the end of the fifth as the eighth grade. They are the lure of the prizes and pleasures with which poverty is dazzled as it passes them in the street. They are the numbered outcry of the restless longing of eager youth against the barrenness and grinding monotony of the poverty life. And too often they are the cry of the need which must disregard the future because it must face the bitter present; or they are an expression of the poverty-made ignorance which can see no farther than today and so cannot realize the problem of tomorrow. To be poor is to be without—outside—the wealth of comforts, of pleasures, of associations, of satisfactions, which, to the young especially, while not everything, make up so much of the values of the ordinary struggle of life. And so when children dropping from school, say that they do not really need to go to work, too often the background of family poverty is the true if not appreciated reason for their act.

It is time that we recognize that the school ought to keep children under preparation for skilled work and the larger life till eighteen years of age; and incidentally this might somewhat decrease the supply of poorly paid labor and so increase wages. It may be added that the most immediately hopeful educational experiment for
this purpose of socially directing the life of youth for so long a period, is the cooperative school which brings the industrial world and the school together in the attempt to relate young people to the processes of industry while surrounding them with the atmosphere of education. Under present conditions, with the weakening of the family as a child-protective agency, it is entirely unsafe to submit the child to a wage-contract system organized by individualist employers for their own profit. The supply of children is too great, their helplessness too apparent; and the result is their hopeless exploitation and destruction under the pretense of their apprenticeship as learners. But if, while they are studying the processes of industry in a real way, the school may become the foster-parent, it may furnish that protection which will make possible a real apprenticeship, so that to this abused word may be restored something of the idea of guardianship during the period of preparation for the industrial life. We have gone but a little way in working out this problem.

But at the same moment that we make this statement, we ought to recognize that this cannot be successfully accomplished in the face of the inadequate and insecure wages which control the lives of so large a proportion of American families. For all the factors of sickness, accident, unemployment, old age, desertion, widowhood, and ignorance which figure so monotonously in the statement of poverty, are but evidences of the utter incapacity of the poorer wage-earner so to adapt his life to industry as to give his children a larger and more valued opportunity.

Thus poverty is seen to be fundamental in the child labor problem. To meet child labor by educational plans alone must inevitably fail, since to abolish effectually such labor conditions society must not only be willing to permit the school to hold youth under its instruction to the age of eighteen years, while it makes possible a larger
understanding of the work of the world; it must also expect that the "blind alley" types of work shall be performed in the main by the aged or by machinery; and especially must it face the problem of the maintenance of a minimum and living wage as necessary to the abolition of the worst poverty. Thus and thus only can our society and our age bring something of the glory and beauty of the larger opportunity to the lives of working children.

WORKING CHILDREN OF BOSTON

This study appears to show that for the child workers who had definitely left school for industry the period between the date of leaving school and the sixteenth birthday was in nearly all cases almost, if not completely, wasted, and that for many it was worse than wasted. Equipped with at best only a rudimentary education and guided, except in rare instances, only by chance, these children were necessarily excluded by law from all trades involving the use of dangerous machinery, and by their own ignorance and inexperience from practically all other occupations which would offer them any opportunity to acquire either mental or manual skill. In the vast majority of cases even the little dexterity which they might have obtained in a position was soon lost because as they grew older they passed on from their children's tasks to entirely different occupations.

Thus, with no opportunity to acquire industrial experience of any real value, these children drifted about restlessly from one simple task or errand position to another, on the one hand often unemployed for long periods, and on the other hand frequently obliged to work excessively, and generally illegally, long hours or at night—all for wages which averaged only $16.68 a month.

1 From summary of a study made under the direction of the Children's Bureau by Helen Sumner Woodbury. Monthly Labor Review, 12: 59, January, 1921.
Permanently handicapped, in most cases for life, by an educational training inadequate either to make them adaptable to the changing industrial conditions of modern life, or to give them the background necessary for an understanding of the duties of citizenship, they were subjected also to positive damage from irregular habits of work, from labor unadapted to their needs and capacities, and from unsuitable associations and environments.

The problems here studied are those of practically all the larger cities of the United States, and the main facts shown, with only slight modifications due to local conditions, are probably as true of other cities as of Boston. Massachusetts, indeed, through its continuation school law, its law requiring evening school attendance of all minors who are unable to read or write English, its eight-hour law and other acts, has done more to improve conditions than most other states. Since the period of this study, moreover, Massachusetts has raised the educational requirement for employment under sixteen to completion of the sixth grade, has elaborated its certificate system, has made compulsory continuation school attendance state wide, and has made special efforts to enforce the physical requirements for an employment certificate. Nevertheless, although the degree of damage caused by employment is thus doubtless somewhat reduced, even a child who is in perfect health and has completed the sixth grade is very poorly equipped to assume the burdens of adult life.

PROGRESS IN CHILD LABOR LEGISLATION

The Committee on Standards of Living and Labor of the National Conference of Social Work, in 1912 included in its report the following standards relating to child labor: first, prohibition of all wage-earning occu-

1 From article by Raymond G. Fuller, Director of Publicity, National Child Labor Committee, New York, National Conference of Social Work Proceedings, 1923: 281-4.
pations for children under sixteen years; second, no minor under eighteen years to be employed in any dangerous occupations or in occupations which involve danger through fellow-workmen, or require use of explosives, poisonous gases, or other injurious ingredients; third; night work entirely prohibited for minors; fourth, an eight-hour day and six-day week for minors; fifth, factory production to be carried on in factories, this, of course, meaning the elimination of tenement homework, in which child labor plays so large a part.

None of these standards, in so sweeping a form, has been reached in the statutes of any state. They were, and still are, pretty high standards, measured from the standpoint of accomplishment. Nevertheless, in the last ten years, there have been great gains in the direction in which they point. Moreover, though the Committee on Standards of Living and Labor did not attempt a comprehensive statement of child labor standards, it may still be appropriate to say that great progress has been made since 1912 in the extension and improvement of child labor standards as standards. In that year the Uniform Child Labor Law was presented to the public. The principle followed in drafting it was to embody in the text the best provisions contained in the existing child labor laws of the several states. The draft law prohibited the employment of children under fourteen years in factories, stores, etc. The provision, as to factories was found at that time in the laws of twenty-one states. It is now found in all but three states, which are not industrial states, and one of which has a fourteen-year age minimum for girls and a twelve-year age minimum for boys. Only two states went above a fourteen-year age minimum for common industrial employment; now the list includes eight states, two of which prohibit employment under sixteen in “all gainful occupations,” with exceptions, while two prohibit under sixteen in specified occupations, including industrial employment.

The Uniform Law prohibited the employment of
CHILD LABOR

children under sixteen in occupations dangerous to life or limb, or injurious to health or morals, and under eighteen in certain extra-hazardous occupations. These provisions, which we cannot describe in detail, except to say that work in mines came under the sixteen-year age requirement, were based on various provisions found in the laws of twenty-one different states. Nearly all the states now recognize, by special provisions, the extra-hazardous and injurious occupations. The draft law of 1912 empowered the board of health to add to the list of such occupations. It is one of the significant advances in ten years of child labor legislation that administrative bodies, boards, bureaus, commissions, have been clothed with power in a growing number of states to extend and supplement that statutory provision by special orders. In a dozen states today some administrative body has more or less extensive powers of this sort.

The Uniform Law called for an eight-hour day and forty-eight hour week and prohibited night work for boys under sixteen and girls under eighteen. A child, before going to work, was required to satisfy the permit-issuing officer that he was in good health and had reached a normal development for his age. The educational requirement was ability to read and legibly write simple sentences in the English language with attendance at school for a full time during the preceding year. There were other provisions in the Uniform Law, but those we have mentioned will suffice to show, in a general way, what it was thought reasonable to ask for immediately in child labor legislation ten years ago.

No set of standards, however useful as a guide or a goal, or as a measuring stick, is in itself entitled to the distinction either of infallibility or of finality. Standards are subject to revision with the increase of actual experience and of applicable knowledge. For instance, chronological age as the basis of minimum-age provisions in the statutes is quite illogical, except, of course as a present necessity, which makes it logical again. Chronological
age measures none of the things that enter into the question of whether a given child should be allowed to go to work. It does not measure his physical fitness, or education, or mental attitude, or the rightness of his prospective job. When we can measure these things as they ought to be measured, we shall have little or no use for chronological age in standards or in statutes, though we shall have need more than ever for trained administrators.

Today, in discussing child labor standards, greater emphasis is being placed on what may be called service standards, to distinguish them from prohibitory age, hour, and night-work standards. We have in mind such services as health service, vocational guidance, and poor relief. These come within the scope of child labor legislation, which involves other than child labor laws as such. The function of child labor legislation is not only to limit and prohibit, but also to give children the best possible preparation for a working life, whenever it may begin, and to give them all possible protection after they have entered employment. Moreover, child labor legislation, in the broad sense, deals not only with child labor, but with the substitutes for child labor, particularly schooling, play, and suitable children's work. A childhood merges little by little into manhood and womanhood, so child labor legislation should be joined without break to labor legislation for adults. It is all a matter of continuous social service, legislative social service, from before the beginning until after the end of the actual working life of individuals.

EXCLUSION OF MINORS FROM INJURIOUS AND DANGEROUS OCCUPATIONS

Professor Teleky of Vienna University has lately published his findings as to the effect of work on the

health of wage-earning children. His study showed especially the susceptibility of working children to tuberculosis, but he found, too, that the general sickness rate in a given group of children increases after they have left school for work. The increase continues so that in a period of four years it is greater the fourth year than it was the first. That is, the wear and tear of industrial life tells on the children and produces in them physical ills that grow greater rather than less as time goes on.

We have all felt that something like this was true, but we have not often succeeded in getting it down in black and white as Professor Teleky has done, and even with actual figures before us it is difficult to realize their full import. To appreciate the physical effect of industry on working children we must see the children; we must regard our data not merely as statistical but as real moulding forces in their lives; we must realize what it means to John Smith, a normal small boy of fourteen, to work as a doffer in a cotton mill for a year and there contract severe bronchitis with a cough, anaemia, and cotton fibroid phthisis so that at fifteen he is far below normal and handicapped. Nothing can so vivify for us the case of the working child as do the mere unvarnished facts published by public health authorities. We find, for instance, reports of such occupational injuries as these:

Fred .........., age 14, employed by ........, manufacturers of picture frames. Worked putting bronze on frames. Produced severe conjunctivitis of the eyes; throat coated with bronze dust; expectoration of green bronze matter.

John .........., age 15, employed by ........, enameling and stamping company. Boy handled grease and enamel. Occupational dermatitis, severe irritation of skin of hands and arms.

James .........., age 15, employed by ........, chair factory. Worked sandpapering woodwork adjacent to jointers and stain­ers where lead enamel was used, the fumes of which produced symptoms of headache, gastritis pains and nausea, sore and pale gums; teeth affected; became pale and weak; metallic lead breath.

Joseph .........., age 15, employed by ........, opticians, as apprentice boy. Worked drilling and cementing in which alco-
hol was used. Fumes made boy sick, producing nausea and vomiting, asthma, insomnia, pupils unevenly dilated.

Edward ........ , age 14, employed by ........, cigar makers, as errand boy. Fumes of tobacco produced symptoms of headache, sick stomach. He became weak, with dilated pupils and tobacco pallor—a clear case of nicotine poisoning.

In another report we read of other injuries to children, this time due to machine accidents.

F. S., male, 14, nail sticker, earning $4 a week operating American lightning heeling machine. A nail flew out of the loader as nails were released. Injured boy attempted to brush it off with his finger. He was caught by descending drivers. Bone broken in forefinger of left hand between first and second joints. Flesh torn and cut.

F. K., male, 15, earning $3.50 a week operating baling press. Gearing wheels carefully guarded. Notwithstanding, he stooped and placed his hands under the guard to the gearing wheels. Lacerated first finger, amputation second and third finger at the first joint, lacerated middle finger.

M. C., female, 14, earning $3 a week, operating automatic cutting machine. Was waiting for work to be given her and took screw driver and was scraping around with it; she put her foot on the starting lever and drew in the screw driver, also her finger. First finger of left hand was smashed and apparently broken and was later taken off at the first joint.

These are but a few of the many cases reported, but they force us to recognize the hazards of industry for the working child, and we must regard those hazards as all the more serious when we realize that after all in the cases here cited the children were not working at what are generally classified as dangerous trades. They were working at occupations which we, in our present state of enlightenment, have considered safe. To be sure, we have recognized lead poisoning as one of the most insidious of industrial diseases, but even where we have forbidden children to work at trades in which lead poisoning is probable, we have not realized that a child working near jointers and stainers using lead enamel may in a comparatively short time be affected by the poison. In the same way, although in our most advanced legislation we have forbidden children to operate recognizedly dangerous machines, we have not realized that
machines apparently safe may become dangerous in the hands of the untrained and immature.

Until very recently our efforts to protect the health of working children here in the United States have been strangely scattered and unscientific. Now with a Federal Children's Bureau, an increasing number of public health boards and growing interest in industrial hygiene we seem to be embarked on a new era. The value of the public health board cannot be overestimated. The mere recital of the subjects the State Board of Health in Massachusetts, for instance, was required to investigate suggested the scope and power of the board. Among the subjects were:

1. The prevalence of diseases dangerous to health in home, schoolhouse, factory or elsewhere.
2. Sanitation of schoolhouses and industrial establishments.
3. Information concerning the health of young persons in factories at their work, and the influence of such occupation upon the health of these minors.

With such a program it is obvious the board of health could make tremendous advances in the direction of the better understanding and protection of the child in industry and of the conservation of public health in general. But, unfortunately, the Massachusetts Board of Health was handicapped, as Dr. William C. Hanson has pointed out, by the lack of proper places for the examination of young persons and by "the absence of authority to exclude from factories young persons found in ill health or physically unfit."

This situation is typical of our carelessness and laxness in legislating for the protection of public health. We provide for public health officers, but we do not give them power enough. We aim to protect the child from industrial hazards, but we do not fully protect the child. The essential point of both Professor Teleky's conclusions and the quoted medical reports, that the organic differences between the child and the adult make safe-
guarding the working child an entirely different problem from safeguarding the working adult, is something we have not sufficiently emphasized. If the child is peculiarly susceptible to industrial strain and so to industrial injury, we must make drastic, special regulations to prohibit the child from working under conditions that will inevitably lead to physical injury. This already recognized principle has not yet been carried far enough to be effective. We have considered it in connection with age limits and hours of work, but in what seems to be its most obvious application we have not made it effective. In legislating for the exclusion of children from dangerous trades we have been strikingly lax.

There are at present twenty-six states in the union that make some provision for the exclusion of children under sixteen from dangerous trades, and three other states besides twelve of the twenty-six specify other dangerous trades in which persons under eighteen may not be employed. Fourteen states prohibit the employment of persons under twenty-one, or minors in a few other trades injurious to morals as well as to health, or affecting the safety of others. But in most cases the statutes are vague, there is no uniformity in them. Where one state specifies simply mines and quarries as dangerous, the next gives a long list of carefully defined processes or occupations, and a third prohibits the employment of children “in any occupations dangerous to health or morals,” leaving the definition of such occupations to the enforcing officials, and it is worth while here to note that almost invariably when a state has such a loose statute, the machinery for its administration is so weak that the law is practically a dead letter.

The only attempt at uniformity in such legislation in the United States is the “Uniform Child Labor Law” drafted for the National Conference of Commissioners on Uniform State Laws in 1911 by the National Child Labor Committee and later endorsed by the American
Bar Association. This law, which embodies the best provisions in various state laws, has seven sections dealing directly with dangerous trades. Children under sixteen are prohibited from working in the more obviously dangerous trades, such as in operating dangerous machinery, on railroads and vessels, in occupations in, about or in connection with poisonous acids, dusts or gases, in heavy building trades, in mines or quarries, in bowling alleys, pool or billiard rooms, or on the stage. The State Board of Health is empowered to determine from time to time whether any processes or occupations not specified are dangerous to the health of children and to make necessary prohibitions. Children under eighteen are forbidden to work in or about blast furnaces, docks or wharves, in certain electrical work, in cleaning machinery in motion, in connection with specified machines, in definitely specified railroad and navigation work, in connection with processes in which explosives or phosphorus are used, and in any distillery, brewery or place where alcoholic liquors are sold. The State Board of Health is again empowered to determine whether other occupations not specified are dangerous to these children and to forbid their employment where necessary. No person under twenty-one may be employed in a saloon or bar room where intoxicating liquors are sold, and no female under twenty-one may work in mines, quarries, coal breakers, or in oiling or cleaning machinery in motion, or where she is compelled to stand constantly.

This is an inclusive, strong law, not drastic enough to make its passage difficult in most states. Several states have laws practically identical with sections of it and since it is based on state laws it contains nothing entirely new. It is decidedly the best law we have to offer here in America, but even in advocating it, we should not regard it as an ideal but simply as the first step toward something better. Probably its best feature is that it leaves room for constant improvement by pro-
providing that the State Board of Health may from time to time determine whether any processes not specified in the law are injurious to the health of children. With our regulation of dangerous trades in its present embryonic state there must be plenty of room for such improvement but even if we were sure we had docketed and pigeonholed all dangerous elements in industry the more elastic the law the better. The best law will rather name the dangerous element in the work than the specific process or trade, so as to permit of application to any process in which the dangerous element occurs, and the Public Health Board must be given power to make the application.

But there are bound to be questions as to the definition of dangerous trades which must sooner or later be answered. In some states, for instance, work in mines and quarries is not recognized by law as dangerous. Yet in Minnesota between 1909 and 1912 there were two hundred and twenty-four accidents in mines as compared with one hundred and twelve in lumbering and woodwork, sixty-nine in contracting, and smaller numbers in other industries. If these figures are representative, obviously mining is a hazardous trade, but not until accident reporting is made effective can we expect to know what are really hazardous trades. For the present it is safe to say that if a trade is so dangerous that we have to take special precautionary measures to safeguard adults in it or have provided special compensation or medical inspection for workmen, or if accidents are known to be frequent, then that trade is one from which children should be excluded.

Professor Teleky's report shows that the evidences of industrial strain on children increase rather than decrease as time goes on. Some of this increase is, of course, due to the cumulative effect of strain, but some of it, too, must be due to the fact that the children are still in the process of growth which makes them suscept-
ible to injury. Most children probably do not "get their growth" and wholly adapt themselves to full growth before they are twenty-one. Therefore persons under twenty-one may be considered as organisms still in the process of growth and so unfitted for extraordinary industrial hazards, and it seems unnecessary and contrary to the final economy of public health to expose the immature to the dangers of hazardous occupations.

It is this final economy that is our modern concern. The exclusion of the immature from dangerous trades is the logical consequence of the present conviction that we must scientifically conserve human resources. It is not merely "humanitarian;" it is a scientific necessity. The need for the exclusion of the immature from injurious work, for the medical supervision of all workmen and for careful physical examinations for all children both before they go to work and while they are at it cannot be over-emphasized in this country. Until such medical supervision is made general we shall not have really gripped the problem of industrial hygiene in the United States.

FUTURE OF THE CHILD LABOR QUESTION ¹

To the cursory observer the child labor problem appears to be one of admitted importance but one which is easily solved. Until I had an opportunity, as Director of Health and Hygiene in the New Bedford, Mass., School Department, to study the situation in the local textile industry and to notice how many-sided the situation was, even in one community, I was convinced that about all that was necessary was to prevent children from going to work as long as possible, preferably until they were eighteen years old, and that disaster was sure

to result unless this rule was strictly carried out. This is probably the view of the majority of persons who interest themselves in the child labor question, but when they have really studied it, they become appalled by the difficulties which arise in attempting a solution—and, be it said, a practical solution is urgently needed. Even persons unfriendly to strict child labor legislation admit that in certain occupations, such as truck gardening, work in the shrimp industry, sweat shops, and beet fields—the examples commonly quoted—there is much to be criticized.

From a strictly sentimental point of view no child should engage in gainful occupation because of the serious physical condition in which certain child laborers have been found, the long hours and the more or less unhealthful surroundings in which they work, and the problems of adolescence and growth. Nevertheless no satisfactory solution can be reached through sentiment alone. What the situation demands is a code, as satisfactory as possible to all concerned, which will permit children to work, at least in certain definitely understood situations, but which will prevent the evils of stunted minds and bodies as well as temporary or permanent injury of any kind to the growing youth.

**Phases of Problem**

*Child labor and the child.*—No child should be permitted to work at any task which is potentially injurious to him or her individually. The necessity of preceding permission to work by a thorough physical examination in order to discover any condition which would make a definite kind of a job undesirable is obvious. The opinion of the examiner would be even more valuable if, in addition to knowing the specific task, he also knew the exact conditions under which the child was to work, since children employed in the same task in different mills
often work under widely different conditions, and this fact is worth considering. The number of hours per day must be commensurate with the child’s physical strength. The standards of the Children’s Bureau at Washington, after modification and adaptation to the needs of a particular state, form the basis of most child labor laws of today. The Massachusetts labor laws, when carried out as intended, have proved adequate and satisfactory, and represent much careful and commendable study. Although based partly on age, they thoroughly recognize the need of physical fitness for a given job. Under the laws of this state fourteen is the minimum age at which a child may be employed, and certification is required until a child is sixteen. The sixth grade must have been attained except in special cases where a waiver is given.

Child labor and the school.—The argument is often advanced that we must not only protect the body, but we must give the mind every opportunity to develop to its limit. This point is at once granted. Recent work with mental tests, however, suggests that the individual mind varies considerably in potential ability to accomplish and in aptitude. Thus the schools of any community contain all gradations of pupils from those who may turn out to be geniuses if properly handled down to those who may at any time need the care of a special institution for persons of low mentality. Fernald has even worked out a table which will give the approximate grade in school which many of these children can reach with their mental equipment. Obviously ordinary education beyond this approximate point may prove a mere waste of time.

Mental tests also are of considerable assistance in determining a child’s aptitude for some particular field, such as mechanics. Although this phase of psychology, which is freely exploited by some in the manner formerly used by phrenologists, is still in the experimental
stage, it has led many to wonder whether we should attempt to make a classical scholar of a child whose every interest is in mechanics. No one denies, however, that in the case of children of higher mentality, a general background is desirable before specialization. The study made by Woolley (1) suggests that child laborers are often children of low mentality.

In most schools certain children are found who are firm in the feeling that they have had enough. Some have lost interest in study and some have reached the stage which represents the limit of their powers. The junior high school, with its varied program, some part of which must appeal to every child, is held up as the solution of the indifference complex, and such an institution, properly organized, undoubtedly prevents an early end to the education of many.

Some people feel that, regardless of any learning which may be acquired as such, school is desirable for all children because of the control which the school exercises over its pupils and because the school atmosphere tends to be more inspiring than that of the mill or the street corner. As a matter of fact, it was for the purpose of giving the working child the advantage of exactly these influences that the continuation school was devised.

Dissatisfaction with school may arise from parental propaganda. Certain races apparently indulge in a consistent campaign against education beyond a certain point (usually that at which the law permits the child to go to work). One race often withholds meat from a child until he goes to work. The sneers of his parents, together with the fact that he assumes an entirely different and more respected status in the family when he becomes an earner, have caused many a child to lose interest in study and to support his parents in their desire for his exploitation.

Economic reasons sometimes demand that a child
leaves school and begin earning. Large families, sickness, desertion of the household by the chief breadwinner—all these and similar causes compel children to seek wages. Nevertheless many cases reputed to be in this group are found on investigation really to belong in the exploited class.

Child labor and parents.—The attitude of parents toward child labor has been discussed indirectly. The majority simply do not realize that control of the situation is for their child's good. When this is brought to their attention and someone takes time to explain the matter to them, in a friendly manner, a different attitude is sometimes forthcoming. Some thrifty parents believe that they are honestly entitled to have financial aid from their children after a certain age, and the earnings are used to better home conditions or to buy property.

Child labor and employers.—Many employers do not care particularly to employ child labor. They do so as a matter of meeting competition and at times as a favor to an employee who wishes a job for his child. The difference between the labor laws of two states may have an important bearing on competition. Thus the Massachusetts labor laws require attendance at continuation school once a week for children under sixteen years of age, and this time is taken out of the child's working day. The Rhode Island laws do not impose such conditions. As a result, a Massachusetts manufacturer is placed under a slight handicap which must be made up in some other way. (The Massachusetts law is the right one, nevertheless, because it provides better control of the child.)

What employers need, if they use child labor at all, is a standardized national code which will place competition on an equal basis everywhere. I believe that such a code would receive good support from the really important groups of employers. Child labor is desirable because it is cheap and because it is successful at certain
definitely known simple tasks. Using more expensive labor means greater cost for the consumer.

Many employers consider that the early states in an industry, particularly of the skilled or semi-skilled type, are of the nature of training, as a result of which a child, after spending a certain amount of time learning a few rudiments, starts at a pace which will permit him to be a skilled operative on attaining his majority.

MINIMUM STANDARDS SET BY THE CONFERENCE ON CHILD WELFARE STANDARDS

In the spring of 1919 there was held in Washington a Children's Bureau Conference on Child Welfare Standards in which representatives from Belgium, France, Great Britain, Italy, Japan, and Serbia, with their experiences in the protection of children during the war, met with American authorities and discussed child welfare problems. These authorities formulated minimum standards for the protection of children below which they warned America that it dare not fall except at the expense of its future citizenship.

The minimum standards set for minors entering employment are here given:

A. AGE MINIMUM

An age minimum of sixteen for employment in any occupation, except that children between fourteen and sixteen may be employed in agriculture and domestic service during vacation periods until schools are continuous throughout the year.

An age minimum of eighteen for employment in and about mines and quarries.

An age minimum of twenty-one for girls employed as messengers for telegraph and messenger companies.

An age minimum of twenty-one for employment in the special-delivery service of the United States Post Office Department.

Prohibition of the employment of minors in dangerous, unhealthy, or hazardous occupations or at any work which will retard their proper physical or moral development.

B. EDUCATIONAL MINIMUM

All children between seven and sixteen years of age shall be required to attend school for at least nine months each year.

Children between sixteen and eighteen years of age who have completed the eighth but not the high-school grade and are legally and regularly employed shall be required to attend day continuation schools at least eight hours a week.

Children between sixteen and eighteen who have not completed the eighth grade or children who have completed the eighth grade and are not regularly employed shall attend full-time school. Occupational training especially adopted to their needs shall be provided for those children who are unable because of mental subnormality to profit by ordinary school instruction.

Vacation schools placing special emphasis on healthful play and leisure-time activities shall be provided for all children.

C. PHYSICAL MINIMUM

A child shall not be allowed to go to work until he has had a physical examination by a public-school physician or other medical officer especially appointed for that purpose by the agency charged with the enforcement of the law, and has been found to be of normal development
SELECTED ARTICLES

for a child of his age and physically fit for the work at which he is to be employed.

There shall be annual physical examinations of all working children who are under eighteen years of age.

D. HOURS OF EMPLOYMENT

No minor shall be employed more than eight hours a day or forty-four hours a week. The maximum working day for children between sixteen and eighteen shall be shorter than the legal working day for adults.

The hours spent at continuation schools by children under eighteen years of age shall be counted as part of the working day.

Night work for minors shall be prohibited between 6 p.m. and 7 a.m.

E. MINIMUM WAGE

Minors at work shall be paid at a rate of wages which for full-time work shall yield not less than the minimum essential for the "necessary cost of proper living, as determined by a minimum wage commission or other similar official board." During a period of learning they may be rated as learners and paid accordingly. The length of the learning period should be fixed by such commission or other similar official board, on educational principles only.

F. PLACEMENT AND EMPLOYMENT SUPERVISION

There shall be a central agency which shall deal with all juvenile employment problems. Adequate provision shall be made for advising children when they leave school of the employment opportunities open to them, for assisting them in finding suitable work, and providing for them such supervision as may be needed during the first few years of their employment. All agencies
working toward these ends shall be coordinated thru the central agency.

G. ADMINISTRATION—EMPLOYMENT CERTIFICATES

Provision shall be made for issuing employment certificates to all children entering employment who are under eighteen years of age.

An employment certificate shall not be issued to the child until the issuing officer has received, approved, and filed the following:

(1) A birth certificate, or, if unobtainable, other reliable documentary proof of the child's age.

(2) Satisfactory evidence that the child has completed the eighth grade.

(3) A certificate of physical fitness signed by a public-school physician or other medical officer especially appointed for that purpose by the agency charged with the enforcement of the law. This certificate shall state that the minor has been thoroughly examined by the physician and that he is physically qualified for the employment contemplated.

(4) Promise of employment.

The certificate shall be issued to the employer and shall be returned by the employer to the issuing officer when the child leaves his employment.

The school last attended, the compulsory education department, and the continuation schools shall be kept informed by the issuing officers of certificates issued or refused and of unemployed children for whom certificates have been issued.

Minors over eighteen years of age shall be required to present evidence of age before being permitted to work in occupations in which the entrance ages or hours are especially regulated.

Record forms shall be standardized and the issuing
SELECTED ARTICLES

of employment certificates shall be under state supervision.

Reports shall be made to the factory inspection department of all certificates issued and refused.

H. COMPULSORY ATTENDANCE LAWS

Full-time attendance officers adequately proportioned to the school population shall be provided in cities, towns, and counties to enforce the school attendance law.

The enforcement of school attendance laws by city, town, or county school authorities shall be under state supervision.

I. FACTORY INSPECTION AND PHYSICAL EXAMINATION OF EMPLOYED MINORS

Inspection for the enforcement of all child labor laws, including those regulating the employment of children in mines or quarries, shall be under one and the same department. The number of inspectors shall be sufficient to insure semi-annual inspections of all establishments in which children are employed, and such special inspections and investigations as are necessary to insure the protection of the children.

Provision should be made for a staff of physicians adequate to examine annually all employed children under eighteen years of age.

UNIFORM CHILD LABOR LAWS

SECTION 1. No child under 14 years of age shall be employed, permitted or suffered to work in, about or in

---


For condensation there have been omitted notes on the various states in which the sections are in force; Sections 7-15 dealing with employment certificates; Sections 30-49 dealing with penalties and Sections 50-52.

Words enclosed in brackets are suggestive only and may be varied to suit local conditions.
connection with any (1) mill, (2) factory, (3) work-
shop, (4) mercantile or mechanical establishment, (5) tenement-house manufactory or workshop, (6) store, (7) office, (8) office building, (9) restaurant, (10) board-
ing house, (11) bakery, (12) barber shop, (13) hotel, (14) apartment house, (15) bootblack stand or establish-
ment, (16) public stable, (17) garage, (18) laundry, (19) place of amusement, (20) club, (21) or as a driver, (22) or in any brick or lumber yard, (23) or in the construction or repair of buildings, (24) or in the distribution, trans-
mission or sale of merchandise, (25) or in the transmis-
ion of messages.

Sec. 2. It shall be unlawful for any person, firm or corpo-
ation to employ, permit or suffer to work any child under 14 years of age in any business or service whatever during any of the hours when the public schools of the district in which the child resides are in session.

Sec. 3. No child under the age of 16 years shall be employed, permitted or suffered to work at any of the following occupations or in any of the following positions: (1) Adjusting any belt to any machinery; (2) sewing or lacing machine belts in any workshop or factory; (3) oiling, wiping or cleaning machinery or as-
sisting therein; (4) operating or assisting in operating any of the following machines: (a) Circular or band saws; (b) wood shapers; (c) wood jointers; (d) plan-
ers; (e) sandpaper or wood-polishing machinery; (f) woodturning or boring machinery; (g) picker machines or machines used in picking wool, cotton, hair or any other material; (h) carding machines; (i) paper-lace machines; (j) leather-burnishing machines; (k) job or cylinder printing presses operated by power other than foot power; (l) boring or drill presses; (m) stamping machines used in sheet-metal and tin-ware or in paper and leather manufacturing, or in washer and nut fac-
tories; (n) metal or paper cutting machines; (o) corner staying machines in paper box factories; (p) corrugating
rolls, such as are used in corrugated paper, roofing or washboard factories; (q) steam boilers; (r) dough brakes or cracker machinery of any description; (s) wire or iron straightening or drawing machinery; (t) rolling mill machinery; (u) power punches or shears; (v) washing, grinding or mixing machinery; (w) calendar rolls in paper and rubber manufacturing; (x) laundering machinery; (y) or in proximity to any hazardous or unguarded belts, machinery or gearing; (z) or upon any railroad, whether steam, electric or hydraulic; (aa) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

Sec. 4. No child under the age of 16 years shall be employed, permitted or suffered to work in any capacity (1) in, about or in connection with any processes in which dangerous or poisonous acids are used; (2) nor in the manufacture or packing of paints, colors, white or red lead; (3) nor in soldering; (4) nor in occupations causing dust in injurious quantities; (5) nor in the manufacture or use of dangerous or poisonous dyes; (6) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; (7) nor in the manufacture or use of compositions of lye in which the quantity thereof is injurious to health; (8) nor on scaffolding; (9) nor in heavy work in the building trades; (10) nor in any tunnel or excavation; (11) nor in, about or in connection with any mine, coal breaker, coke oven, or quarry; (12) nor in assorting, manufacturing or packing tobacco; (13) nor in operating any automobile, motor car or truck; (14) nor in a bowling alley; (15) nor in a pool or billiard room; (16) nor in any other occupation dangerous to the life and limb, or injurious to the health or morals of such child; (17) nor shall any child under the age of 16 years be employed upon the stage of any theater or concert hall or in connection with any theatrical performance or other exhibition or show.

Sec. 5. The state board of health may, from time to
CHILD LABOR

time, after a hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under the age of 16 years is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under 16 years of age to justify their exclusion therefrom. No child under 16 years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the Superior Court from any such determination.

Sec. 6. No child under 16 years of age shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 1 unless the person, firm or corporation employing such child procures and keeps on file, and accessible to any truant officer [or attendance officer], inspector of factories, or other authorized inspector or officer charged with the enforcement of this act, the employment certificate as hereinafter provided, issued to said child; and keeps two complete lists of the names together with the ages of all boys under 16 years of age and all girls under 18 years of age employed in or for such establishment or in such occupation, one on file and one conspicuously posted near the principal entrance of the place or establishment in which such children are employed.

Sec. 16. An inspector of factories, truant officer [or attendance officer], or other officer charged with the enforcement of this act may make demand on any employer in or about whose place or establishment a child apparently under the age of 16 years is employed or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish him, within ten days, satisfactory
evidence that such child is in fact over 16 years of age. or shall cease to employ or permit or suffer such child to work in such place or establishment. The inspector of factories, truant officer [or attendance officer], or other officer charged with the enforcement of this act, shall require from such employer the same evidence of age of such child as is required upon the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

Sec. 17. In case any employer shall fail to produce and deliver to a factory inspector, truant officer [attendance officer], or other officer charged with the enforcement of this act, within ten days after demand made pursuant to section 16 of this act, the evidence of age therein required, and shall thereafter continue to employ such child or permit or suffer such child to work in such place or establishment, proof of the making of such demand and of such failure to produce and file such evidence shall be \textit{prima facie} evidence of the illegal employment of such child in any prosecution brought therefor.

Sec. 18. No child under the age of 18 years shall be employed, permitted or suffered to work (1) in, about or in connection with blast furnaces, docks, or wharves; (2) in the outside erection and repair of electric wires; (3) in the running or management of elevators, lifts or hoisting machines, or dynamos; (4) in oiling or cleaning machinery in motion; (5) in the operation of emery wheels or any abrasive, polishing or buffing wheel where articles of the baser metals or iridium are manufactured; (6) at switch tending; (7) gate tending; (8) track repairing; (9) or as brakemen, firemen, engineers, motormen or conductors upon railroads; (10) or as railroad telegraph operators; (11) as pilots, firemen or engineers upon boats and vessels; (12) or in or about establishments wherein nitroglycerine, dynamite, dualin, guncot-
ton, gunpowder or other high or dangerous explosives are manufactured, compounded or stored; (13) or in the manufacture of white or yellow phosphorus or phosphorus matches; (14) or in any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled; (15) or in any hotel, theater, concert hall, place of amusement, or any other establishment where intoxicating liquors are sold.

Sec. 19. The state board of health may, from time to time, after hearing duly had, determine whether or not any particular trade, process of manufacture or occupation, in which the employment of children under 18 years of age is not already forbidden by law, or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of children under 18 years of age to justify their exclusion therefrom.

No child under 18 years of age shall be employed, permitted or suffered to work in any occupation thus determined to be dangerous or injurious to such children. There shall be a right of appeal to the [Superior] Court from any such determination.

Sec. 20. No person under 21 years of age shall be employed, permitted or suffered to work in, about or in connection with any saloon or bar-room where intoxicating liquors are sold.

Sec. 21. No female under 21 years of age shall be employed, permitted or suffered to work in or about any (1) mine, (2) quarry, (3) or coal breaker, except in the office thereof, (4) or in oiling or cleaning machinery while in motion.

Sec. 22. No female under 21 years of age shall be employed, permitted or suffered to work in any capacity

Note.—All states with mining laws prohibit employment of all females. Females under 21 are here specified, as all reference to regulation of adult labor is avoided in this draft.
where such employment compels her to remain standing constantly.

Every person who shall employ any female under 21 years of age in any place or establishment mentioned in section 1 shall provide suitable seats, chairs or benches for the use of the females so employed, which shall be so placed as to be accessible to said employees; and shall permit the use of such seats, chairs or benches by them in so far as the nature of their work allows, and there shall be provided at least one seat to every three females.

Sec. 23. No boy under the age of 16 and no girl under the age of 18 years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 1 (1) for more than six days in any one week, (2) nor more than forty-eight hours in any week, (3) nor more than eight hours in any one day; (4) or before the hour of 7 o'clock in the morning or after the hour of 6 o'clock in the evening. The presence of such child in any establishment during working hours shall be prima facie evidence of its employment therein.

Sec. 24. No boy under the age of 18 years and no girl under the age of 21 years shall be employed, permitted or suffered to work in, about or in connection with any establishment or occupation named in section 1 (1) for more than six days in any one week, (2) nor more than fifty-four hours in any week, (3) nor more than ten hours in any one day, (4) or before the hour of 6 o'clock in the morning or after the hour of 10 o'clock in the evening.

Sec. 25. In cities [of the first or second class] no person under the age of 21 years shall be employed, permitted or suffered to work as a messenger for telegraph, telephone or messenger companies in the distribution, transmission or delivery of goods or messages before 5 o'clock in the morning or after 10 o'clock in the evening of any day.
Sec. 26. Every employer shall post and keep posted in a conspicuous place in every room where any boy under the age of 18, or any girl under the age of 21 years is employed, permitted or suffered to work, a printed notice stating the maximum number of hours such person may be required or permitted to work on each day of the week, the hours of commencing and stopping work, and the hours allowed for dinner or for other meals. The printed form of such notices shall be furnished by the chief inspector of factories [or commissioner of labor] and the employment of any minor for a longer time in any day than so stated, or at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this act.

Sec. 27. No boy under 12 years of age, and no girl under 16 years of age shall, in any city [of the first or second class], distribute, sell, expose, or offer for sale (1) newspapers, (2) magazines or (3) periodicals in any street or public place.

Sec. 28. No boy under 14 years of age and no girl under 16 years of age shall, in any city [of the first or second class] be employed or permitted or suffered to work at any time as (1) a bootblack, or (2) in any other trade or occupation performed in any street or public place, or (3) in the distribution of hand bills or circulars, or (4) any other articles except newspapers, magazines and periodicals as hereinafter provided.

Sec. 29. No boy under 16 years of age shall, in any city [of the first or second class], distribute, sell, expose or offer for sale in any street or public place any (1) newspapers, (2) magazines, (3) or periodicals, (4) or work in any of the trades or occupations mentioned in section 28, unless he complies with all of the legal requirements concerning school attendance, and unless a permit and badge as hereinafter provided shall have been issued to him by the superintendent of schools or by a person authorized by him in writing, or, where there
is no superintendent of schools, by a person authorized by the school board or committee of the city or school district where such boy resides, upon the application in person of the parent, guardian or custodian of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian, then upon the application of his next friend, being an adult.

Sec. 30. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and filed the following papers, duly executed, viz:

(1) Evidence that such boy is of the age required by section 27 or 28, as the case may be. Such evidence of age shall consist of the proof of age required for the issuing of an employment certificate as specified in section 10, subdivision (4), of this act.

(2) The written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school with the grade such child shall have attained, and that he has reached the normal development of a child of his age and is physically and mentally fit for such employment and that he is able to do such work beside the regular school work required by law.

After having received, examined and placed on file such papers, the officer shall issue to the child a permit and badge, provided, that in the case of a boy between the ages of 14 and 16 having an employment certificate, such certificate shall be accepted by the officer issuing such permit and badge in lieu of any other requirements.

Principals or chief executive officers of schools shall keep complete lists of all children in their schools to whom permits and badges, as herein provided, have been granted.

Sec. 31. Such permit shall state the name and the date and place of birth of the child, the name and address of the parent or guardian or custodian or next
friend making application for such permit, and shall de-
scribe the color of the hair and eyes, the height and
weight, and any distinguishing facial marks of such
child and shall further state that the papers required by
the preceding sections have been duly examined and
signed, and that the child named in such permit has per-
sonally appeared before the officer issuing the permit.
The badge furnished by the officer issuing the permit
shall bear on its face a number corresponding to the
number of the permit and the name of the child. Every
such permit and every such badge on its reverse side shall
be signed in the presence of the officer issuing the same
by the child in whose name it is issued.

Sec. 32. The badge provided for herein shall be
worn conspicuously at all times by such child while so
working. All such permits and badges shall expire an-
ually on the first day of January, and no such permit
or badge shall be authority beyond the period fixed there-
in for its duration. The color of the badge shall be
changed each year.

No child to whom such permit and badge are issued
shall transfer the same to any other person. He shall
exhibit the same upon demand at any time to any officer
charged with the duty of enforcing the provisions of this
act relating to street trades.

Sec. 33. No child under 16 to whom a permit and
badge are issued as provided for in the preceding sections
of this act shall distribute, sell, expose, or offer for sale,
any newspapers, magazines or periodicals, or work at
any of the trades or occupations mentioned in section 28
in any street or public place (1) after 8 o'clock in the
evening, (2) or before 6 o'clock in the morning, (3) nor
during the hours when the public schools in the city in
which such child resides are in session, unless provided
with an employment certificate.

Sec. 34. Any child in any city [of the first or sec-
ond class] who shall distribute, sell, expose or offer for
sale newspapers, magazines or periodicals, or shall work at any of the trades or occupations mentioned in section 28 in violation of any of the provisions of this act shall be deemed delinquent and may be arrested and brought before the juvenile court, if there be any juvenile court in the city where such child resides, or if not, before any court or magistrate having jurisdiction over offenses committed by children, and shall be dealt with according to law. Upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any officer charged with the duty of enforcing this act, or of any police officer, truant officer [attendance officer] or probation officer of a juvenile court, the permit of any child who violates any of the provisions of this act, or who becomes delinquent or fails to comply with all the legal requirements concerning school attendance, may be revoked by the officer issuing the same, for a period of six months, and a badge taken from such child. The refusal of any child to surrender such permit and badge, or the working at any of the occupations above mentioned in any street or public place by any child after notice of the revocation of such permit shall be deemed a violation of this act.

Sec. 35. The chief factory inspector [or commissioner of labor] or any inspector authorized by him shall enforce the provisions of the preceding sections relating to the employment of children in street trades.

Sec. 36. Inspectors of factories, truant officers [attendance officers] and other authorized inspectors may, within their respective districts or jurisdictions, visit and inspect at any time any place of employment mentioned in this act, and shall ascertain whether any minors are employed therein contrary to the provisions of this act; and they shall report weekly to the school authorities any cases of children under 16 years of age discharged for illegal employment; and truant officers shall also report
the same to the chief or district factory inspector [or commissioner of labor].

It shall be the duty of factory inspectors, truant officers [attendance officers] and other officers charged with the enforcement of this act, to make complaints against any person violating any of the provisions of this act and to prosecute the same.

This shall not be construed as a limitation upon the right of other persons to make and prosecute such complaints.

Sec. 37. A failure by an employer to produce to a truant officer [attendance officer], factory inspector, or other authorized inspector or officer charged with the enforcement of this act, any employment certificate or list required by this act shall be *prima facie* evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not so listed.

Sec. 38. Nothing in this act shall prevent children of any age from receiving industrial education furnished by the United States, this state or any city or town in the state and duly approved by the state board of education or by [the school board or committee or] other duly constituted public authority.

DEVELOPMENT OF THE CHILDREN'S CODE.

The basic purpose of child welfare service, whatever its kind and whatever its goal, is to prolong the period of childhood. Lengthened childhood is the warp of that fabric we are weaving to shield and equip our boys and girls. On this basis we set up a structure for their good; through this warp we run the woof, the threads that make it strong.

The first threads are all those efforts that make secure the lengthened days of childhood: all the work that is done to save children from disease and deformity and to promote their health and vitality; the laws, ordinances and agencies that stand between them and exploitation; the measures that safeguard them from abuse; the officers, courts and institutions that lead them away from careers of crime. The second are those threads that seek to equalize the conditions of life for childhood: the steps that are taken to relieve the suffering of the poor and to put down the evil of poverty; that great overflowing of hearts that goes to the care of the unfortunate and the handicapped. And finally come the threads that lead to the heights beyond: the schooling, the training, the guidance and the play that bring education and the joy of life.

Thus it is our task to lengthen childhood, to make it safe, to give a fair chance to those stricken in body, mind or estate, to provide training and recreation for all. Without these things neither the children of today nor those of tomorrow can lay up for themselves the treasures of wisdom and understanding; they cannot inherit the riches whose price is above rubies.

With less than this inheritance for every child we must not be content. No flower is born to waste its sweetness on the desert air. That any waste their sweetness is our fault and we should not cease from striving till every bud unfolds its petals in a world of opportunity. No child is born to a barren life but every one has in him some power, however slight, to swell the sum total of our happiness. Ours is the duty to prepare the way so that he can use this power; his, is the duty to use it.

The instrument, imperfect and incomplete as it is, that we have devised for insuring to every child as fair a start in life as it is possible to give him, is commonly known as the “children’s code.” This has developed out
of the experience of those who, in various ways, have served the public interest through serving children. Its growth has been gradual, of course, but it is only within recent years that all the accumulated experience has been brought to bear in any logical manner upon the preparation of a broad and coordinated program. Efforts toward this end have converged in an expression of the principles underlying child care, the formulation of standards to govern such care in accordance with modern thought, and the embodiment of these standards into law and practice with such modifications in the different states as special circumstances might require or public opinion dictate. The declaring of principles and the framing of standards clears the air and points the way; it sets up a mark toward which to work and shows why we should strive to reach it. The writing of the standards into the statutes secures to us the enjoyment of our gains as they are won and records our progress toward sound theory and practice.

A striking instance of the attempt to set forth the principles underlying social work and to rear up standards on those principles, occurred in 1909 when, upon the invitation of President Roosevelt, a meeting of representative social workers, since known as the White House Conference, was held in Washington to consider the care of dependent children. The authoritative declaration made on this occasion has ever since been the guide of social workers in the treatment and care of dependent and neglected children.

Another instance has been the agitation for general recognition of certain standards concerning the employment of children in gainful occupations. This agitation, long carried on by national societies, was given a more definite objective in 1911 when the National Conference of Commissioners on Uniform State Laws approved a standard child labor bill which had been drawn at the request of this body by the National Child Labor Com-
mittee. The measure was recommended by the commissioners to the several states for enactment into law with a view to legislative uniformity in this field, and has been adopted, in part at least, by most of our commonwealths, while its fundamental provisions have been written into the law of the nation.

Further, the principles upon which the organization and procedure of juvenile courts are based have been stated, the purposes and functions of probation have been made clear, and standard bills have been drawn by leaders for the use of states and smaller communities in dealing with juvenile delinquents.

Then, at the National Conference of Charities and Correction held in Baltimore in 1915, so much interest was shown in the correlation of child welfare laws and of the work of administrative agencies that an organization was effected to stimulate the children's code movement throughout the country. This organization took the name of the National Committee for Standardizing Child Welfare Laws. At the National Conference of Social Work held in Milwaukee in 1921, steps were taken to make this committee still more representative and useful; it was planned to have this national agency serve not only as a source of encouragement to the children's code movement but also as a clearing house for information about this movement, and about the activities of all private societies, public departments and bureaus that take any part in it—in a word, to correlate the efforts of those who are seeking correlation.

Finally, in the second year of our participation in the World War, a campaign was carried on under the leadership of the Children's Bureau of the Federal Government for the purpose of awakening in the people of this country a fuller sense of their responsibility to all children and a broader appreciation of child welfare work. This was known as "Children's Year," and, as a fitting climax, there was drawn up at a conference in
Washington in 1919, a set of recommendations applying to several fields of child care in accordance with the announced purpose of agreeing upon "certain irreducible minimum standards for the health, education, and work of the American child." It is interesting to note that this was done just a decade after the White House Conference and in the same city; its agenda, however, covered a wider area; moreover, the Washington conference of 1910 was national while that of 1919 was international, guests being present from several foreign countries upon the invitation of our government.

In this international conference, we have a vivid illustration of the spread of the child welfare appeal and a formal acknowledgement of its universality. The organization of the Congreso Americano del Nino by Latin-American social workers in Buenos Aires in 1916 as a common meeting-ground for child welfare workers from the three Americas and from the islands of the sea, is further proof of the broad community of interest in all that relates to the well-being of children.

A few years ago, this first part of the children's code movement, the declaring of principles and the framing of standards, was centered in the agitation for what was called at the time, a "Children's Charter." This was, in a way, an effort to coordinate and foster the different manifestations of good-will toward children that had grown out of the general interest in their welfare, although it has also as one of its purposes, as its name implies, a statement of the rights of children, a formulating of the principles that lay at the bottom of all these manifestations. So although this proposed charter had in it something of the nature of each of the two parts of the children's code movement, namely, standards and statutes, it was primarily a seeking after bases of action, a quest for fundamentals. It was hoped to get clearly in mind just what were the rights of childhood and then to advance from the expression of these rights to a series
of legislative proposals designed to secure them and to promote cooperation in their enforcement. The matter was discussed at meetings of the National Conference of Charities and Correction and of the National Child Labor Committee but the charter, as originally planned, was never drawn up. However, the report of the Children’s Bureau Conference held in Washington in 1919, entitled Standards of Child Welfare, is in reality a charter of childhood: it is an outgrowth of the earlier effort and is well adapted, so far as it goes, to serve the ends of the former plan.

The term “child welfare” has become more or less technical and among social workers nowadays it is applied to the care of the child handicapped by poverty, neglect, delinquency, or defect. In defining the powers and duties of children’s code commissions, governors and legislatures have apparently had this common limitation in mind and the commissions have generally restricted their work accordingly. However, a children’s code should be as comprehensive as its name; it should not be devoted to the interests of any one class alone; the normal child, the ordinary, everyday, wholesome boy or girl, should be its beneficiary as well as the abnormal or subnormal child who is in need of special care. The real children’s code is democratic and recognizes no class distinctions. It should include measures for the preservation of life and health, for education, for recreation and for the rights of parent and child, as well as for protection from want, abuse and crime. Health, education, recreation, and employment concern all children and, moreover, most boys and girls are not dependent, destitute, neglected, abused, delinquent or defective, but are normal in respect to their home life, their behavior, their condition of body and mind, and their relations to society. The four essentials to wholesome development, health, play, schooling and suitable work, since they are
necessary to all classes of children, the fortunate as well as the unfortunate, should have their place in every children's code.

The title of this article implies that children's codes grow and the implication is true; indeed, it is this characteristic of growth that holds out the promise of social well-being. The task of adjusting laws to conditions is continuous because conditions are always changing. A children's code must be from time to time renewed for each rewriting of it is but a step in the evolution of child care, a clearing of the way for further progress. It should be thought of as a living thing, capable of endless development. A fixed and final code would be a disaster but, happily, it is an impossibility for in the natural course of events it must yield to change. Conditions and ideals are the stuff of which it is made up and conditions and ideals are not stable things. Thus, while a children's code seeks to equalize opportunities for children by making toward uniformity of conditions, it must itself submit to being moulded and remoulded as time goes on, and must always encourage experimental work by whatever agency may be willing to undertake it, for it is only by means of fresh enterprises and trial of new methods that our systems of law and administrative effort can be kept adequate under the ever changing circumstances of our life.

A children's code is more than a code. A code is an orderly compilation of laws, a mere labor-saving device, while a children's code is constructive social service. A code is a collection of the laws as they are; a children's code is a changing of the laws to what they ought to be. A children's code does not even bring together into one body the various laws of a state relating to children but leaves them scattered among the general acts as determined by their content; it does not aim at mechanical perfection but at the nurture of boys and girls. The word "code" in this connection is really a
misnomer and "charter," signifying as it does the bestowal of rights and privileges, would, perhaps, be better; but "code" is shorter and hence preferred.

So it is that this movement, by whatever name it may be called, tries to make childhood safe, to give opportunity to those who otherwise would not enjoy it and to provide training and play for all. If it lengthens childhood for all children it will have accomplished its purpose; for childhood, as we like to think of it, means happiness and if this be prolonged by any act of ours we shall leave to our children and to our children's children, an inheritance that naught else earthly can surpass.

WISCONSIN SAYS NO

Time after time, as I traveled about this country in search of facts about child labor, I struck officials, charity workers and school people who were despondent about the situation. "Oh, we've got some laws, but they don't work. You can't stop kids from lying about their ages. It costs too much money to enforce our laws."

By the time I reached Wisconsin such observers had just about convinced me. And then what a shock I had in the offices of the Wisconsin State Industrial Commission in Madison! Sitting opposite me was Taylor Frye, who has charge of the permit system for all children of the state up to seventeen. He is a gray-haired mild-mannered person, wrapped up in his job. He might be, so far as appearance goes, the president of a small-town bank or perhaps a teacher of agricultural engineering in the university. I went at him a little as a terrier might go after a stick, sharp and hard. I was nearing the end of my investigation and I was pretty sore about child labor in general. I knew that there are thousands of children at work in Wisconsin.

“You’re right,” he answered, “our laws aren’t what they might be on child labor. But they are much better than they were, and perhaps a little better than in most states. Still it’s too bad. We hope to improve them.”

A few more questions—was there no state pride in this man?

“No, we don’t enforce the laws we have quite perfectly,” he admitted, “but we do enforce them pretty well.”

Of course, having been made skeptical by experiences elsewhere, although in Massachusetts I saw that they were doing pretty well too, I was far from convinced by a mere statement, and so I jumped again: “How?”

He began to talk. His face lit up. He did have a lot of state pride. He went on for two hours. He got out his table of statistics. He showed me files up to the minute—he showed me, in short, a system of enforcement of child labor laws so well conceived, so ingenious, so cheaply administered that at the end I had come to know that statutes can be rigidly enforced, no matter how high the standards, no matter what is the power of the opposition.

Yet standards are not what they should be in the state of Wisconsin. The fourteen-year-old boy and girl may work. The educational requirement is high, but the age is too low. But Wisconsin does furnish proof that the problem of child labor can be solved, proof that laws can be framed and machinery built up by means of which whatever laws you have can be made to work.

In the first place, there is a set of honest, grinning teeth in the machinery, placed there by one of the shrewdest pieces of legislation ever enacted. It bears the pedantic title of the Treble Compensation Act.

Every child who is injured while at work illegally (whether because his permit is lacking or because he is injured while doing prohibitive work) is paid three times as much compensation as he would get if he had been le-
gally at work. The compensation insurance company pays its regular amount: the employer of the hurt child must double it! The insurance company is not allowed to pay that extra two-thirds—that is, unless the employer can't pay it, goes bankrupt, or something. In that case the insurance company has to come through! The maximum amount recoverable for permanent total disability under this law may equal $49,000!

It would almost seem as though this law might let the state officers shut their eyes to everything except accidents, knowing certainly that the insurance companies and the employers themselves won't dare to permit any violation of the child labor statutes.

The theory of the law is that the child who is injured while so illegally employed should have full compensation for his wage loss, just as he might have at common law, and treble-indemnity provision makes it worth the employer's while to be sure that he is living up to the child labor laws.

The insurance companies have taken it so seriously that in the past few years they have at their own expense put out hundreds of thousands of pieces of literature, prepared by the Industrial Commission, warning their policyholders that they have to watch out, and what to watch out for. Factory officials must know these laws or lose their jobs.

In many states the employers violate the child labor laws in ignorance as well as in defiance. One of the most amazing incidents of my investigations took place in the anthracite fields of Pennsylvania, when it was made evident that the coal-mine managers almost universally thought they were operating under the last national child labor act, an act thrown out by the Supreme Court as unconstitutional more than a year previous.

A Wisconsin child who has a permit and who is working on a job which is open to him by law gets no treble compensation when he is hurt. In states where
the machinery is inadequate, this would to some degree nullify the law. But I saw that permits really mean something. I saw that the percentage of children who slip through the barriers put around them for their own welfare is probably less than 5 per cent, and that the percentage is decreasing. When Mr. Frye told me their enforcement was not perfect, he meant merely that they would not and could not claim 100 per cent efficiency. But he was able to prove at that time it was about 95 per cent perfect.

The system is founded on the central authority of the commission. The commission issues the permits, keeps them on record, and, moreover, exercises a sort of paternal guardianship of the individual child. Its discretionary power is great—if it is merely suspicious, it can refuse to grant a permit.

That's where Frye comes in. He has appointed all the permit officers. They serve without pay and like the job. They are people who are interested in child welfare, and Frye's warm-hearted letters make them feel that they are part and parcel of the great state commission. Half the inspectors are school principals. The other half is made up of judges, bank officials, physicians, lawyers, etc.

No child is allowed to go to work unless the school officials certify that he has finished eighth grade or else been to school for nine years. But the educational officer can refuse to recommend the permit, nevertheless, and often does, prevailing upon the parents to keep the child in school.

If the child changes jobs, he has to have a new permit, so the state always knows where its child laborers are working. Inspectors are constantly on the job, seeing that the spirit as well as the letter of the law is obeyed.

That brings up another point. There are not many inspectors in Wisconsin, and, ordinarily, a given place
SELECTED ARTICLES

would be visited but once or twice a year. But if a violation is discovered, especially a violation under suspi-
cious circumstances, the inspector may visit that particular plant fifty times a year. If the employer does not see fit to improve, no permits are issued to children to work in his plant. He goes on a little black list at Madison. It is easy to get on that list and hard to get off, yet today there are less than a score of live names on it!

Proof of age does not seem to bother when you insist on it. Last year 89 per cent of all permits were on either birth or baptismal certificates.

The statutory penalty for violating the law is $10 to $100 for every day that each individual child is unlawfully employed. It is a rare thing indeed for one of these cases to go to trial. The offender knows that he has no chance to win, and, therefore, settles on the best terms he can get.

Administration takes office space of about twenty by thirty in Madison, and a similar space in Milwaukee. Perhaps ten persons give all their time to it. It’s mighty cheap!

So let me repeat—child labor statutes can be cheaply and easily enforced. There must be a hundred ways. This one in Wisconsin is good. Others perhaps may be too. This one we know is at least 95 per cent effective.

It can be done nationally too. The laws thrown out proved that, for they worked pretty well before they were declared unconstitutional.

PHYSICAL STANDARDS FOR WORKING CHILDREN

The child who goes to work between fourteen and eighteen years of age is in need of special protection if

he is to arrive at maturity with good health and a vigorous and well-developed body. During these years he is passing through the most critical period of his physical development, when his body must meet the unusual demands of rapid growth and physiological readjustment. If at the same time he is subjected to the mental and physical strain of occupational life, the burden upon his immature physique is a double one, and special precautions are necessary if normal growth and development are not to be endangered. Prohibiting the employment of children in certain occupations generally recognized as injurious to health is an important but obviously limited means of affording protection. Raising the minimum age for entrance upon any employment offers only a partial solution of the problem. A tendency to keep children out of industry until they are at least sixteen years of age is becoming apparent in child labor laws, but even with sixteen years as a minimum age, large numbers of young persons will continue to go to work before their physical growth is completed and will stand in need of protection if they are to reach normal development. An effective means of protecting the health of children at work lies in adoption of standards of physical fitness which all children entering employment are required by law to meet.

The first attempts to protect the health of employed children through direct legal provisions took the form of laws giving factory inspectors or other law-enforcing officials power to require physical examinations of children found at work who appeared to be physically unfit for employment. Illinois, Michigan, Minnesota, New Jersey, and New York were among the states enacting legislation of this type. A number of these early laws are still on the statute books, and a few states have in recent years passed laws of the same type, but generally powers of this kind are not so exercised as to protect any considerable number of children from the strain
of too early or inappropriate labor. This is due not only to the inherent weakness of a mere permissive regulation, but also to the fact that the unfitness of a child for his work is seldom so apparent as to force itself upon the attention of an official—usually not a physician—whose inspection duties often cover far more than the child labor provisions of the law. The next form of legal provision permitted the certificate-issuing officer to require a child who did not appear to be in fit physical condition for work to be examined by a physician before he could secure an employment certificate. Eight states and the District of Columbia now have permissive laws of this type, and though in a few instances they may be so enforced as to require practically every child going to work to be passed upon by a physician, they have the serious disadvantage of depending for their effectiveness upon the degree of interest evidenced by each one of a large number of enforcing officials, who are in most states practically unsupervised by any central authority and who in many cases do not realize the importance of this phase of their work.

The mandatory requirement of a physical examination for every child securing an employment certificate, now found in the laws of twenty-two states represents the third step in the development of the legal protection of working children. In some of these states the child must be examined with reference to the particular kind of work which he is to do and must obtain a new certificate of physical fitness whenever he goes from one employer to another. But a child fitted for one occupation may be transferred by his first employer to an entirely different kind of work for which he is not at all fitted, and he may stay with his first employer until he passes the certificate age. It is thus obvious that even requiring a certificate of physical fitness for the issuance of every employment certificate and a new employment certificate every time a child changes employers
does not give an opportunity for adequate and uniform health supervision of employed children.

One state only (Virginia) has as yet advanced to the next stage—examination of every working child at regular intervals during the years when he is peculiarly susceptible to the strains of industry in order to determine whether the work at which he is engaged is injuring him or interfering with his growth.¹ The laws of eighteen states, moreover, still make no provision at all for a physical examination even when the child first goes to work.

The most comprehensive type of law now found requires that a child be of normal development, in sound health, and physically qualified for the occupation in which he is to engage, and stipulates that the examination shall be made and the certificate of physical fitness granted by a physician who is officially connected with some public department, usually the public-school system or the board of health, but in some cases the department enforcing the child labor laws. In order that the physician may judge the child's fitness for his intended work, the latter is required to bring a promise of employment signed by the prospective employer and stating the occupation in which he is to be engaged.

STANDARDS OF ADMINISTRATION

Even where provisions which might go far toward protecting the health of employed children are found on

¹ An exceptionally good opportunity for putting into effect an adequate program of health supervision of working children is furnished by the compulsory continuation school laws now in force in twenty-six states, which keep still under the control of the school authorities children who have left the all-day schools to enter industry by requiring them to spend a certain number of their working hours in classes specially provided for them. These states are Arizona, California, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Utah, Washington, West Virginia, and Wisconsin. All except six have provisions requiring schools to be established and children to attend under certain specified conditions. These six are Indiana where local school authorities may establish schools and require attendance; and Connecticut, Illinois, Kentucky, Ohio, and Washington, where certain groups of children must attend if schools are established, but there are no compulsory provisions for establishment.
the statute books, inadequate appropriations and a failure to recognize the importance of the physical requirement are responsible for inadequate administration. The first examination is in many cases hurried and superficial rather than thorough. Re-examinations when the child goes from one employer to another, required under the laws of a few states and possible, at least, in most of the states where the first examination is mandatory, are either omitted or only perfunctorily given. In states where the law is permissive, issuing officers seldom take full advantage of their power to require examinations.

The procedure followed in making physical examinations of children applying for employment certificates is usually determined by the policy of each individual issuing office, but in a few states, among which are Alabama, California, Connecticut, Delaware, Illinois, Indiana, Maryland, New York, Pennsylvania, and Virginia, a uniform blank for recording the results of the examination is in use. These forms, which are prescribed by the state board responsible for the enforcement of the child labor law, specify the points which should be covered by the physician's examination, and in some states they are supplemented by detailed instructions. In certain cities the local officials in charge of issuing certificates have devised special forms and have attempted to develop standard methods of procedure.

One of the most usual forms of physician's certificate does not furnish in any sense a record of the examination, since it contains merely the bare statement required by law that the child has been examined and has been found in sufficiently sound health and physically fit for the work which he intends to do. Among the forms which do attempt to furnish a record of the results of the examination, wide variation in details is found. Some require entries of only a few of the outstanding facts
about the child’s physical condition, under such items as: Ears, eyes, teeth, throat, chest development, height, weight, vaccinated, malnutrition, heart action. Others go into great detail as to the points to be covered by the examination, in effect instructing the physician as to exactly what indications he should look for, and what methods he should use in examining each child. Such a form serves the double purpose of preserving a record of the child’s physical condition and of insuring at least a certain degree of thoroughness as well as of uniformity where any conscientious attempt is made to make the practice conform to that obviously demanded by the record blank.

Even where directions are issued and forms are used, the examinations in practice vary widely. No form can be more than a guide and a reminder; its use cannot make certain that a child will be thoroughly or scientifically examined, but a form which is properly arranged and adequate for its purpose greatly increases the probability of such examinations.

The object of the physical examination is obviously to prevent children from going to work in unsuitable occupations, or from going to work at all if they are not in a fit condition to do so. The key to its actual value to the child, therefore, is found in the standards set for the granting of a certificate of physical fitness. This standard varies probably fully as much as the standard of the examinations themselves, becoming more exacting the more thorough the examination. As would be expected, the more definite standards are found in offices where specially devised record forms are used—these forms, in fact, being in many cases accompanied by detailed instructions as to the defects for which children must be permanently refused or temporarily refused until such defects are corrected.
The difficulties in the way of adequate enforcement of the physical provisions of child labor laws are recognized as due to a large extent to the lack of definite standards and of uniformity in procedure. "Sound health" and "normal development" are not defined in the laws, and physical fitness for a specific occupation cannot be determined unless precise and definite knowledge of occupations and their effect on the growth of the body and on the health of the child is available.

At the Children's Bureau Conferences on Standards of Child Welfare (May and June, 1919) considerable attention was devoted to the subject of physical standards, and the following physical minimum was adopted as a part of the minimum standards for children entering employment.

A child shall not be allowed to go to work until he has had a physical examination by a public-school physician or other medical officer especially appointed for that purpose by the agency charged with the enforcement of the law, and has been found to be of normal development for a child of his age and physically fit for the work at which he is to be employed.

There shall be annual physical examinations of all working children who are under 18 years of age.

Acting on a proposal made by members of the conference who realized that such a standard could not be adequately applied until it was more carefully defined, the Children's Bureau appointed a committee of physicians whose task it was to formulate definite standards of normal development and physical fitness for the use of medical examiners in making physical examinations of children applying for employment certificates and also of working children. Following its first meeting in January, 1920, the committee prepared a preliminary report and a tentative record form, which were sent for criticism and suggestions to state labor officials, local certificate issuing officers, examining physicians, and others
interested in physical standards for working children. The record form was also tried out in several cities. In the light of suggestions and criticisms received from these sources, this preliminary report was revised at the second meeting of the committee, January, 1921, and submitted to the Children's Bureau. It is expected that from time to time the report will be revised to embody the results of further scientific research and practical experience in this field.

HEALTH AND THE WORKING CHILD

The health of the working child stands as between two great public health specialties—school hygiene and industrial hygiene. It is as though he were neither child nor adult, and yet he probably represents one-fifth or more of our population who are fourteen and fifteen years of age, and he is peculiarly in need of special health supervision. He is exposed to the greatest health hazards of any period since his infancy, and if he injures his health at this time he more than likely faces a life of dependency and misery.

So far, we have laws in only sixteen states which require a certificate of physical fitness from a physician before a child is allowed to engage in wage-earning pursuits. These examinations reject the children with tuberculosis, heart disease and severe malnutrition and require many others to correct such physical defects as carious teeth, defective vision, adenoids and diseased tonsils. In a few cities the child is required to return for an examination whenever he changes his employment. Even these restrictions, however, do not reach a large group of children with the milder physical defects. Examining physicians do not feel warranted in rejecting every child which they believe needs medical attention nor even every child with a questionable prognosis.

If it be recognized that our only excuse for any child labor is real economic hardship, it should also be recognized that it is no economy to the poorest family for a child to work under conditions that mean certain and immediate illness. It should be clear that it is not economy to allow a child to risk his health with such hazards as physical defects and occupations involving severe strain, excessive fatigue or exposure to poisonous substances or dust. The medical examination that rejects 3 or even 10 per cent of the applicants and then gives no further attention to the children is not sufficiently protecting their health.

Some of our courts will not uphold the rejection of the child with only a few carious teeth and yet this condition untreated may result in a severe rheumatism or heart disease which means physical ruin. Such a child is running a grave risk in addition to the hazards of his occupation. It is well recognized by the medical profession that the weak or under-nourished child is peculiarly prone to develop a latent tuberculosis. The early signs of this condition must be given prompt attention or tuberculosis will gain its foothold. It is obvious that neither the working child nor his parent realizes the risks incident to a disregard of such warnings as loss of strength, loss of weight or failure to grow. The child with eye strain from a small uncorrected defect of vision, may find an occupation that is particularly difficult for the eyes, and yet the nervous and general fatigue is seldom sufficient warning to take the child from his occupation to one of less hazard to his eyes and thereby of less danger to his general health.

We may draw up elaborate prohibitive laws to guard children from all the peculiar hazards of industry, and these may protect him from exposure to certain well known poisons or irritating dusts, and yet we must continually follow the various trades and have the authority to add such other processes as precise and detailed knowl-
edge of the operation, and of the substance used in it, will give. Indeed the new science of industrial hygiene shows that we must make many further studies of the effects of various industrial processes upon the human body. Postural strain is most likely to be overlooked unless the child is given some medical supervision after his first examination, although we know that the bony structure of a child is quite flexible, and that children are peculiarly susceptible to deformities from prolonged and unusual strains.

All these health hazards suggest that there is a serious need for some further supervision of the health of working children. It is not sufficient to examine a child and then expect that he will survive all the hazards. If he has any physical defects, even of a mild degree, they may prove just enough handicap to break down his resistance. Periodic physical examinations are an essential. With the development of continuation schools there should be given to the working child such health supervision that when he reaches maturity, he may enter the industrial world with a body at least free from disease or physical weakness. It is national and state economy to protect the children’s health.

MODEL STREET TRADES LAW¹

If I should be asked to draft a model street trades law, good for any and all states, I would decline with thanks. It can’t be done. Laws cannot be packed up and sent around like smoking tobacco in tin boxes.

Laws grow like corn, and however well one might do in drafting any law, one would be unwilling to call it a model law—certainly after the day of its enactment. Conditions change from day to day, and besides, what would be a good law for one state would not be a good

law for another. Laws of value spring from the social life and historical development of the people—they should never be either forced or grafted.

There are, however, in this matter of street trading, some rather well-accepted standards. You must have been struck with how nearly everyone who has spoken this afternoon agreed with the other speakers as to what ought to be done. You have observed also that those who have spoken have come from different parts of the country. We may therefore conclude that throughout the country there is a rather definite opinion as to who may, and who ought not to engage in street trading.

I may, I think, be permitted to call your attention to another most interesting fact which no one has so far mentioned. The people of towns from ten to one hundred thousand inhabitants are beginning to make observations on their own account, and to feel that something should be done for the regulating of street trades in even smaller cities and towns. They are even beginning to talk in our language. Right now, throughout the country the regulation of child street trading is a vital question. I know of one state child supervising agency that is making an inquiry into this matter at this very time, and is planning to recommend and urge at the next session of the legislature such legislation as, after inquiry and study, it deems wise. We may therefore prepare ourselves to make such contributions as possible in the formulating of street trades laws.

If I were called upon to aid in the drafting of a street trades act for any state, I would suggest that the following features be given careful consideration:

1. No street trading for girls under eighteen years of age. It would be better if this could be made twenty-one, and in time I believe that it will be twenty-one in most of the states.

2. No street trading at night for boys under sixteen years of age. It would be better if this could be made eighteen and in time it probably will.
3. No street trading by boys under twelve years of age. It would be better if this could be made fourteen in all the states, but in states where there is no regulation, or very little regulation, if certain other features, which I am about to suggest, were written into the law, there would be no great necessity for insisting upon fourteen instead of twelve. We may have to approach the best gradually.

4. The state-wide act should fix minimum standards only. The act itself should carry a provision authorizing any city or town to fix and enforce higher standards if it chooses to do so. The state should hold the local community up to a certain level in child care, but should not hold it back from going higher.

5. Every boy under sixteen years of age engaging in street trading should be required to hold a license in the form of a badge, good at most, for not more than one year, and granted by the officer authorized by law to grant work permits under the general child labor law. I see no reason for having two persons or agencies authorized to grant licenses for the employment of children. A badge is in reality a license on display. These badges should be granted only after there has been a proof of age as required by the child labor law, and a lawful certificate of both physical and mental fitness for street trade work. This is, I believe, a new feature. We have been pressing the matter of certificates of physical fitness for ordinary employment, but so far as I know, have not insisted upon such certificates for street trading. I see no good reason why such certificates should not be required for street trading and there are many reasons why this certificate should cover mental as well as physical fitness. These badges should be granted upon the condition that they may be revoked, whenever it appears that street trading interferes with the child’s health or his progress at school.

If these provisions and this condition were written into the law and properly enforced, it seems to me that
a twelve-year age limit for street trading for boys would be much better than a fourteen-year age limit without them.

6. In the discussion I should raise the question of the number of hours of employment. Not much, if anything, has been said upon this question, but it is one that we shall have to meet. The eight-hour standard for children under sixteen is now rather well established in ordinary employment.

Schooling, if it is worth anything at all, is work. Going to school is harder than hoeing corn—I have tried both. If a child can stand more school work than is given in the ordinary school day, then we might well lengthen the school day. Schools exist for children, and not for teachers. Whether we should insist upon an eight-hour day only, including the hours of school, I am not certain, but I am very certain that a boy under sixteen years of age should not be permitted to go to work selling papers at 6 o’clock in the morning, work until 9 o’clock, go to school until 2:30, and then sell papers until 8 o’clock in the evening. By a little calculation you will see that we thus get a fourteen-hour day. All will agree that that is too much.

7. Finally, I should seek to have incorporated into the law a provision that any child who is found engaging in street trades in violation of any of the provisions of the law, should be treated by the Juvenile Court as a delinquent, dependent, or neglected child, as the circumstances may show. I would suggest this for two reasons:

a. To reach the independent child street trader who has so far, in some states, been almost a person above all law, and

b. Because more and more we are coming to understand that the Juvenile Court, rather than the criminal, should take cognizance of all matters relating to the welfare of children.
CHILD LABOR

In any state I would content myself with these suggestions and leave to the members of the legislature and other interested organizations and citizens the actual wording of the law. That, I am sure, is the only way by which a fairly good street trades law can be assured for any state.

ADMINISTRATIVE STANDARDS

A few years ago the advanced employer was the man who had established the eight-hour working day and provided for decent wages and good working conditions. But today an employer to be advanced must have established some acceptable plan of joint control in his shop. A few years ago we said that a child who had lived fourteen years and who had certain minimum educational qualifications was legally qualified to enter industry. Today, however, all that can be said of permitting children to go to work at the age of fourteen is that it is better than permitting them to do so at an earlier age.

We have seen in Wisconsin the operation of a good law. We have seen industry organized to meet it. We have seen the development of special agencies to take care of the unusual child. We have seen the procession of children who come into the permit office for their first working permits and for the reissued permits for each new job. We believe that when the time comes—and I am not sure that it is not here now—to improve our child labor law, it should be improved by raising the age at which children may enter industry, and by raising the educational qualifications for such entrance.

In Wisconsin the responsibility for the enforcement of all legislation affecting the relation between management and labor is given to the industrial commission.

In the city of Milwaukee (which is half of the state so far as the employment of children is concerned) the industrial commission issues the labor permits. It has been my privilege to have, as supervisor, authority in that department for the last seven months. I have prepared for you a practical outline of our office procedure, our methods of enforcement, their relation to the continuation school, to the inspection service, and to the other departments of the commission.

The Wisconsin law requires all children between the ages of fourteen and seventeen who are employed, other than in agricultural pursuits, to secure labor permits. Issuing labor permits for children has many significant aspects other than their legal entrance into industry. For instance, the permit represents a change in educational experience for the child. Upon its issuance he leaves the regular school and enters the continuation school on an eight-hour-a-week basis, which time is taken out of his working hours. The permit also represents, for the boys especially, an opportunity for a program of apprenticeship, which begins at the age of sixteen. The apprenticeship contract takes the place of the labor permit for children between sixteen and seventeen years of age, but the continuation school education continues at least to the eighteenth year.

The permit should mean that a child has had the advantage of competent counsel and advice in relating his tendencies and abilities to the job opportunities in the locality. The permit also means to the child that he shall be followed into the factory by the state inspection service for the purpose of enforcing the hours of labor and the prohibited employments clauses of the child labor law, and that substantial violations of the law at least shall be corrected.

The permit has an added and serious significance to the employer. It means more than simply a means of classifying young people into age groups for the purpose of arranging their working hours to comply with the law.
Upon the employer of children who have no permits, or who are at work at prohibited employment, the Wisconsin Compensation Act makes a heavy pressure. Under this act, the industrial commission must award treble compensation to minors of permit age who are injured while employed without a permit or while working at a prohibited employment. The employer must himself pay the extra compensation, or two-thirds of the whole amount, which is added on account of the unlawful feature of the employment. He cannot insure against this hazard.

Every phase of child labor legislation is negative. All the elements of such labor are clearly undesirable. The legislation is designed to throw about the children all types of protection. Provision is made by which certain educational training may continue. There is restriction as to employment—the whole scheme being to limit the opportunities rather than to extend them. Child labor is wasteful, and a burdensome thing. It is quite proper, therefore, that the features of the child labor law which contemplate the protection of young persons in industry become at once the hazards to the employers of these children.

The correct handling of the permit business of the state is imperative. It is also necessary to develop the closest cooperation and harmony among all the agencies with which the child deals in making his entrance into industry.

The legal proofs necessary for a work permit are: proof of age, proof of educational qualifications, proof of physical fitness, and proof of a job. We do not require the child to obtain a job before coming to our permit office; rather, we encourage him to avail himself of our counsel in securing his job.

On the educational certificate we have provided for the personal recommendation of the school principal regarding the issuance of a permit, and we have further said that no permit shall be issued when the school prin-
principal recommends adversely, except in special cases, and then only after a hearing at which all interested persons may participate. The health record is used in the same way. The school physician is asked to make recommendation also as to the issuance of the permit. The school physician may recommend adversely, or affirmatively with limitations on the kind of employment. The issuing officer issues the permit as far as practicable in a manner consistent with the school physician's recommendation.

It is clearly necessary that the greatest care be given to the mechanical end of the work. Modern conveniences in office fixtures are quite as essential in a permit office as in any other big business institution. The handling of various legal records which cannot be duplicated requires a peculiar kind of office housekeeping. The permits contain transcripts of important documents that may later be used in court cases; hence a mistake on the permit means more than merely an embarrassing recognition of inefficiency.

The need of a sympathetic and friendly atmosphere in the permit office cannot be overestimated. Under the present arrangement in Milwaukee a child may make his first request at the issuing office or at the office of the school principal. Much depends upon the attitude of the interviewer at this time. If the child has already secured his work, he has experienced a very vital event in his life. At this time, the kind of job, his hours of labor, his wages, and shop supervision mean very little to him, but the fact that he has a job is a very real thing to him. He makes his first acquaintance with the big, abstract thing known as the state. I cannot emphasize too much the necessity of having this phase of the state's business make the most wholesome impression upon him.

For the children who have not been persuaded to continue their education, or for whom readjustment of their educational program has not been made, and who
are legally qualified for work, the labor permit may be issued. The industrial commission, however, has the power to refuse a permit to a child if by so doing the best interests of that child are served. The child must sign the permit, and if he is between the ages of fourteen and sixteen, his parent or guardian must come with him. The permit is issued to the employer and is sent to him by mail, and the child is told that he may report for work the following day. For the children who are interviewed in any day and for whom permits are to be issued, the permits are issued and mailed out on that day.

When issued, the permit is used as a means of enrolling the child in the continuation school. Subsequently he is assigned to classes. It is used also to maintain attendance. In aggravated cases of non-attendance the permit may be revoked for such a period of time as is necessary for the child to make up by continuous attendance the time lost.

At the expiration of a child’s employment, the permit is returned to the issuing officer by mail, and the child must come to the office with a letter from the new employer to whom the permit is to be reissued. Before it is reissued, approval from the attendance department of the continuation school is required. If there is school time to make up, the permit is held and not reissued until a clear school record is reported. The employer is notified by us that the permit which he has requested will be held for a specified time. In the event, which is not infrequent, that the job is not to be held open for the child, the permit is not granted until a new job is secured.

Permits coming into the office each day represent the number of children who left their work. Many of these permits are reissued within a day or two, as it is quite customary for a child to withhold his quitting notice from the employer until a new job is secured. Other returned permits represent the groups of children who
have left the city, entered agricultural work, or returned to school; or who have been committed to public institutions; or who have secured employment on a false statement of age. All these children are known as "unemployed" for the purposes of office records, though our own surveys indicate that many of the so-called unemployed are actually employed without permits. As soon as a child between fourteen and sixteen years of age is unemployed, he becomes a full-time or part-time school problem, though those employed without permits are clearly a responsibility for the industrial commission.

The temptation of the child between sixteen and seventeen years of age to secure employment without a permit, and the ease with which it is accomplished, together with the hazards to the employer under the compensation act, have made us feel that a very prompt follow-up of these children is necessary. Their homes are visited, the place of employment determined, and the employer notified by telephone immediately. Reports are kept in the office of the commission showing by historical record the attitude of the employer toward employment of children on no better evidence than their own statements of age, and also the employer's attempt to improve the employment system of the shop following the discovery of violation. The survey of unemployed children has been made and supervised by volunteers who have had special social service-training. All children applying for reissues to new employers, who have been loafing or employed without permits, or who have been otherwise outside of the supervision of the permit officers for a period of four weeks or more are especially interviewed. The purpose of interviewing these children is first, to get a list of employers who habitually accept children into their employ on their own statements of age, to advise the children of the danger of making false statements as to their age, and to attempt to reduce as far as practicable the high labor turnover among juven-
CHILD LABOR

ile workers. Attempts to reduce labor turnover, however, should not eliminate the opportunities for children to use judgment in selecting their jobs. The things that make work desirable for juveniles are frequently identical with the things that make work desirable for adults, and many times in changing their jobs children use mature judgment.

A junior employment department, dealing with children between the ages of fourteen and seventeen years, has been established in the Milwaukee permit office. The agents are engaged in placing children in employment, filling positions in the local establishments, encouraging children to return to school, adjusting their educational programs to fit their needs in individual cases, taking part in the usual routine work of the child labor department, and assisting in making all employment of children of permit age legal. Children who are found to be illegally employed by public and volunteer agencies are brought to this office, counseled and advised on the law, and given assistance by the employment department in securing new jobs under proper legal conditions. Children who change their work frequently and seem to be unable to get on in any particular line are advised in relation to their tendencies, equipment, and the job opportunities, by both the junior advisor and the apprenticeship supervisor.

Our aim is to encourage all the social agencies that are concerned with the welfare of young people to use the permit and employment department as a clearing house. It is not our wish to discourage in any way the fine personal work being done by these agencies with children and employers, but simply to see that whatever placements they make are legal, giving the employer no other burden than the special one in connection with the unusual circumstances of the employment, and also to see that the placements are made in a manner consistent with the permit office procedure; by that I mean, chil-
Children should be placed, so far as is practicable, in the shops of the advanced employers where the housekeeping and supervision are best, and not in the shops in which difficulty is experienced by the commission in maintaining the legal standards. It is especially desirable for an agency wishing to serve the employers along employment lines to have available the equipment and personnel of the permit department and the continuation school. No placement of a child between fourteen and seventeen years of age should be made unless both the child and the employer are thoroughly protected under the law.

The relation between the permit department and the factory inspection department in Milwaukee is clearly the strongest feature of the present arrangement. The women factory inspectors survey the shops employing women and children with careful attention to their special problems. The agents of the industrial commission, who inspect the shops where children work, study the surroundings of the employees with a view to further extending or limiting the employment opportunities of children.

The industrial commission may, after thorough investigation, refuse to issue child labor permits for occupations in which there is great danger. The commission refuses to issue child labor permits for occupations in which there are obvious hazards to young people, and to employers whose attitude toward their responsibility under the law is such that the commission feels such employment to be unsafe. The issuing of permits to such employers is temporarily suspended until reasonable assurance is given the commission that the manner of employing children is to be improved.

Employment of children in establishments where the management shows repeated indifference to its obvious responsibility in connection with children which it employs, is considered undesirable. Every effort is made
by the commission to make clear to the employers their obligations under the child labor law, and also the penalties imposed under the compensation act for failure to comply with the child labor law. When these efforts fail to secure a proper compliance with the law, the commission feels justified in imposing severe penalties upon those employers who persistently disregard warnings. In most cases of first offense, where it is clear that an employer has been careless through no desire wilfully to violate the law, he is given an opportunity to correct the condition with the understanding that he will be held strictly to account for subsequent violations.

The commission recognizes the necessity of bringing these matters before employers repeatedly. Employers are burdened in many ways and frequently handicapped by the mistakes of their superintendents and foremen, who are already overburdened with production problems. The commission has endeavored to show employers that it is advisable to give the responsibility of the legal employment of children to one person in the managerial department. Wherever this has been done, it has been found that the firm has been reasonably secure from unintentional violations of the child labor law. Further to assist employers, the commission has published newspaper stories, written many explanatory letters, and endeavored in every way to give publicity to typical kinds of violations of the law and their serious consequences, which may serve as warning to other employers.

Employers whose records in the commission's office show a constant repetition of minor violations, are requested to meet a representative of the commission and to show cause why they should not be prosecuted. These conferences frequently result in a better understanding of the law by the employer and a better understanding by the commission of the employer's problems. When an employer is thus put upon probation with the
department, and for subsequent substantial violations is prosecuted, a clearer understanding of the necessity of such action is evident.

It is clearly desirable for all the agencies affecting the employment experience of permit children to be physically so located that a minimum of the child's time is spent in adjusting his entrance into industry. There should also be the closest harmony and cooperation among the directing chiefs of these departments, with no jurisdictional jealousy, but with a working plan built around the interests of the children.

In a community that is not poverty stricken and that has educational institutions of high grade, with decent employment opportunities for adults, the child labor situation should be much above the standards set by law. Heroic efforts should be made to keep children in school, to adjust their educational program, and to make continued education profitable and possible, whatever the minimum standards of law may be. A social administration of a law is the reasonable forerunner of a better law. Honest administration and wise use of discretionary power, however, should not be accepted as a substitute for better law, for, after all, the raising of the standards for leaving school and going to work, and the further limitation or extension of job opportunities for children, can be accomplished effectively only by statute.

BRITISH EDUCATIONAL STANDARDS

I remember nearly thirty-five years ago when first I went to live in East London, the first job I was given was to try to help a miserable family. There were six children of a widow, the eldest of whom had just passed his standard in school and got exempt. He was the first wage-earner who was going to look after that family.

CHILD LABOR

He was an extraordinarily bright boy or he would not have passed the standard at twelve years old. Naturally a boy of twelve years old in East London, in a poor family, in one of the worst slums of the place, did not have all the qualifications which are necessary for the battle of life, and a few months later I was visiting him in jail. Now from that moment I have sought and worked to abolish any educational standard that allows any bright boy to get out of school before the minimum age. And the Fisher Act has abolished for the whole nation any such educational standard.

In London we have long had fourteen years as the age at which children may leave school for work. Under the new act fourteen will be the minimum age throughout the whole country, the rural area, or wherever it may be, where the age in the past has been thirteen and in some cases even twelve. That, I consider, is one of the great measures of the Fisher Act of last year. But we have gone even beyond that in the Fisher Act. As you know we in England have had nearly five years of war. Our children have been taken out of the schools before their time. Our boys and girls have been put to work, very necessary work, for the country. And perhaps it was a bold step for the Ministry of Education, at the very moment when child labor was at its highest premium, to bring in a sweeping act forbidding in future any child under fourteen to work, and abolishing at one sweep all the half-time which had been considered necessary in the textile factories in Lancashire since time immemorial. So, as I say, under this bill child labor is not, even in war, going to be exploited in the future.

I suppose you know in the textiles in Lancashire twelve to fourteen has been considered the normal age for half-time instructions of children because it was considered that for half the time they ought to be learning the manipulation of the textile trades and the machines.
Of course it was perfectly ridiculous to suppose that these children of twelve to fourteen either were really necessary to the industry or were learning textile manipulation. They were mostly made to run errands for the adult workers, although each had his task assigned to him in the workshop. But the parents, I am afraid, were the people who were the most difficult to move in this question of half-time. The present chief inspector of the Board of Education told me not long ago that when he was a Lancastershire inspector one of the parents knocked at his door one morning to know why Tommy had not been let off school. He said: "How old is he?" "Twelve." "When was he twelve?" "The day before yesterday." He said: "Well, has he been in his examination?" "No, there has not been one." "Well," he exclaimed, "we cannot hold an examination the day after every child’s birthday throughout Lancastershire." The parent said: "I have lost one lass without getting anything out of her, and I don’t want to lose the lad." That was the principle on which that parent was demanding his son’s working the day after he became twelve years old.

That is absolutely swept away under the Fisher Act, but the act goes even further, because beyond this raising of the minimum age to fourteen, which is, you know, low enough, it has a permissive provision which allows any local authority to make the lowest age fifteen, either for all the children in that area or for part of the children in that area, according either to their trades or conditions or to the means of their parents, as the local authority may decide. I hope that in the larger and more progressive places we shall at once go forward and make that by-law raising the age to fifteen. In London the age has been fourteen now for a dozen or more years, but there is no reason why we should not go forward and make it fifteen at once. It was said that no boy in the country could learn to manage cows and horses un-
less he began at twelve. I expect he will learn all the better if he has had a little longer education and shows a little more intelligence, and I hope that we shall very shortly make the general age fifteen or sixteen.

The present act gives us still further the continuation school, although not with quite the same hours as in Ontario. The Fisher Act prescribes that all the young people in the country up to eighteen years of age must attend continuation school for three hundred and twenty hours a year. That provision, however, will not come into effect immediately. For the first few years the age will be sixteen, but at the end of seven years eighteen is to be the limit throughout the whole country, and in seven years much may happen. We may raise the required attendance to four hundred or five hundred hours before the seven years pass. I think three hundred and twenty hours or eight hours weekly for forty weeks is a small enough estimate.

I suppose that our industrial conditions are not very unlike yours. Every one has heard a great deal of modern conditions of labor, and it is obvious that the modern conditions of labor which apply to our factory work are not the same as they were when the workmen were able to take an interest in their work because they made something with their own hands. Now the workman is only the human part of a vast machine, doing some small operation of industry. All this means that we have to give a greater interest outside the factory. What we are doing in England I have no doubt you are doing here. We are approaching very rapidly a national basis of hours. Most of the big trades of the country are now fixing their hours at forty-four or forty-eight hours a week. I think we shall very shortly have an eight-hour day and possibly a shorter number of hours as the regular national system, as it is now in Australia.

But if that is so it is all the more important that the working men and the working women shall know how
to use their leisure, that they shall have education to enable them to use their leisure, and that they shall have at their disposal further schools which they can attend so that they may become citizens in the true sense of the term.

One of the most hopeful signs, I think, of the progress of England is the latest appointment to one of our oldest universities, Cambridge. The latest professor of Italian is a man who went to the bench at twelve years of age and worked as a basket-maker, and who has taught himself not only Italian but five other languages, and is now an admitted authority on Italian history and Italian literature. I believe that is a true democratization of an old university. But in order that it may not be only the exceptional boy who can do that but that all our lads and girls may have an opportunity of improving their education, we must surely see to it that such a minimum educational standard exists that everybody is able to get up to the top.

There are, of course, many other provisions of the Fisher Act which are very interesting to us. The main interest to us is, of course, its national aspect—the fact that no local authority in the future will be able to fall below the minimum which has been laid down by the Fisher Act. We shall have great difficulty of course, in getting accommodations and more than all in getting teachers. You have not suffered as we have suffered in that respect. We have had to stop building for nearly five years, and our schools are sadly in arrears. You have not lost so many teachers as we have. The flower of our men teachers went to the front, and some of them will not return. We shall therefore have to come forward with our new act and do the best we can to make the flesh for the bones provided for us by the act. The act itself has given us all a very great deal of hope.

A further provision of the Fisher Act which I might touch upon is that relating to the physical health of the
CHILD LABOR

children. We in England have had for some years past considerable medical inspection—practically in all the schools. We have medical inspection and very considerable medical treatment of the children. But that is stopped when the child has left school, except for the examination in factories by the certifying factory surgeon. Now under the Fisher Act there is a very important provision which enables the school medical authority, who will see the boy and girl, of course, in the continuation school, to go into the question of their health and inspect them, and if the employment is such that it is stunting their growth or is unhealthy for them, the school authorities may prohibit such employment. That, I feel, is an advance for the state because never before have we really gone from the educational standpoint to prohibiting employment on the grounds of health.

There are other things in the act on the same line. For example, we are allowed in the future to pay for and to establish holiday camps or any other kind of clubs or physical recreation for these young people up to eighteen years of age which may be considered necessary for their physical development. I think, too, all of us who have watched the rejection of men who have come forward for service, as we have in England, because of their low physical development, due to their early going into industry and to the unhealthy conditions of so many workshops, appreciate that these provisions are extremely important to us.

Our Premier, referring to the classification of our soldiers—which, as you know, begins at A and works down to C—pointed out to us not long ago that you cannot make an A-1 nation out of C-3 citizens. And it is that which we have now to take in hand, just as I think we must take in hand the intellectual advance of our citizens if the old British nation is to keep its head above water at all. We shall have keen competition with
America in the future. We want it. It will do us all good. But we shall certainly have to "buck up" if we are to hold our heads up. I have been looking, in New York and here, at some of the higher schools, and especially in New York I tried to see some continuation schools and some vocational schools. I am not one of those who think that our continuation schools must be mainly vocational. I think we should run a great risk if we were to say too much about the vocational character of the schools. As a sop to the employer before attendance was compulsory we might have done it, but now that we are compelling the employers to send the child anyhow, I think we will be justified in saying that we who control education must decide what the boy has to learn; and surely it is more important in the future that the citizens of any nation should have a general education and some human education than it is that we should fit them at a very early age for some particular industrial occupation.

I think there is no doubt that we have in the pursuit of vocational education been too apt to consider too little the whole man, and I am hoping that if we give sufficiently good education in our three hundred and twenty hours the employers may perhaps give the vocational education in the rest of the time. I do not think the boys are going to be nearly as vital to the employers when they have to be taken out of the shops a certain number of hours a week. It is within the possibilities that boys will not be quite so easy to employ, and will not find a job quite so easy to get in the future, when the employer has to take the trouble to have two boys to a job or to let them out certain half days a week to go to school. That will be from my point of view a success, because I do not think that even when we have limited the age to fifteen years for full-time employment, or when we have got part-time employment to eighteen, we have done our duty by the human boy and by the human girl.
CONTROL OF THE EMPLOYMENT OF CHILDREN IN AGRICULTURE

The employment of children in agriculture as compared with other branches of industry offers a field for investigation distinctly unique. It is frequently claimed that within limits such employment is not too open to criticism, and affords, indeed, a wholesome physical and moral training. It is in the open country and for the most part in the fresh air. There is seldom any temptation to engage children in night work and the hazards for them are less than in industrial occupations. The majority of children engaged in agriculture are working either for their parents or with them, and parental influence and protection, accordingly, are usually present. Perhaps it may be universally granted that the child on the farm is in general more fortunate in every way than the child employed in manufacturing, mining, or trade.

But while in agriculture, if we omit the case of children employed in gangs, there has not been the same glaring need of intervention as has impelled governments to enact factory legislation, still standards of judgment as to legitimate hours, wages, and working conditions vary so widely in different parts of the world and as between different employers, that abuses are of constant occurrence here as elsewhere, and the limitation of children's work in agriculture makes claim for serious consideration.

Approach to the problem has hitherto been made almost wholly through indirect channels. The administration of child labor legislation in industry is made possible by the organisation and extension of factory inspection departments in the various governments. But the administration of a child labor law which regulates the employment of children in agriculture presents more

serious difficulties. Agricultural employment of necessity must be spread over vast areas, and employees, even on one farm, may frequently be found working in widely separated fields. Such conditions make detection and enforcement difficult and costly and are not conducive to efficient inspection. The natural result is that, for the most part, direct legislation regarding the agricultural employment of children has been avoided and reliance for their protection has been placed on the indirect application of other laws.

Such direct legislation, however, is not entirely unknown, and may be cited, for example, in certain of the states of America. In twenty-seven of the forty-eight states the employment of children in any gainful occupation is definitely forbidden during school hours. The age of compulsory school attendance varies, and also the minimum compulsory period for that attendance, and the result of this legislation is that all gainful employment during school hours is forbidden for children under fourteen years in one state for one hundred days in the year; in two states for four months; in one state for five months; in five states for six months; in six states for seven months; in two states for eight months; in four states for nine months; and in one other state during the entire school session. It is forbidden for children under fifteen years in two states for six months; in one state for seven months; and in one state for seven-and-a-half months. In Oregon gainful employment during school hours is forbidden for children under sixteen years for eight months in the year, unless they have completed the eight grade of the elementary schools.

This general limitation of gainful occupation presents a type of direct legislation for the control of the employment of children; but being dependent upon the terms of the education acts of the individual states, it must rely for its enforcement partly at least upon them.

Also—a fact of primary importance, and one which
is typical of the advantage in protection which is given to children of urban, as compared with those of rural, districts—in eighteen states (including nine of those legislating against gainful employment in general as above) modifications are made in the child labor acts such that, in their application to agriculture, the employment of children at farm labor is wholly or partially exempted from the prohibition.

The following quotation from the statutes of Indiana is typical of such exemptions:

Be it enacted by the General Assembly of the State of Indiana that no child under the age of fourteen (14) years shall be employed or permitted to work in any gainful occupation other than farm work.

Similarly the Child Labor Act of the United States, which imposes an excise tax on the products of mines, quarries, mills, canneries, workshops, factories, and manufacturing establishments where children are employed, has no bearing on their employment in agriculture.

One other way in which the control of children in agriculture may be effected by direct legislation is in the regulation of hours. But while always an outstanding feature of factory legislation, this method of regulating child labor on farms has to a perhaps surprising extent been disregarded, while in some states we find a definite exemption for child farm workers from the legal limitations as to hours of other occupations.

An example of a state where the hours of the employment of children in agriculture are legally regulated in a direct way is Nebraska. This state, while it does not prohibit children under the minimum age from working in agriculture, regulates the hours of employment for persons under sixteen years of age in sugar-beet fields as follows:

No person under the age of sixteen years shall be employed or suffered or permitted to work in any...beet field...more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of six o'clock in the morning, nor after the hour of eight o'clock in the evening.
Arkansas is the only state which includes agriculture in its child labor law restrictions on the same basis as industrial or commercial employment. It provides that no child under fourteen may be employed in any remunerative occupation.

Summarising, then, the direct legislation in the United States of America which aims at the control of the employment of children in agriculture, we find in the forty-eight states that twenty-seven prohibit the employment of children in any gainful occupation during school hours; that in ten of these and eight others modifications are made in the child labor laws, such that the employment of children at farm labor is wholly or partially exempted from restriction; that the direct regulation of the hours of children's work in agriculture has received little attention and is provided for by statute in eleven states only; and that one state includes agriculture in its child labor laws on the same basis as other employment.

INTERNATIONAL LABOR OFFICE AND THE PROTECTION OF CHILDREN

When the International Labour Office was set up, it was impossible to doubt but that the protection of child labor was within its competence. Both historical precedents and the public texts and documents in virtue of which the International Labour Organisation was established, and which laid down the protection of child labor as one of the matters with which that organization would have to deal, combine to put the question beyond controversy. By historical precedents we mean the efforts which were made during part of last century and during the years preceding the war by governments and great voluntary associations to extend the scope of labor

1 International Labour Review. 3:3-10. July, 1921.
legislation on an international basis. This work has now been taken over by the International Labour Office. The public texts and documents include the deliberations of the Commission of the Peace Conference which drafted Part XIII of the Treaty of Versailles, the treaty itself, and the Washington conventions, as well as those which were subsequently adopted at Genoa. All these texts deal with child labor and the employment of women before and after childbirth.

**HISTORICAL PRECEDENTS**

The history of the whole movement for international labor legislation can be traced back to the need which was felt for protecting children against exploitation by their employers. Most governments had passed legislative measures to protect children long before they thought of intervening in the regulation of adult labor. Even when liberty of individual contract was still a dogma as between man and man, official intervention was thought proper in the case of children, who were so clearly unable to protect themselves.

The question of the protection of children arose almost immediately after the dissolution of the guilds. From that time on the length of the industrial working day increased rapidly. The earliest legislative measure limiting the working hours of children was passed in 1802 in England; in 1833 it was extended to young persons, and in 1847 to women. In 1815 a law regulating child labor was passed in the Swiss cantons of St. Gall and Zürich. An enquiry into the condition of children in the Dortmund district in 1825 showed that they worked at flax spinning from five in the morning till eight at night; the position was the same at Cologne, in Silesia, and in Saxony, some children entering the factories at the age of five; as a result of the enquiry Prussia adopted the provisions of the British act, with cer-
tain modifications, in 1839. In 1837 the Academy of Moral Sciences in France entrusted one of its members, Mr. René Villerme, with an enquiry into the position of the working classes. Mr. Villerme found that the normal daily working hours were thirteen to fourteen, for children as well as for adults, and that the wages paid to children were excessively low. In some spinning works the working day was one of seventeen hours, not including the time required for going to and from the factory, which was often at a considerable distance from the workers' homes. Mr. Villerme writes:

It is true that in these two industries (wool and cotton manufacture) the children are merely required to watch the machines. All are exhausted, however, by having to stand for too long. They are on their feet from sixteen to seventeen hours a day, thirteen at least of which are spent in a closed room, and almost without any change of place or attitude. This is not work, but torture, and it is inflicted on children between six and eight years of age who are ill fed and ill clothed, who have to start at five in the morning in order to reach the distant factories and whose exhaustion is completed by the return journey in the evening.

This enquiry resulted in the adoption of the act of March 22, 1841, which gave protection to children only, and was limited to manufacturers, factories and workshops using mechanical appliances or engaged in continuous process industries, and to factories employing over twenty persons. Similar legislation was passed in Lombardy in 1845, in Denmark and Spain in 1873, in the Netherlands in 1874 and 1899, in Luxemburg in 1876, in Switzerland in 1877, in Sweden in 1881, in Russia in 1882, in Austria in 1885, in Italy in 1886, in Belgium in 1889, in Portugal in 1891, and in Norway in 1892. In some cases, however, there was a tendency toward reaction. In 1890 the Spanish government introduced a bill to reduce the age of admission of children to industrial employment from ten to nine. In France, on the other hand, public opinion had progressed since the act
of 1841. A decree dated March 2, 1848 limited the legal working hours for all workers; on June 19, 1871, Mr. Ambroise Joubert laid before the National Assembly a proposal on child labor, which became the act of May 19, 1874 forbidding the industrial employment of children under twelve years of age.

Side by side with the development of national legislation for the protection of children, there arose a movement for international protection. It is unnecessary to describe at length the general history of the efforts made to internationalize labor questions. We may note, however, that on March 18, 1874 Jean-Baptiste Dumas introduced a proposal for the international regulation of labor in the French National Assembly. On January 25, 1884 the Comte de Mun proposed a resolution, which was adopted by the French Chamber, requesting the government to "take steps with a view to the adoption of international legislation, allowing every state to protect the working man, his wife, and his children against excessive labor, without endangering national industry." On April 20, 1881 the Swiss National Council had considered a motion in the same sense; on April 23, 1887 it adopted another similar motion, and on March 15, 1889 the Federal Council sent a circular to the various governments inviting them to a preparatory conference, which was to study the bases for an international convention concerning the fixing of the age of admission of children to industrial employment, the maximum working day for young persons, the prohibition of the employment of women and children in dangerous industries, the prohibition of Sunday work, and the limitation of night work for women and young persons. But when Emperor William, by a rescript dated February 5, 1890, decided to convene a labor conference at Berlin, Switzerland left the initiative to him. The first international labor conference therefore met at Berlin on March 15, 1890. It included delegates from twelve
states, namely, Austria-Hungary, Belgium, Denmark, France, Germany, Italy, Luxemburg, the Netherlands, Portugal, Sweden and Norway, Switzerland, and the United Kingdom.

The following questions connected with children's employment were submitted to the conference:—

1. Should children under a certain age be excluded from industrial employment?

2. At what age should children be admitted to employment? Should it be the same in all industries, or are any distinctions admissible?

3. What should be the restrictions as to hours and type of work for children employed in industry?

The committee to which these questions were referred decided unanimously "that it was desirable that children of both sexes who had not reached a certain age should be excluded from industrial employment;" but, although the principle was admitted, there was a great deal of discussion as to the age which should be fixed as a limit. The age limit of fourteen was rejected by thirteen votes to two, Austria and Switzerland voting in favor. The age of thirteen was also rejected by twelve votes to two, Austria and Switzerland voting in favor and Denmark abstaining. Finally, the age of twelve was agreed on, but the Italian and Spanish delegates obtained its reduction to ten in the case of the southern countries. A German motion stating that it is desirable that children admitted to industrial employment should first have fulfilled the regulations concerning primary education was carried against the votes of Denmark and the United Kingdom, Belgium and the Netherlands abstaining. The committee decided that the age limit should be the same for all industrial establishments without distinction. It also declared it desirable that children under fourteen should not work at night or on Sundays, that their actual working day should not exceed six hours, with a break of at least half an hour,
CHILD LABOR

and that they should not be engaged in unhealthy or dangerous occupations, or if so, only under certain protective conditions. The conference agreed to these proposals, with certain reservations. The Belgium delegation refused to agree to the limitation of children's working hours to six, and the Danish delegation to the provisions about educational obligations.

The committee had further to consider the following questions as to the employment of young persons:—

1. Should restrictions be placed on the work of young persons over the age of twelve in industrial establishments?

2. Up to what age limit should these restrictions apply?

3. What should be the restrictions laid down?

4. Should exceptions to the general rules be allowed in certain classes of industrial establishments?

The resolutions adopted on these points stated:

It is desirable:

1. that young persons of both sexes should not work at night or on Sunday;
2. that their actual working hours should not exceed ten per day, and that there should be breaks of a total duration of at least one hour and a half;
3. that exceptions should be allowed in the case of certain industries;
4. that restrictions should be imposed in the case of specially unhealthy or dangerous occupations;
5. that boys between sixteen and eighteen should be protected as regards:
   a. maximum working hours,
   b. night work,
   c. Sunday work,
   d. employment in specially unhealthy or dangerous occupations.

The prohibition of night and Sunday work was adopted unanimously, but on the question of working hours the Austrian delegate declared it inadmissible "that young persons should be called upon to work shorter hours than adults, as there was so close a con-
nection between the work of the young and the adult worker that both must necessarily begin and end work at the same time;" the Netherlands and Belgium voted with Austria. The principle of the protection of young workers between sixteen and eighteen was only accepted by eight states, namely, Denmark, France, Germany, Norway, Portugal, Sweden, Switzerland, and the United Kingdom, as against six, namely, Austria, Belgium, Hungary, Italy, Luxemburg, and the Netherlands, and one abstention, Spain. The Netherlands voted against the restriction of the employment of young persons in specially unhealthy and dangerous industries; their vote, however, was an isolated one.

Child labor in the mining industry was also discussed. The agenda of the conference included an item on the prohibition of underground work (a) for children under a certain age, (b) for females. The committee stated: "It is desirable that the age of employment of children on underground work in mines should gradually be raised, as experience shows it possible, to fourteen. In the case of southern countries, however, the limit should be twelve." Statistics supplied to the committee showed that most countries had already fixed the age at which children might work in mines at twelve. In England, for example, there were only one hundred and twenty-seven children under twelve years of age employed on underground work. Some countries, however, had not adopted this age limit; in Italy the limit was ten years, and the Sicilian sulphur mines employed six thousand children under fourteen.

Although there was no great divergence of opinion on the question of the age limit for the employment of children underground, the Belgian delegates made certain reservations. "A recent act," said Baron Greindl, "has fixed the age at which children may work in the mines at twelve. This is the most that the present state of our industry can bear. The actual operation of this
act can alone show whether further progress can be made at a later date."

The regulations drawn up by the Berlin Conference were a considerable advance on the situation existing in most countries. In the face of strong resistance, the delegates did their best to obtain better conditions for the working classes, in so far as they thought this compatible with the requirements of industry. The advance in protective labor legislation which has since been made shows how relative ideas on this question can be.

The regulations of the Berlin Conference were nowhere applied in practice; they were paper resolutions, which did not lead to the conclusion of conventions or to any obligations on the part of the governments; nevertheless, the work of the conference was not valueless. This first labor charter, in spite of its timidity and imperfections, exercised considerable influence on social legislation in all countries. After the conference the movement for the internationalization of social problems continued with increased vigor. The Pope expressed his approval of the conference, and gave it his benediction; and the next year, on May 15, 1891, Leo XIII issued his famous encyclical "Rerum Novarum," which laid down the principle that the working day should not be so long as to exceed the strength of the workers.

In 1894 efforts were made to begin founding an international association for the legal protection of workers, but it was not until 1900 that these efforts resulted in the formation of the International Association for Labor Legislation, which from the outset devoted special attention to the question of child labor. In 1902 it examined the question of night work for young persons. In 1906, shortly after the diplomatic conference which had concluded the first international labor convention, concerning the prohibition of night work for women and of the use of white phosphorus in the manufacture of matches, the association believed the time had come for
further definitely formulated recommendations. Two resolutions were voted at Geneva, one in favor of making the ten-hour day for young persons general by international convention, the other in favor of the prohibition of night work for young persons under eighteen.

In 1912 the Zürich Conference of the association drew up two draft conventions, which were used as a basis for the discussions of the international conference convoked by the Federal Council at Berne in 1913. The memoranda prepared on that occasion by the International Association illustrate the great development of labor legislation in various countries since 1890. The only European countries which had enacted no legislation for the protection of child labor were Greece, Montenegro, Turkey, and the principality of Monaco. In non-European countries the protective legislation was still somewhat rudimentary, except in Japan, Argentina, and some of the North American states. Night work was prohibited for children under fifteen in Italy, Romania, Bulgaria, Russia, and Japan; for children under sixteen in Germany, Austria-Hungary, Bosnia, Belgium, Luxemburg, Argentina, and several of the Australian and American states; for children under eighteen in Denmark, Finland, France, the United Kingdom, Norway, Serbia, Switzerland, and the Netherlands. The hours of work for children had to be less than ten per day in Germany and the Netherlands; they could be ten per day or sixty per week in France, the United Kingdom, Serbia, Bulgaria, and Roumania; eleven in Switzerland and Austria; eleven and a half in Russia; twelve in Italy.

The 1912 report also shows the beneficial effects of protective legislation. In England the proportion of boys between ten and fifteen engaged in industry fell from 37 per cent to 22 per cent of the population between 1851 and 1901. This decrease had, of course, been accompanied by a considerable reduction in the
number of industrial accidents, as the proportion of such accidents is naturally greater among children than among adults. In Leipzig, at the moment when the report was issued, the accidents to workers under fifteen reached a figure of 14.3 per cent as compared with 8.7 per cent in the case of workers over twenty; in England 19.1 per cent of all accidents happened to young persons, whereas the percentage of accidents happening to the total working population was only 14.1 per cent.

With these facts before it, and in the light of this experience, the 1913 conference proceeded to draw up its recommendation on the prohibition of night work for young persons.

The conference was attended, among others, by Mr. Arthur Fontaine, Sir Malcolm Delevingne, Dr. Leymann, Monsignor Nolens, etc., who have since played an eminent part in the development of international labor legislation; it met at Berne May 8, 1913. It was both an official and an expert conference; it was constituted by government representatives who were instructed to prepare the outlines of future international conventions, but who were not in possession of full powers to sign such conventions or to engage their governments.

The conference used the drafts of the International Association for Labour Legislation as the basis of its discussions, but on certain points it introduced modifications of the very greatest importance. The International Association had proposed that the protection of young persons should be extended to the age of eighteen. After considerable discussion, this limit was reduced to sixteen. Spain, France, the United Kingdom, Norway, Sweden, and Switzerland had been in favor of the age of eighteen; a proposal for a compromise fixing the age limit at seventeen only obtained seven votes, and the age limit of sixteen was finally adopted by twelve states. The conference then decided that the convention should follow the principles embodied in the 1906 conventions and
apply "to all industrial establishments in which more than ten workers of either sex are employed. It shall in no case apply to establishments in which only the members of the family are employed."

There was considerable discussion on the exceptions demanded by certain countries. Great Britain wished the convention not to apply to mines; Austria and Belgium several times raised the question of the glass industry, and a German proposal to delay the application of the convention to glass works for ten years was adopted.

As regards working hours, an Italian proposal to fix the maximum working day for children at eleven hours and their working week at sixty-three hours was rejected by ten votes to two, with two abstentions. The principle of the ten-hour day was finally accepted by nine votes to one, but there was a long discussion as to the definition of the week. The chairman of the conference gave a formal ruling to the effect that the term "working week" should be interpreted to mean the first six days of the week, but that the convention also prohibited more than ten hours' work on Sunday. The Italian government delegate stated that he was not entirely satisfied with this definition, and drew attention to the fact that the convention would fail to secure equality between states allowing Sunday work and the states prohibiting it.

The question of overtime also gave rise to considerable discussion, and the original proposals were greatly amplified. Monseignor Nolens therefore made the following statement before the voting was taken:

The Netherlands Delegation expresses its satisfaction at the results obtained, but, nevertheless, sees with regret that these results do not correspond in so great a measure as it could have wished to those proposals of the International Association, which the Swiss Federal Council considered worthy to serve as a basis for the deliberations of an international conference. Without making a comparison between the proposals of the Association and the resolutions of the two committees, I venture to draw attention to the following points of divergence.
1. The age limit of those to be protected during employment was lowered from 18 to 16 years, and the compromise proposed by the Netherlands Delegation was rejected.

2. This reduction in the age limit ought to have resulted in the withdrawal of a number of reservations and exemptions; this has not been the case.

3. The adoption of the expression “working week” leaves it open to the employer to work his protected workers 70 hours on 7 consecutive days.

4. The number of hours of overtime has been raised from 60 to 140 and 180.

5. In our opinion the idea of force majeure has been interpreted in too wide a sense.

6. The provisional regulations and the rights granted to defer the application of regulations amount to considerable concessions.

It had been intended that the Swiss government should convocate a diplomatic conference in 1914, in order to ratify the decisions of the expert conference of 1913 and to give them the force of international conventions. This was prevented by the outbreak of war, and the 1913 resolutions were not made binding. At the moment of the outbreak of the war, children, unlike women (who enjoyed the benefits of the 1906 Convention, at least as regards night work) were not protected by any international convention, in spite of the interest which the question aroused in all quarters.

THE WORK OF THE INTERNATIONAL LABOR ORGANISATION

The agenda of the first International Labour Conference, which met at Washington in October 1919, included several items relating to children and to the cognate problem of the protection of motherhood. In preparation for the conference, the Organising Committee had drawn up memoranda, which summarized the legislation in force in the various countries as completely as possible.

In considering the present state of the protection of child labor and in comparing it with what was achieved before the war, the most striking thing to notice is the
advance of international legislation. Where the Berlin Conference was unsuccessful in obtaining the prohibition of the employment of children under twelve in the countries of southern Europe, the Washington Conference was able to raise the limit to fourteen; it prohibited night work for young persons under eighteen, whereas sixteen had previously been considered too high a limit, and so on. The second point to be noted is the wide area over which recommendations are now operative; also the reciprocal treatment granted between states, which puts the protection of children beyond the danger of future reaction.

The sole argument for special protection is a special set of conditions. The protection of children is on these grounds fully justified. But such protection must remain restricted within certain limits, and must not be made a pretext for social experiments applicable to all workers, as, for example, in the sphere of hygiene, in which protection should not be less general than the risks. The protection of child labor should be as simple and as absolute as possible. It should be the legal expression of a de facto situation, expressing the difference which really does exist between children and adults, and it should admit of the fewest possible exceptions. When it has reached this stage, it can be stabilized.

In addition to negative protection, i.e., to the prohibition of night work for children and of their employment under the age of fourteen, children also need positive protection. Such positive protection is still rudimentary, and needs to be developed. Its object is not the protection of the child against risks, but its preparation, development, and equipment for life. The great problems of apprenticeship and of technical training and vocational education, including the problem of access to higher education for the more intelligent children, should engage the future attention of the labor conferences and of the International Labour Office.
CHILD LABOR OF OTHER COUNTRIES

According to the most recent information available, Belgium, Czechoslovakia, Denmark, Germany, Great Britain, Netherlands, New Zealand, Norway, Kingdom of the Serbs, Croats, and Slovenes, Sweden (fourteen, girls; thirteen, boys), and Switzerland have adopted a fourteen-year minimum and Russia has a sixteen-year minimum, for employment in industrial undertakings, in some countries with certain exemptions. Argentina, Germany, Japan (law effective 1926), and New Zealand prohibit night work for children under sixteen—in most countries with certain exceptions allowed—for example, work in continuous industries and in trades dealing with perishable materials. Only a few American states prohibit night work for both boys and girls under eighteen years, while China prohibits it for boys under seventeen and girls under eighteen, and Austria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Norway, Peru, Russia, Kingdom of the Serbs, Croats, and Slovenes, Sweden, and Switzerland prohibit it under the age of eighteen years, and Portugal prohibits night work for all workers. Additional protection is afforded girls in many foreign countries, but in only about a fourth of our states, through laws providing for night rest for women.

The eight-hour day and forty-eight-hour week in industrial undertakings, with certain exemptions, have been adopted for all workers, children and adults, for certain occupations at least, in Austria, Belgium, Czechoslovakia, Ecuador, Finland, France, Germany, Italy, the Netherlands (eight and one-half per day, forty-eight per week), New Zealand (forty-five hours for boys under sixteen and for females), Norway, Panama, Poland (forty-six-hour week), Portugal, Russia, Kingdom of

the Serbs, Croats, and Slovenes, Spain, Sweden, Switzerland, and Uruguay. China has an eight-hour day for children under seventeen, and India a six-hour day for children under fifteen.

In addition to these relatively high child labor standards in the foreign countries cited above the provisions of the draft conventions recommended by the International Labor Conference, held in Washington in 1919, include for industrial undertakings a minimum age of fourteen, eight-hour day and forty-eight-hour week for all workers, prohibition of night work for young persons under eighteen—with certain exemptions for children over sixteen—and prohibition of night work for women. Provision is made for exemptions under certain conditions, and modifications are specified for Japan and India. All four of these conventions have been ratified by Bulgaria, Greece, and Rumania. Czechoslovakia has ratified conventions relating to minimum age, night work for women, and hours. Great Britain, Switzerland, and Estonia have ratified the minimum-age and both night-work conventions; India has ratified the hours of labor, and both night-work conventions; Denmark has ratified the minimum-age convention and that relating to night work of young persons; and Italy has ratified both, and South Africa and the Netherlands one of the night-work conventions. In Japan ratification of the minimum-age convention, and in Finland, the Netherlands, and Poland ratification of both the minimum-age convention and that relating to night work of young persons has been authorized.

INTERNATIONAL PROTECTIVE REGULATIONS

Side by side with the national protective measures existing in the various countries a novel and progressive

feature of the past decades has been the development of an international labor legislation.

More quickly than in regard to other departments of legislation the inevitable fact has here manifested itself that the "failure of any nation to adopt humane conditions of labor is an obstacle in the way of other nations which desire to improve the conditions in their own countries."

A new kind of international treaty dealing with the regulation of labor questions came into being when on April 15, 1904, after a number of conferences and preliminary steps, France and Italy concluded a reciprocity agreement relating to the legal protection of French and Italian workers, especially women and young persons.

In 1913 the third International Governments' Conference for the legal protection of workers at Berne adopted two agreements relating to the prohibition of night work and the fixing of a maximum ten-hour day for young persons; these agreements were to be definitely sanctioned at an international diplomatic conference in September, 1914.

Then the war came. This, however, although it delayed the progress of events, could not hinder the development of the new movement. The Treaty of Versailles already reflects to some extent the commencement in all countries of an elementary reaction against the relapse into barbaric nationalism: this document of triumphant militarism contains one significant section, the spirit of which is utterly different from the rest of the treaty: viz., Part XIII, the charter of the International Labour Organisation. This "Charter of Labor" was the sop thrown to the working classes by the governments in order to redeem the great promises which had been made to the workers as a reward for their participation in the war. It is a clear reflex of their fear of revolution, which was then sweeping over Russia, Germany and Austria.
The charter solemnly proclaims the so-called fundamental rights of labor. Among the demands of "special and urgent importance" which the governments are called upon to realize, it mentions:

The abolition of child labor and the imposition of such limitations on the labor of young persons as shall permit the continuation of their education and assure their proper physical development.

It created the International Labour Office and the Annual International Labour Conferences, and placed the legal protection of children on the agenda of the first General Labour Conference.

So far these conferences have adopted the following decisions in regard to children and young persons:

**WASHINGTON CONFERENCE, 1919**

1. Fixing fourteen years as the minimum age for admission of children to employment in industrial undertakings. (Draft convention.)
2. Prohibition of night work for young persons under eighteen years of age. (Draft convention.)
3. Absolute or conditional prohibition respecting the employment of young persons in certain occupations, in which white lead or lead compounds are used. (Recommendation.)

**GENOA CONFERENCE, 1920**

Fixing fourteen years as the minimum age for admission of children to employment at sea. (Draft convention.)

**GENEVA CONFERENCE, 1921**

1. Prohibition of employment of children in agriculture during the hours fixed for school attendance, and at all other times if the work would prejudice their attendance at school. (Draft convention.)
2. Prohibition of the employment of lads under eighteen years of age as trimmers or stokers in seagoing vessels. (Draft convention.)

3. General prohibition of the employment of lads under eighteen in any capacity in ships unless they are medically certified to be fit for such work. (Draft convention.)

4. A nightly rest period of at least ten consecutive hours for children under fourteen years of age and at least nine consecutive hours for young persons between fourteen and eighteen years of age, in agriculture. (Recommendation.)

In view of their historical importance, as being the first steps toward the international protection of labor, we give the most important articles of the above decisions in one of the accompanying supplements.

The great weakness of these decisions does not lie in their contents. It is inevitable that for the present they can establish only a minimum standard of legal protection. Before a higher international standard can be set up, those countries in which social legislation is in a backward state, must first be brought up to the level that has already been attained in the more progressive countries.

The fundamental weakness of these decisions lies in the constitution of the International Labour Organisation and of the League of Nations itself; for in accordance with this constitution the decisions of the general conferences have no binding force: in order to be put into actual operation they must first be ratified by the various states.

The anomaly of the present situation becomes strikingly evident when one realizes to what a small extent the decisions have so far been actually carried out. Up to January 1, 1922, of the fifty-four members of the International Labour Organisation, only the following
states had ratified the conventions relating to the protection of children and young persons:

Washington decisions: concerning minimum age limit for employment of children: 4 states (Great Britain, Greece, Rumania, Czechoslovakia).

Washington decision: concerning night work of young persons: 4 states (Great Britain, Greece, India, Rumania).

Washington decision: concerning protection against lead poisoning: 2 states (Great Britain and Poland).

Genoa decision: concerning employment of children and young persons at sea: 2 states (Great Britain and Sweden).

Geneva decisions: so far, no ratifications.

That is the result of the huge machinery of the International Labour Conferences with their prolonged negotiations, between hundreds of prominent representatives of the workers, employers and governments of all the five continents.

However necessary, therefore, it may be to improve the international decisions themselves, it is a matter of still greater agency that the working classes should do all in their power to make these decisions binding upon the various states.

To that end it is an indispensable necessity that in addition to the existing international body representing the governments which arrogates to itself the title of "League of Nations," there should at last be established a body representing the peoples; an international parliament, elected by the national parliaments. Only such an institution can and will have the power to make international law.

In the various states which are built up on a more or less Federal basis such as for instance the British Empire, the United States, Germany and Switzerland, the constitutional maxim that national (or confederal) law takes precedence of the legislation of the constituent states is today generally acknowledged.

The time has now come when this principle should be further developed to: "International law takes precedence of national law."
CHILD LABOR

CONCLUSION

These are the legal regulations regarding apprenticeship and the protection of young workers in our country. It is only on rare occasions that they are observed in actual practice. All these institutions are of little practical benefit to the working classes.

Such is the reply to the questionnaire of the International Federation of Trade Unions of the leader of the organized workers in a country, which is today groaning under the yoke of reaction.

This reply throws a glaring light upon the situation not only in the country in question but in most other countries as well.

A glance at the lists and tables given above will reveal the fact that in the case of most countries there are a number of inadequate and uncoordinated laws which not only fall very far short of the minimum demands of the working classes but are in fact very far from realizing even the principles so solemnly proclaimed by the governments in the "Charter of Labour."

And bad as the situation has been in regard to improvement in the laws themselves, it has, in almost all cases, been still worse in regard to their practical application.

The enquiries into the causes of the big disasters in factories, etc., that are now taking place with alarming frequency in all "civilized" countries point again and again to the unprecedented neglect of even the most elementary safety regulations. The percentage of accidents to workers in the most important industrial states is on the increase rather than on the decrease.

The same is the case in regard to the injury to health suffered by young workers in consequence of too long or too strenuous work.

This increasing sabotage of the various protective regulations, on the part of the employers, is not the result of mere accident. It is the inevitable outcome of the general course of events.
The main causes of this state of affairs may be set forth as follows:

1. The more labor acquires influence in the state, and the more legislation bears traces of that influence, the more the employers, as a matter of course, oppose and disregard the very same state which they upheld with such ardour so long as they themselves held the reins of power.

2. According as the struggle between capital and labor reaches its decisive stage, and becomes more embittered, so much the less can capital afford itself the luxury of protective measures. In anticipation of the approaching catastrophe, the greed of the capitalists throws off its mask and tramples under foot the barriers which in the form of protective measures, the strenuous efforts of the working classes have placed across its path.

3. The more the increasing power of the working classes causes a shrinkage in the profits which can be squeezed out of the adult workers in the civilized countries, the more the employers are obliged to fall back upon the policy of exploiting the most defenceless sections of the proletariat, viz. colonial and coloured races on the one hand and women and young persons on the other hand.

In all countries today capitalism is directing its systematic offensive in the first instance against the apprentices and young workers: Their wages are the first to be reduced; their working hours are the first to be increased; their rights are the first to be disregarded. All this, however, does not affect the apprentices and young workers alone: this policy is at the same time being adopted by the capitalists as a means by which to worsen the working conditions of all workers, as a breach in the outer fortifications through which the capitalists mean to deliver their attack upon the enemy's main position.

What are the conclusions to be drawn from this state of affairs? Are the young workers to give up the strug-
gle for their legal protection, on the grounds that so far their efforts have been attended with such little success? On the contrary, they must carry on the struggle with redoubled energy.

Capitalism will not be overthrown by one blow, delivered from one quarter. From all quarters simultaneously and with all conceivable weapons the attack must be delivered: in the trade unions; by means of tariff agreements and strikes; in the works’ councils, by the democratization of industry; in the cooperative societies, by assuming the management of production and distribution; in the domain of science, by exposing the absurdity of the present economic system; on an organizational basis, by combining the forces of labor in all countries on an ever larger scale; along political lines, by utilizing all political opportunities; and finally along the lines of social legislation by curtailing more and more the right of the employers to unrestricted exploitation of the working classes.

The stubborn fight which the employers are carrying on in Parliaments as well as in the international labor conferences, against every form of improvement in protective measures is a proof of the effectiveness of this latter weapon.

The young workers must continue their struggle for legal protection not as being the only or principal aim, but as being one of the many domains, in which they are called upon to labor.
FEDERAL AMENDMENT
WHERE DO YOU STAND ON THE CHILD LABOR AMENDMENT

The fight over this movement is on. It will be one of the bitterly fought battles in American constitutional history. In the white light of the struggle our opinions will be measured by the eternal principles of truth, justice, equality, and human liberty. The methods of the opposition are intrigue, prejudice, and misrepresentation—the very things against which education should stand like the Rock of Gibraltar. Let everyone who is trying honestly to make up his mind on this great problem ask the following questions of those who urge him to oppose the Child Labor Amendment:

1. Who are the friends of the measure? What are their motives?
2. Who are the enemies of the measure? Were they not also the enemies of compulsory school attendance? What are their motives?
3. Where did you get your facts?
4. Just what do you mean by "states' rights"? Would you put "states' rights" above human rights?
5. It is good American citizenship to try to create a lack of faith in the Federal government? Has it been less efficient and highminded than the state governments?
6. Would you exempt from military service to the nation in time of war the men who as children the nation denied an opportunity for a fair start in life?

7. Do you think it is possible under present conditions to confine to the state of its origin the bent and broken human life that the exploitation of children leaves in its wake?

8. Do you believe that mature men and women should be required to compete with the commercially exploited labor of children?

9. Have you read the proposed Amendment itself? It does not prohibit child labor, but merely gives Congress power to deal with the problem. Has any honorable citizen anything to fear by granting to Congress authority to deal with a recognized national evil?

10. Were it adopted, have we reason to believe that Congress would go further than the standards of the two child labor laws that have been enacted and acknowledged to be good, although declared unconstitutional?

CHILD LABOR AMENDMENT

HISTORY OF FEDERAL CHILD LABOR LEGISLATION

In December, 1906, the first proposals for a Federal law to prevent the industrial exploitation of children were made in Congress when Senator Beveridge, of Indiana, and Congressman Herbert Parsons introduced bills to "prevent the employment of children in factories and mines," and Senator Lodge sponsored a measure designed to "prohibit the employment of children in the manufacture or production of articles intended for inter-state commerce." Almost ten years later, September 1, 1916, the first Federal child labor law was adopted, with the provision that it should become operative one year later—or September 1, 1917. Under its power to regu-
CHILD LABOR

late interstate and foreign commerce, Congress sought in this measure to close the channels of interstate and foreign commerce to the products of child labor. Three days before the act went into effect the United States district attorney in the western district of North Carolina was enjoined from enforcing the act. On June 3, 1918, after the law had been in operation nine months and three days, the decision of the district court was affirmed by the United States Supreme Court in a five to four decision on the ground that the law was not a legitimate exercise of Congress's power to regulate interstate commerce and was therefore unconstitutional.

Following this decision, Congress enacted on February 24, 1919, as a part of the revenue act of 1918, a provision for a tax of 10 per cent on the annual net profits of certain enumerated establishments which employed children in violation of the age and hour standards laid down in the act.

The child labor tax law became operative on April 25, 1919, and was in effect until May 15, 1922, when the United States Supreme Court in the case of Bailey vs. The Drexel Furniture Co. held that it was not a valid exercise of Congress's right to lay and collect taxes. Only one judge dissented from this opinion. It, therefore, seems to be clearly established that either Congress must abandon the object which was sought in these two laws or the Constitution must be amended so as to give to Congress the power which it was believed to have when these two acts were passed. In its consideration of these two alternatives, the committee has considered carefully (1) the present status of state child labor legislation and the numbers and geographical distribution of working children in order to discover whether the need for Federal action still exists, and (2) whether the experience gained in the course of the administration of the

2 259 U.S. 80.
laws held unconstitutional indicates the value of Federal intervention for the protection of children.

**PRESENT STATUS OF CHILD LABOR LEGISLATION IN THE UNITED STATES**

It may perhaps be said that the developing tendency in our child labor legislation has been to establish an age, an educational, and a physical standard which a child must attain before he can be employed in specified occupations; to regulate the hours during which he may work during the first few years of employment and prohibit him from certain especially hazardous occupations. The enforcement is through a work-permit system usually administered by the public schools and through inspection of the place of employment.

**PROVISIONS OF THE TWO FEDERAL LAWS**

The two Federal laws which have been held unconstitutional by the Supreme Court did not specifically prohibit or regulate the employment of children. By prohibiting the shipment of the products of child labor in interstate or foreign commerce, or imposing a tax on child-employing industries, they established in effect the following minimum standards for the United States as a whole during the period they were in operation:

**(A) AGE MINIMUM**

I. In mills, canneries, factories, workshops, and manufacturing establishments: Fourteen years (without exemptions).

II. In mines and quarries: Sixteen years (without exemptions).

**(B) EDUCATIONAL MINIMUM**

None.

**(C) PHYSICAL MINIMUM**

None.
CHILD LABOR

(d) Maximum Hours for Children Under Sixteen

In mills, canneries, factories, workshops, and manufacturing establishments: Eight hours per day and six days per week.

(e) Prohibition of Night Work for Children

In mills, canneries, factories, workshops, and manufacturing establishments: Between 7 p. m. and 6 a. m.

Summary of State Child Labor Legislation Under Sixteen

The legislation of the states varies so in the occupations to which it extends, as well as the exemptions and exceptions which are made, that general statements with reference to the protection afforded the children are impossible.

(A) Age Minimum

I. In factories, stores, etc. (canneries and other establishments handling perishable products not included):

Over 14 years (with exemptions limited to outside school hours), three states: Maine (15), Michigan (15), Ohio (16).

Over 14 years (with exemptions not limited to outside school hours), three states: California (15), Montana (16),¹ Texas (15).

Fourteen years (without exemptions), 16 states: Connecticut, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, Rhode Island,² Tennessee, Virginia.

Fourteen years (with exemptions limited to outside school hours), 11 states: Alabama, Arizona, Arkansas, Colorado, Idaho, Kansas, Minnesota, Nevada, Oregon, West Virginia, Wisconsin.

¹ No minimum age for work in stores.
² After September 1, 1924, minimum age fifteen during school hours, without exemptions.
Fourteen years (with exemptions not limited to outside school hours), 12 states: Delaware, Florida, Georgia, Iowa, Missouri, New Mexico, North Carolina, Oklahoma, South Carolina, South Dakota, Vermont, Washington.

Under 14 years, 3 states: Mississippi (boy 12, girl 14), Utah (no age minimum), Wyoming (no age minimum).

II. In mines (for boys):

Over 16 years, 4 states: Arizona (18), New Jersey (18), Texas (17), Wisconsin (18).


Sixteen years (with exemptions), 2 states: Iowa, Washington.

Under 16 years, 9 states: Idaho, Louisiana, Michigan, Minnesota, New Mexico, Rhode Island, South Carolina, South Dakota, Wyoming.

No minimum age specified in law, 7 states: Florida, Georgia, Maine, Massachusetts, Mississippi, Nebraska, New Hampshire.

(b) Educational Minimum

Grade requirements for regular employment certificates:

 Eighth grade or common-school course, 13 states: Delaware, Indiana, Kansas, Minnesota, Montana, Ne-

---

1 Lower minimum age or no minimum age for work in stores.
2 Certain dangerous or injurious occupations prohibited under sixteen in Utah and under fourteen in Wyoming. In Wyoming, no child whose attendance at school is required by law may be employed in factories or stores during school hours.
3 By implication from employment-certificate law, minimum age would be fourteen.
4 With exemptions.

Seventh grade, 2 states: California, Ohio.


Fifth grade, 4 states: Arizona, Kentucky, Maryland, New Jersey.

Fourth grade, 2 states: Alabama, Arkansas.

No grade specified; knowledge of certain subjects required (usually reading and writing, and sometimes simple operations in arithmetic), 7 states: Colorado, Florida, Idaho, New Hampshire, Oklahoma, South Dakota, Tennessee.

No requirement other than specified school attendance in preceding year, 1 state: Georgia.

No educational requirement, 10 states: Louisiana, Mississippi, Missouri, Nevada, New Mexico, North Carolina, South Carolina, Texas, Virginia, Wyoming.

(c) PHYSICAL MINIMUM

(This summary covers only examinations for physical fitness required for regular employment certificates.)

I. Examination by physician before child goes to work mandatory, 22 states: Alabama, Arizona, California, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia. (See also Wisconsin under II.)

II. Examination by physician before child goes to work optional with certificate-issuing officer, 7 states: Florida, Maine, Michigan, Nebraska, Oklahoma, Oregon, Oregon, Wisconsin.

1 With exemptions.
2 Local school authorities may raise this requirement; state board of education or school officials designated by it may make exemptions.
3 Requirement specified but no provision made for certificate.
4 No provision in the law for employment certificates applicable to general occupations.
SELECTED ARTICLES

Wisconsin (required in Milwaukee for all applicants for first regular employment certificates.)

III. No provision for requiring examination by physician before child goes to work, 19 states: Arkansas, Colorado, Georgia, Idaho, Kansas, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, Wyoming.¹

(d) Maximum Hours for Children Under Sixteen

In factories and stores (canneries and other establishments handling perishable products are not included): Eight hours per day for children 14 to 16 in both factories and stores, 30 states: Alabama, Arizona, Arkansas, California, Colorado,² Delaware, Illinois, Indiana, Iowa,³ Kansas, Kentucky, Maryland, Massachusetts, Minnesota, Missouri,² Nebraska, Nevada, New Jersey, New Mexico, New York,³ North Dakota, Ohio, Oklahoma, Oregon, Tennessee, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

Eight hours per day in factories, but law either does not apply to stores or does not apply to all children between 14 and 16 years of age, 6 states: Connecticut (factories only), Maine² (factories only), Mississippi² (factories only), Montana⁴ (factories only), Utah (boy 14-16 not covered by law), Vermont (factories only).

Nine hours per day, 3 states: Florida (factories only), Idaho, Pennsylvania.

Ten hours per day, 6 states: Louisiana,² Michigan, Rhode Island, South Carolina² (factories only), South Dakota,² Texas (law applies only to child under 15).

¹ No provisions in the law for employment certificates applicable to general occupations.
² With exemptions.
³ Boy fourteen to sixteen in cotton and knitting mills exempted.
⁴ Included here because no child under sixteen may be employed at any time in factories.
Ten and one-fourth hours per day, 1 state: New Hampshire.
No limitation on hours per day, 1 state: Georgia.
Eleven hours per day, 1 state: North Carolina\(^1\) (factories only).

(e) **Prohibition of Night Work for Children Under Sixteen**

In factories, stores, etc. (canneries and other establishments handling perishable products not included):


Prohibited in factories but not in stores, 7 states: Florida, Maine, Michigan, Montana, Oklahoma, South Carolina, Vermont.

Prohibited in factories, but only for children under 14\(\frac{1}{2}\), 1 state: Georgia.

Prohibited in factories, but boys 14 to 16 in cotton and knitting mills exempted, 1 state: Mississippi.

No prohibition, 4 states: Nevada, South Dakota, Texas, Utah.

**Comparison of the Standards Established by State Laws with Those Established by the Two Federal Laws Held Unconstitutional**

Only 13 states have child labor laws which measure up in every particular to the standards of the Federal laws. They are: Alabama, Connecticut, Illinois, Indiana, Kansas, Kentucky, New York, Ohio, Oklahoma, Oregon, Tennessee, West Virginia, and Wisconsin.

\(^{1}\) Eight-hour day for children under fourteen.
In addition, the following 5 states have child labor laws which measure up to the Federal standards, except in regard to employment in mines or quarries, or both: Massachusetts, Minnesota, Montana, New Jersey, North Dakota.

**The Experience with the First and Second Federal Laws**

The proposed amendment, if ratified, will not give Congress a new and untried power. From the experience with the two Federal laws, the protection afforded the children, the effects on the states, and the administrative problems and costs are definitely ascertainable.

**Relationship of the Federal Government to the States and State Enforcing Machinery.**

It has been shown that the standards for the employment of children which were in effect established by these two Federal acts were not as high as those of a few states; they were substantially the same as those in a larger number of states, but were considerably higher than the standards fixed in a third group of states. While this was a new type of Federal legislation, the experience of the Bureau of Chemistry in administering the pure food and drug act and a series of studies of the administration of state child labor laws which had been made by the Children's Bureau furnished helpful analogies based on both national and state experience.

The bureau laid its plans on the theory that the full value of this national minimum for the protection of children which the act established would never be realized except through a genuine working relationship between Federal and state officials. The resources of both were inadequate for the task before them. It was, of course, important that needless Federal machinery should be avoided, and that, so far as Federal machinery was established, it should so function as to strengthen respect for the state as well as the Federal laws.
With this end in view, a conference of state officials was called during the summer before the act went into effect, so that the bureau might have the benefit of their advice before the rules and regulations as to certificates of age were adopted and of a detailed discussion of the other problems common to state and Federal officers.

At this conference the state commissioners and chief factory inspectors voted that they desired to have formal recognition by the Federal government, and, in accordance with their vote, all state officers charged by statute with the enforcement of a state child labor law were commissioned to assist in the enforcement of the Federal act. In commissioning them attention was called to the fact that inspections would be made by the Children's Bureau in any state, either upon its own initiative, upon complaints of violations, or upon the request of state officials.

The help given by the state officials in the enforcement of the Federal act was substantial. It began in some states before the law went into effect with an educational campaign to acquaint employers and parents with the provisions of the act. In a number of states in which children between fourteen and sixteen years of age were allowed, under the state law, to work more than eight hours a day, state inspectors checked time records in the course of their regular inspections to see whether the Federal eight-hour standard was being violated, and called the attention of the employers to the fact that their products could not be shipped in interstate or foreign commerce if the Federal eight-hour standard was not observed.

The act itself provided a basis for cooperation between the Federal and state governments in that it was possible to accept for the purposes of the Federal act the certificates of age or work permits issued under state authority. State experience had demonstrated that it is possible to enforce a child labor law only if no child is employed without a certificate and if no certificate is
issued except on reliable evidence that the child is of the legal working age. The question of what state certificates should be accepted, therefore, was a very important one in the administration of the act. Having adopted what were regarded as the necessary standards for a good certificate system, the laws and administrative practices of the several states were carefully studied.

It was found possible to accept the state certificates for the purposes of the Federal act in practically all the industrial states. It was, however, found necessary to issue Federal certificates in North Carolina, South Carolina, Georgia, and Mississippi, and at the time the act was declared unconstitutional arrangements were made for issuance in Virginia.

To an inspector of the Children’s Bureau was assigned the special duty of cooperating with state officials, and joint inspections with state inspectors were tried in a number of localities. These were useful in acquainting Federal and state inspectors with the methods followed by each, and in impressing parents and employers with the fact that Federal and state officials were working together. It was felt, however, that if long continued joint inspections would be wasteful, as the time of two sets of inspectors was consumed for work which could be done by one. A regular exchange of information was probably what each needed from the other, and with this end in view, arrangements were made by the Children’s Bureau to send to the child labor inspection departments of the states a summary of the findings of the bureau inspectors in their own jurisdiction, as well as all rulings and other information with reference to the act which might be published by the bureau from time to time.

The same general method of enforcement was followed by the Bureau of Internal Revenue except that the same close cooperation with state departments of labor was not possible because of the fact that the second child labor law was a revenue measure. That the state labor
officials found this measure helpful is indicated by their official statements.

A FEDERAL MINIMUM ENCOURAGED INSTEAD OF DISCOURAGED LOCAL ACTION FOR THE PROTECTION OF CHILDREN

The history of child labor legislation in the various states\(^1\) shows that one of the great obstacles in securing the passage of laws giving adequate protection to children has been the argument of the resulting unfairness to employers because of the lower standards in states with which they competed industrially. This argument has been used successfully to defeat further improvement in states with relatively high standards and to prevent states from giving even a minimum of protection to children. That the adoption of a Federal minimum eliminated this argument and so served to release the good-will of the people of the states toward their children is shown by the number and character of the child labor laws enacted during the periods when the two Federal child labor laws were in effect.

THE ADVOCATES OF A CHILD LABOR AMENDMENT

In the course of the hearings representatives of the following national organizations urged favorable action on the amendment:

American Association of University Women, American Federation of Labor, American Federation of Teachers, American Home Economics Association, Commission on the Church and Social Service—Federal Council of Churches of Christ in America, Democratic National Committee, General Federation of Women's Clubs, Girls' Friendly Society in America, National Child Labor Committee, National Council of Catholic Women,


It will be remembered that President Harding and President Coolidge have both recommended to Congress the submission of a child labor amendment to the states, the former in his message of December 9, 1922, the latter on December 6, 1923. The late President Wilson was an enthusiastic supporter of the principle of Federal regulation and personally urged its importance on both Congress and the country as a whole. The platform of the National Republican Party for 1920 contains the following clause:

The Republican Party stands for a Federal child labor law and for its rigid enforcement. If the present law is found unconstitutional or ineffective, we shall seek other means to enable Congress to prevent the evils of child labor.

The National Democratic Party in that year made the following declaration:

We urge cooperation with the states for the protection of child life through infancy and maternity care, in the prohibition of child labor, and by adequate appropriations for the Children's Bureau and the Women's Bureau in the Department of Labor.

THE OPPONENTS OF A CHILD LABOR AMENDMENT

The principal opposition to the amendment came from the National Manufacturers' Association, the Pennsylvania Manufacturers' Association, the Southern Textile
Bulletin, the Sentinels of the Republic, the Moderation League of Pennsylvania, the Women's Constitutional League of Maryland, an organization with fifty active members formed to oppose the maternity and infancy act, and the Women Patriot Publishing Co., first established as the organ of the Anti-suffrage Association. Some of these representatives deplored any amendment to the Constitution since the first ten; some opposed particularly the Eighteenth Amendment, and were in consequence opposed to any further "tampering with the Constitution"; some opposed any amendment to the Constitution except one as to the method of amendment. Officers of the Child Welfare Board of North Carolina reported the decision of the board that the interests of the children of North Carolina can be cared for best by North Carolina. Many of those appearing against the amendment indicated their disapproval not only of Federal regulation of child labor but of any regulation or prohibition of child labor, whether state or national.

The Reason Why Federal Action Is Considered Necessary

It is believed that little weight will be given to the argument for a return to the conditions of a hundred years ago when there was complete freedom in the employment of children. The case against child labor has been made. That it creates a vicious circle of poverty, ignorance, and poor physical development has been scientifically established. The question of interest at the present time is whether the Federal government should cooperate with the states in eradicating the evils which flow from the premature employment of children. The reasons why Federal legislation in this field was first sought were: first, because in some states a single industry was so powerful as to prevent the passage of a reasonable child labor law or the enforcement of one after it was passed; second, because consumers had come
to feel a moral repugnance to the use of the products of child labor; third, because manufacturers objected to the competition of those who relied upon the low wages of children as the basis of their profits; and, finally, because states found themselves unable to protect not only their consumers and the manufacturers but their citizenship. For after all, children who suffered from the educational, physical, and spiritual losses which premature child labor brings could migrate to any state, so that the citizenship of no state was secure against the neglect of another state.

A new need for Federal regulation has recently been emphasized by disclosures regarding the sweat-shop labor of young children in their homes on work sent in from other states. A recent investigation of home work by children in Jersey City disclosed the fact that more than one thousand children, the great majority of whom were under the age of fourteen, were doing sweat-shop work in their homes under dangerously insanitary conditions. Wages were very small, families of three and four working long hours earning as little as $3 and $5 a week.

It was brought out in the testimony given in connection with these inquiries that a considerable amount of the tenement home work done by the New Jersey children was distributed from factories in neighboring states. Thus, New York manufacturers, who were sending their work to Jersey City to escape the New York regulations against tenement home work, were not subject to the penalties imposed by the New Jersey laws. In this way they succeeded in successfully dodging state laws.

Child workers themselves, cross the state lines also and create special local problems. The importation of workers to one state from another is a particular feature of the canning industry. According to the findings of the Bureau of Labor Statistics investigation, the condition of woman and child wage earners in canneries—
As the industry has shifted to the southern states the difficulty of securing an adequate labor supply has led to a system of importing help from northern cities, principally Baltimore and New York, for the season and returning there when they are no longer needed. When this is done there is a tendency to select "family help," that is, the employers hire heads of families with the understanding that wives and children are to be brought also.

A Children's Bureau study in 1919 of child labor in canneries on the Gulf coast showed that large numbers of families were still going from northern cities, principally Baltimore, for work in the canneries of Mississippi, Alabama, Florida, and Louisiana. It was estimated at that time by the assistant general passenger agent of the railroad which usually carries the migrating families from Baltimore to the Gulf coast that in normal years from three thousand to thirty-five hundred workers go south annually from Baltimore alone to work in the oyster and shrimp canneries. In eighty-eight of these families included in the Children's Bureau study one hundred and five children from six to fourteen years of age worked in the canneries. Inspections of fruit and vegetable canneries made by the Children's Bureau in Maryland showed that many of the larger canning factories import their labor from Philadelphia as well as from various parts of Maryland. Some of these families, it was found, follow cannery work throughout the year, working in the Maryland fruit and vegetable canneries in summer, and going south to the oyster and shrimp canneries in winter. Because of this nomadic life and the fact that the communities where they lived and worked temporarily did not regard themselves as responsible for their education or general protection, some of the children interviewed had never attended school, and others were barely able to read and write. Child labor is thus not only a matter of national importance because of the numbers involved and the geographical distribution of working children or because of the present serious inequalities in state legislation which hamper effective
action in every state, but it has also an interstate aspect for which local control is difficult or impossible.

**THE FORM OF THE AMENDMENT**

It has been generally agreed by those favoring an amendment that it should be so worded as to give to Congress the power to regulate and prohibit the labor of children and young persons and at the same time reserve to the individual states the right to legislate with reference to such labor. This conclusion has been reached because it is believed (1) that legislation enacted by Congress, in the event that the amendment is adopted, will doubtless establish what would be in effect a national minimum standard of protection, and that many states may desire to enact higher standards; (2) that it is desirable that state laws and state machinery for the enforcement of state laws even in states whose child labor standards may be lower than the standards which Congress may from time to time enact should continue to function, and that only when the state law would through some requirement, which, of course, would usually be an affirmative one, conflict with the Federal law, should the state law be suspended, and then only as far as that particular requirement is concerned. Finally, it has been agreed that since the amendment is a grant of power to Congress it should be generally and broadly inclusive in its terms. What occupations a statute would include, what age and hour regulations would be adopted, would be for Congress to determine from time to time, in the light of what it finds is for the welfare of the children.

**CHILD LABOR LAWS OF OTHER COUNTRIES**

According to the most recent information available, Belgium, Czechoslovakia, Denmark, Germany, Great Britain, Netherlands, New Zealand, Norway, Kingdom of the Serbs, Croats, and Slovenes, Sweden (fourteen, girls; thirteen, boys), and Switzerland have adopted a
fourteen-year minimum, and Russia has a sixteen-year minimum, for employment in industrial undertakings, in some countries with certain exemptions. Argentina, Germany, Japan (law effective 1926), and New Zealand prohibit night work for children under sixteen—in most countries with certain exceptions allowed—for example, work in continuous industries and in trades dealing with perishable materials. Only a few American states prohibit night work for both boys and girls under eighteen years, while China prohibits it for boys under seventeen and girls under eighteen, and Austria, Belgium, Denmark, France, Great Britain, Italy, the Netherlands, Norway, Peru, Russia, Kingdom of the Serbs, Croats, and Slovenes, Sweden, and Switzerland prohibit it under the age of eighteen years, and Portugal prohibits night work for all workers. Additional protection is afforded girls in many foreign countries, but in only about a fourth of our states, through laws providing for night rest for women.

The eight-hour day and forty-eight-hour week in industrial undertakings, with certain exemptions, have been adopted for all workers, children and adults, for certain occupations at least, in Austria, Belgium, Czechoslovakia, Ecuador, Finland, France, Germany, Italy, the Netherlands (eight and one-half per day, forty-eight per week), New Zealand (forty-five hours for boys under sixteen and for females), Norway, Panama, Poland (forty-six-hour week), Portugal, Russia, Kingdom of the Serbs, Croats, and Slovenes, Spain, Sweden, Switzerland, and Uruguay. China has an eight-hour day for children under seventeen, and India a six-hour day for children under fifteen.

In addition to these relatively high child labor standards in the foreign countries cited above the provisions of the draft conventions recommended by the International Labor Conference, held in Washington in 1919, include for industrial undertakings a minimum age of
fourteen, an eight-hour day and forty-eight-hour week for all workers, prohibition of night work for young persons under eighteen—with certain exemptions for children over sixteen—and prohibition of night work for women. Provision is made for exemptions under certain conditions, and modifications are specified for Japan and India. All four of these conventions have been ratified by Bulgaria, Greece, and Rumania. Czechoslovakia has ratified conventions relating to minimum age, night work for women, and hours. Great Britain, Switzerland, and Esthonia have ratified the minimum-age and both night-work conventions; India has ratified the hours of labor, and both night-work conventions; Denmark has ratified the minimum-age convention and that relating to night work of young persons; and Italy has ratified both, and South Africa and the Netherlands one, of the night-work conventions. In Japan ratification of the minimum-age convention, and in Finland, the Netherlands, and Poland ratification of both the minimum-age convention and that relating to night work of young persons has been authorized.

CHILD LABOR TAX LAW

The law is attacked on the ground that it is a regulation of the employment of child labor in the state—an exclusive state function under the Federal Constitution and within the reservations of the Tenth Amendment. It is defended on the ground that it is a mere excise tax levied by the Congress of the United States under its board power of taxation conferred by Section 8, Article I, of the Federal Constitution. We must construe the law and interpret the intent of meaning of Congress from the language of the act. The words are to be given their ordinary meaning unless the context shows that they are differently used. Does this law impose a tax

with only that incidental restraint and regulation which a tax must inevitably involve? Or does it regulate by the use of the so-called tax as a penalty? If a tax, it is clearly an excise. If it were an excise on a commodity or other thing of value, we might not be permitted, under previous decisions of this court, to infer, solely from its heavy burden, that the act intends a prohibition instead of a tax. But this act is more. It provides a heavy exaction for a departure from a detailed and specific course of conduct in business.

That course of business is that employers shall employ in mines and quarries children of an age greater than sixteen years; in mills and factories, children of an age greater than fourteen years; and shall prevent children of less than sixteen years; in mills and factories, children of an age less than fourteen years from working more than eight hours a day or six days in a week. If an employer departs from the prescribed course of business, he is to pay to the government one-tenth of his entire net income in the business for a full year. The amount is not to be proportioned in any degree to the extent or, frequency of the departures, but is to be paid by the employer in full measure whether he employs five hundred children for a year or employs only one for a day. Moreover, if he does not know the child is within the named age limit, he is to pay; that is to say, it is not only where he knowingly departs from the prescribed course that payment is to be exacted. Scienters are associated with penalties, not with taxes. The employer's factory is to be subject to inspection at any time, not only by the taxing officers of the Treasury, the department normally charged with the collection of taxes, but also by the Secretary of Labor and his subordinates, whose normal function is the advancement and protection of the welfare of the workers. In the light of these features of the act, a court must be blind not to see that the so-called tax is imposed to stop the employment of
children within the age limits prescribed. Its prohibitory and regulatory effect and purpose are palpable. All others can see and understand this. How can we properly shut our minds to it?

It is the high duty and function of this court in cases regularly brought to its bar to decline to recognize or enforce seeming laws of Congress, dealing with subjects not intrusted to Congress, but left or committed by the supreme law of the land to the control of the states. We cannot avoid the duty even though it requires us to refuse to give effect to legislation designed to promote the highest good. The good sought in unconstitutional legislation is an insidious feature, because it leads citizens and legislators of good purpose to promote it without thought of the serious breach it will make in the ark of our covenant or the harm which will come from breaking down recognized standards. In the maintenance of local self-government, on the one hand, and the national power on the other, our country has been able to endure and prosper for near a century and a half.

Out of proper respect for the acts of a coordinate branch of the government, this court has gone far to sustain taxing acts as such, even though there has been ground for suspecting, from the weight of the tax, it was intended to destroy its subject. But in the act before us the presumption of validity cannot prevail, because the proof of the contrary is found on the very face of its provisions. Grant the validity of this law, and all that Congress would need to do hereafter in seeking to take over to its control any one of the great number of subjects of public interest, jurisdiction of which the states have never parted with, and which are reserved to them by the Nineteenth Amendment, would be to enact a detailed measure of complete regulation of the subject and enforce it by a so-called tax upon departures from it. To give such magic to the word “tax” would be to break down all constitutional limitation of the
powers of Congress and completely wipe out the sovereignty of the states.

The difference between a tax and a penalty is sometimes difficult to define, and yet the consequences of the distinction in the required method of their collection often are important. Where the sovereign enacting the law has power to impose both tax and penalty the difference between revenue production and mere regulation may be immaterial; but not so when one sovereign can impose a tax only, and the power of regulation rests in another. Taxes are occasionally imposed in the discretion of the legislature on proper subjects with the primary motive of obtaining revenue from them, and with the incidental motive of discouraging them by making their continuance onerous. They do not lose their character as taxes because of the incidental motive. But there comes a time in the extension of the penalizing features of the so-called tax when it loses its character as such and becomes a mere penalty, with the characteristics of regulation and punishment. Such is the case in the law before us. Although Congress does not invalidate the contract of employment, or expressly declare that the employment within the mentioned ages is illegal, it does exhibit its intent practically to achieve the latter result by adopting the criteria of wrongdoing, and imposing its principal consequence on those who transgress its standard.

The case before us cannot be distinguished from that of Hammer v. Dagenhart (247 U. S. 251, 62 L. ed. 1101, 3 A. L. R. 649, 38 Sup. Ct. Rep. 529, Ann. Cas. 1918E, 624). Congress there enacted a law to prohibit transportation in interstate commerce of goods made at a factory in which there was employment of children within the same ages and for the same number of hours a day and days in a week as are penalized by the act in this case. This court held the law in that case to be void. It said:

In our view, the necessary effect of this act, by means of a prohibition against the movement in interstate commerce of
ordinary commercial commodities, to regulate the hours of labor of children in factories and mines within the States—purely State authority.

In the case at the bar, Congress, in the name of a tax which on the face of the act is a penalty, seeks to do the same thing, and the effort must be equally futile.

The analogy of the Dagenhart case is clear. The congressional power over interstate commerce is, within its proper scope, just as complete and unlimited as the congressional power to tax, and the legislative motive in its exercise is just as free from judicial suspicion and inquiry. Yet when Congress threatened to stop interstate commerce in ordinary and necessary commodities, unobjectionable as subjects of transportation, and to deny the same to the people of a state, in order to coerce them into compliance with Congress's regulation of state concerns, the court said this was not, in fact, regulation of interstate commerce but rather that of state concerns and was invalid. So here the so-called tax is a penalty to coerce people of a state to act as Congress wishes them to act in respect of a matter completely the business of the state government under the Federal Constitution. This case requires, as did the Dagenhart case, the application of the principle announced by Chief Justice Marshall in M'Culloch v Maryland (4 Wheat. 316, 324, 4 L. ed. 579, 605) in a much-quoted passage:

Should Congress in the execution of its powers adopt measures which are prohibited by the Constitution, or should Congress under the pretext of executing its powers pass laws for the accomplishment of objects not intrusted to the government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land.

THE CHILD LABOR AMENDMENT

Statistical figures are cold, uninteresting things, so let us put the matter in another way—

1 Literary Digest, 74:12, September 16, 1923. Excerpt from the Bridgeport (Conn.) Post.
One million underprivileged children, destined to grow to be underprivileged men and women, to recruit the ranks of the half-witted, the gunmen, the incompetent and the criminal.

One million voters less capable of exercising the great function of the ballot because of poor equipment for reasoning power and decision.

One million dwarfed intellects to be easy prey of prejudice, class consciousness and hatreds. Undersized minds that will fatten the purses of the crafty and the conscienceless.

One million prospects for the I.W.W.'s, the bolsheviks, and all the other exponents of half-baked theories of government.

One million people whose darkened minds will inevitably pull down the standard of art, music, drama, and life in all its ramifications.

One million children whose pitiable plight shames the boasted wisdom and statesmanship of the United States of America.

One million little folk, at heart innocent of all these and other dire portents for their country, with a real and just grievance against the one hundred million who permit this immeasurable folly of child labor to continue.
I think most Americans will feel as I first felt about child labor; that it was too hideous to be true; that nine-tenths of it was exaggeration; that we were living in a period of sensationalism when mountains were made out of molehills. In short, I felt that it could not be possible that such outrages as Mrs. Van Vorst and others told us about could possibly be practiced in the American Republic at the beginning of the twentieth century. But then Mrs. Van Vorst and every other writer on the same subject (men like Spargo, Durland, Lovejoy, and women like Mrs. Ashby and Florence Kelley) all gave specific examples. They gave names, dates, places, figures.

It began to dawn upon me, notwithstanding my incredulity, that if these splendid men and women, representing the very flower of American conscience and culture, were lying about child labor, they were doing it in unison and in detail and with specifications very dangerous to themselves. So I began a study of the question, and found that all they said is true; found, indeed, that they had understated rather than overstated the facts. This was demonstrated when, for two whole days, I read to the Senate of the United States the testimony of these men and women and many others just like them, all given under oath. Although these fearful things were sworn to and published in the Congressional Record, no man denied or has yet denied the truth of a single affidavit I presented.

The truth is that an army of American children greater in numbers than the army of soldiers with which either Russia or Japan flooded Manchuria are daily marched to the mills, factories, and sweatshops here in America and either killed outright or forever ruined. The combined losses of both Russia and Japan in all the battles of the Russo-Japanese War were not so great as the number of American children who are worked to death or made degenerates every year in the mills, mines, and sweatshops of our own country.

Aside from the sheer savagery of American child labor, the effect upon us as a nation is as terrible as it is certain. England went through the same experience, and the physical deterioration of the British people which the Boer War revealed and which shocked the world was the direct result of this manufacture of degenerates begun in England a hundred and twenty years ago and not stopped until within the present generation. It took the English reformers decades upon decades to end this infamy in England because there was no way of getting the shuddering facts to the English people.

When our people know that more than a million children are dying of overwork or being forever stunted and dwarfed in body, mind, and soul; when they know that we are pouring into the body of our citizenship two hundred and fifty thousand degenerates (at the very lowest estimate) every year who have clouded minds and a burning hatred of the society that has wronged them, and that they have ballots in their hands; when American workmen awaken to the fact that child labor brings manhood wages down to the level of childhood wages; when the nation learns of these things and many more just as bad, we hope for an end of this national disgrace.

Everybody who has carefully and thoroughly thought this question out knows that nothing but a national law can put an end to this widespread evil, just as was the case with the evil of lotteries, the evil of obscene liter-
and other similar disgraces which the nation has already ended. When lotteries were corrupting the nation the state took feeble, disconnected, and spasmodic action against them. The lotteries merely laughed. If four-fifths of the states passed anti-lottery laws and the others did not, lottery tickets could still be sent by express over the railroads through interstate commerce into every portion of the republic. This is exactly what did happen. So a national law was proposed to keep lottery tickets out of interstate commerce.

The lottery companies fought this law bitterly. A certain kind of “constitutional lawyer” with which the people have been unpleasantly familiar since the Constitution was adopted insisted that such a law “violated the rights of the states,” and was “a dangerous tendency toward centralization.” From the beginning such men have always tried, with the Constitution, to put shackles on the hands and ball and chain about the ankles of the people whenever the people made war upon any practice which was crushing and destroying the people on the one hand, but which, on the other hand, was putting ill-gotten gains into the pockets of those who indulged in such practices.

The country has never been without such legal stranglers, who have tried to make of the Constitution a rope for the binding of the people whenever the people attacked any interest that was financially bleeding them. For it must be remembered that not one single assertion of national power has ever been resisted except when it has attacked some evil financially interested. It was so in the case of the lotteries; it was so in the case of obscene literature; it was so in the case of the selling of poisoned foods and diseased meats; and it is so in the case of child labor. Just as we kept lottery tickets, obscene literature, and diseased meats out of interstate commerce; just as we kept convict-made goods out of our foreign commerce; just so we can keep child made
goods out of interstate commerce. Of course, if the men who work the children to death cannot ship over the country the goods woven with the children’s blood, they will no longer enslave the children. It would no longer be profitable for them to do so; and it must never be forgotten that with the twentieth century child slave drivers it is all a question of profit and loss, and nothing else, just as has always been the case with any kind of slave driver.

It is said that we must leave it to the states to put a period to this infamy. The same thing was said of lottery tickets, obscene literature, poisoned foods, and diseased meats. But the states have not stopped the evil—they cannot. If one state passes a good law and another state does not, the manufacturers of the bad state have a financial advantage over the manufacturers of the good state because they can get cheaper labor. Worse than that, the bad state brings away from the good state its children and puts them at work in its mills, mines, and sweatshops. This is exactly what happened when Tennessee passed a good child labor law and enforced it. I presented to the Senate the affidavit of the Rev. A. J. McKelway, one of the most reputable men of the nation, that he personally saw shipments of children being made under a boss from Tennessee to South Carolina.

Think of that! Little children from seven to fourteen years of age shipped like cattle or hogs from a state that has a good child labor law into a state that has a bad child labor law, or no child labor law at all.

Then again, in those states where this industrial disease is worst the interests that fatten on it are so powerful that they prevent good laws from being passed; or what is a good deal worse, permit a bad law to be passed which fools the people but which lets the slave drivers do as they please. Even when temporary public opinion gets a good law on the statute books and compels its
enforcement for a year or two, the interests are so pow­erful, finally, with the executive departments that they see that the law is not executed and the shame goes on. Again, it is absolutely impossible to get any uniformity in the laws of the various states. So it is clear, is it not, that the nation must act?

INDUSTRIAL CONDITIONS AS A
COMMUNITY PROBLEM

NEED OF FEDERAL CHILD LABOR LAWS

When the United States Supreme Court held its first Federal child labor law contrary to the Constitution and therefore void, children whose names had been listed in advance were called into cotton mills and tobacco factories, canneries and glass works, on that same day. They began to work on the following morning as their elder brothers and sisters had done before the law was passed. The Supreme Court has now held the second child labor law unconstitutional, and again the young children have gone back to work in the mills. Soon they will again be working in factories, workshops, mines, and quarries. Yet the arguments in favor of the passage of the first bill still hold. And every fact which led Congress to pass the second bill calls, as urgently as it did then, for the strong hand of the government to guard equally in every part of the country the children who are the nation of tomorrow. This Republic is one.

In enlightened states, the decision makes relatively little difference, for there state laws go farther than either Federal measure went. In general, however, it is true that a Federal minimum law facilitates farther advances

in the more enlightened states. It is in the less enlightened states that the children suffer.

Before attempting to get a Federal measure, state laws had been tried for more than eighty years and found wanting. A crazy quilt of them almost covered the country. In general the better and more widespread the good state laws, the greater the injustice to the unprotected child toilers in the backward states. How can a vast democratic, industrial Republic be expected to live, if its children are treated according to forty-eight different standards? In Ohio children go to school to the fifteenth or sixteenth birthday, helped by mother’s pensions if the normal breadwinner is dead or disabled. In the state of Washington children are enabled by the workmen’s compensation law to continue (to the sixteenth birthday of the youngest member of the family) to live in the home that their breadwinner was paying for when he met death in his employment. There the state, if necessary, enables the family to keep up the payments, and collects the sum from the insurance fund of the employing industry. How can our nation persist, if by contrast with such provisions as this, it lets children in states more highly developed industrially than Washington work ten, eleven or twelve hours daily, and if they are subjected to this strain without sickness insurance or efficient compensation laws and with only a meager minimum of public provision for their education?

Without reasonably uniform justice and cherishing, the children cannot thrive, or later serve the Republic. For this the one indispensable requisite is a Federal law based upon an amendment to the Federal Constitution. If, as interpreted by eight Justices, the Constitution makes the Federal law impossible today, if it serves as a pretext for restoring young children to their exploiters, and gives Federal sanction to overwork of older children, clearly that Constitution, one hundred and forty-three
years old, must be modernized. No ancient instrument is *sacrosanct* which imperils the nation by imperiling its youth. The Constitution adopted in 1789 is older than the earliest American textile mill.

No theory of the distribution of powers of government is sound, which ignores injury to boys and girls, such as the textile, tobacco factories, canneries and glass factories have inflicted continuously, except during the brief period of Federal safeguarding now ended by the decision of May 15.

There is much painful conflict in the public mind. People who have faithfully struggled for effective child labor laws are asking themselves the question: Is it truly the Constitution which is the enemy of the wage-earning children and therefore of the future of the republic? Or is it a mere political theory? Or is it the humble willingness of the people to sacrifice the children to a cynical theory of government?

In general the trouble seems to be twofold. There is this old slaveholders' dogma that the states must be free to make a nation-wide institution of the wage slavery of children as they once attempted to make chattel slavery nation wide. The second element seems to be our callous acceptance of the fact as inevitable and permanent that, throughout wide areas and in many forms of default, industry does not pay its own full costs.

Secretary Hoover recommended to the National Conference of Social Work at Providence on June 27, 1922, that they make one more combined effort to deal with child labor state by state. Then after another demonstrable failure a constitutional amendment should be tried. This idea is utterly immoral and wrong. The children, according to this, are to go back to their slavery while our nation makes further effort to do the impossible—to assure to them the equal protection of the law under forty-eight divergent legislatures. After it is
conclusively shown that they are again suffering stupefaction and physical injury, the slow task of amending the Constitution may be undertaken.

Moron are now authoritatively described as persons incapable of learning from experience. Should we not show ourselves to be a nation of morons if, after eighty years of effort which we definitely abandoned in 1906 when we introduced the Federal child labor bill into Congress, we should now return to that fundamentally discredited method?

The time to save the working children of the United States is now. Underlying everything is the wanton, wholesale sacrifice of their breadwinners. For it is still the rule that fathers maintain their children.

The possibilities of state regulation were exhausted before the Federal laws were passed. The possibilities of Federal regulation appear to have been, for the present, exhausted. To solve this grievous moral problem, what remains is, therefore, to enact a Federal child labor amendment. With voting mothers and teachers added to the men who elected the Congress which passed the Federal child labor laws, it is reasonable to hope that the achievement of this amendment may be speedy.

CHILD LABOR

It has been indicated that we are now discussing the question of giving authority to Congress to enter a field which Congress has already entered, the effects of which we already know, because we have had two Federal child labor laws. We know exactly what those laws did for the children, and we know exactly what they did or did not do for the state governments. We know that during the period that those child labor laws were in ef-

---

flict, the children enjoyed a greater protection in many parts of the country than they had before; and that, instead of paralyzing state initiative, the reverse was true. State initiative was stimulated so that the tendency was to raise state standards where they were below the standard of the Federal law. State enforcement was also stimulated; so that, as I said before, instead of paralyzing state initiative the result was that the Federal government and the state governments cooperated for a common end.

As the acts were declared unconstitutional, the question now comes up, what are the present facts with reference to child labor; that is, what have the states done, what are the practices in the states in so far as legislative child labor standards are concerned? It is an intricate subject, and it is not easy to compare what the states have done, because the legislation differs very much in detail.

If we undertake to set forth what the laws are in the states in a general way, we have to set forth so many exceptions that it is not accurate to draw a line and say there is a fourteen-year limit in so many states and there is not in so many others, because of the various exemptions that there are in the various states. At the present time, however, there is a tendency in three directions in the legislation of the states. One of these is to establish a minimum age standard for children entering industry. That is the one with which people are generally the most familiar, perhaps. Then there is also the tendency to establish an educational standard; and third, there is the tendency to establish a physical standard for children entering industry, the state providing that children who are not physically normal for their age and not physically qualified to go in the particular industry contemplated, shall not be given work permits. And then also a tendency to prohibit employment in extra hazardous or dangerous occupations until the child reaches a
higher age, in some states the minimum for some occupations being as high as twenty-one years. In addition, in most of the states, we have laws governing the conditions under which children may work during the first few years during which employment is permitted.

The first Federal child labor law, and the second Federal child labor law, set forth standards that were higher than those in many of the states and lower than those in others. In a sense the Federal law prescribed, for the time that it was in operation, a minimum standard.

At present, a minimum age for work in factories has been established in all except in three states at fourteen or over. Six states have higher than a fourteen-year minimum. However, when I say this it does not mean that no child may work under fourteen in all the states except three; it means that with reference to some one or more particular occupations a fourteen-year minimum has been established, and that even then children are exempted at certain times or under certain conditions. The occupational inclusiveness of the state laws differs from state to state, and if I were to undertake to indicate the inclusiveness of these laws with reference to the age limit of fourteen it would require a very long statement or many maps in order to show what the differences are. There has been a tendency to establish a special minimum for mines, which is sixteen in more than half of the states. But four have a higher minimum than that, and some have lower minima. In a state like Ohio, which has a sixteen-year limit for most occupations during school hours, the period during which most of the special regulations of the conditions of work are prescribed is sixteen to eighteen years of age; in Massachusetts, which has a fourteen-year minimum, the general age period of regulation applies to working children between fourteen and sixteen. The regulations most frequently made relate to the hours of work.
As to the length of the working day, thirty-five of the states and the District of Columbia have recognized the principle of the eight-hour day for children between fourteen and sixteen; and thirty states and the District of Columbia have an eight-hour day which applies to children up to sixteen in both factories and stores, four of these allowing certain exemptions. The prohibition as to night work for children is also quite general; thirty-five states and the District of Columbia prohibit children under sixteen years of age from engaging in night work in factories and stores, the prohibition often extending to other employment. In some of the states, however, exemptions are allowed.

The matter of the weekly hours of work for children has also been a subject of regulation, and most of the states that have an eight-hour day prescribe today a forty-eight-hour week, with one state, Virginia, leading in this respect with a forty-four-hour week for children fourteen to sixteen years of age.

In the establishment of a physical standard for children, and in connection with the requirement that a physical examination be given children entering work, it is recognized that a physical age and physical fitness are probably more important than chronological age. Twenty-two states make an examination by a physician mandatory before a child may receive his working certificate. In seven others, and the District of Columbia, the examination may be required only if in the opinion of the certificate-issuing officers it is considered necessary.

Then, finally, as to one more standard—and there are many others—that dealing with the educational requirements for children entering employment. Only thirteen states require the completion of at least the eighth grade as a condition to the issuance of employment permits; and seven of these thirteen states permit exemptions
under certain conditions; so that, generally speaking, there are six that have a rigid law on the subject. The laws of eighteen states and the District of Columbia either have no educational requirement at all or have no definite grade standard; they demand only that before going to work the child must be able to read and write and in some states that he have a knowledge of elementary arithmetic. I have here some maps which show all the provisions in colors and make the present situation a little more graphic, if the members of the committee wish to see them.

Now, the first Federal child labor law prohibited the shipment in interstate commerce of the products of any mill, factory, workshop, cannery, or manufacturing establishment in which children under fourteen were employed, or children between fourteen and sixteen years were employed more than eight hours a day or forty-eight-hours a week or six days a week, or in which children between fourteen and sixteen were employed between 7 p.m. and 6 a.m. and prohibited the shipment of any product of a mine or quarry in which children were employed who were under sixteen. Taking these standards as a measuring rod, twenty-eight states measure to the minimum age of fourteen for factories and canneries. Fifteen states whose laws come up to this standard have certain exemptions. The twenty-eight states that meet that minimum age as inclusively as did the Federal child labor act are: Alabama, Connecticut, Florida, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, and Wisconsin. The Federal law also set up as a standard a maximum eight-hour day and forty-eight-hour week, and twenty-seven states come up to this standard or better it, and three others while having this
general standard allow certain exemptions. Eighteen states at present are below this standard. As to the standard respecting night work, twenty-six states come up to the standard of the Federal law, eleven come up to it with exemptions, and eleven fall below it. Twenty-five states carry the minimum age of at least sixteen for work in mines and quarries, and these states include the most important mining states. Seven states have this minimum but permit exemptions; and sixteen are below it and in these sixteen are some states which have mining operations of some importance. So that we come back to the statement that has been made several times this morning, that only thirteen states measure up in every particular to the standards of the Federal law. Those states, if I may read them, are: Alabama, Connecticut, Illinois, Indiana, Kansas, Kentucky, New York, Ohio, Oklahoma, Oregon, Tennessee, West Virginia and Wisconsin. In addition, the standards of the laws of the following five states come up to the Federal standards except in regard to mining operations: Massachusetts, Minnesota, Montana, New Jersey, and North Dakota. These eighteen states are, as you see, in various parts of the country and are not confined to any one section.

Mr. Foster has called attention to the fact that state legislatures have been in session since the Federal child labor law was declared unconstitutional and that action has not been taken which would raise these requirements up to the Federal standards.

The movement for a Federal minimum in the United States began in Congress in 1906, with the introduction of bills in the Senate and House, and in 1916 the first law was passed. I think the reasons urged by the people at that time for a Federal minimum—they never had in mind a Federal maximum—were, first, that there was a feeling in the country of moral repugnance to child labor; second, that they felt that the power of certain industries in certain states had prevented the enactment
of good laws or prevented the enforcement of laws when they were passed; third, that inasmuch as the products of child labor went to all parts of the country we were, all of us, concerned with what was done in any part of the country; and fourth, that after all these children in any part of the country became citizens of the United States and moved from one part of it to the other, carrying with them the illiteracy or the poor physical development to the state that has high standards and that wants its citizens to have high standards.

Therefore, it was felt that the citizenship of the country was a matter with which all are concerned; and no state can protect its citizenship against the evil consequences of the child labor in another state. Then, there was the question of the competition which has been referred to this morning and was a motive with some because the industries in one state with higher standards were said to suffer because of the advantage enjoyed by the industries in another state having lower standards. More recently we have had very definite evidence of employers of children attempting to dodge behind the state lines in order to accomplish their purposes, and I should like in connection with that to call your attention especially to the situation that developed and had a great deal of publicity during the past summer in the states of New York and New Jersey. New York has a law which tries to control tenement home work. The references that have been made this morning to helping at home have not I know been intended to include the organization of the tenement home work, the manufacture of artificial flowers and cheap jewelry, nut picking and other things that are a form of factory work transferred to the home. This is not the kind of work which is helping the mother and father, and which we believe in as educational for the child and as giving to the child the sense of family solidarity which is so important.
As I started to say, New York had prohibited tenement home work for children under fourteen and through requiring licenses and inspection has some control over the employment of children. Then employers in New York sent the material into New Jersey homes and they found in one city in New Jersey more than one thousand children employed in industrial home work; and the New York papers at that time came out with editorials about the way in which the employers in New York were able to dodge behind state lines to accomplish the purpose they had been prohibited from accomplishing in New York state. And the New Jersey officials who were eager to prevent this exploitation found themselves unable to reach those who were responsible for it because their authority stopped at the New York border. This is a situation developing along state lines to which public attention has not been called.

There is also going out of the city of Philadelphia every spring an army of children to work in other states, who would not be allowed to leave school so far as the law of Pennsylvania is concerned, but who escape those laws by working across the state line.

NEED OF AMENDMENT TO CONSTITUTION

Hoping that you will read what Miss Abbott said, I direct your attention to one, two, perhaps three, matters somewhat supplementary to the main question but, in my opinion, none the less important.

1. The adoption of our amendment to the Federal Constitution to authorize Congress to regulate the employment of children, while it would grant to Congress a power that it apparently does not now have, would in

---

fact give to Congress no more power than the people of this country have thought all along that Congress had. The adoption and ratification of this amendment would in fact be nothing more than a restatement of a principle that the majority of the people thought had been already clearly stated. The people would simply say to Congress, “We thought Congress had the right to protect the children of the nation. We meant that it should have that right. Now that it is certain that Congress is without power to protect children from exploitation, we hasten by amendment to the Constitution to grant the power, to be exercised within the limit defined by the amendment whenever Congress finds it necessary.”

Up to the time of the first Federal child labor act we were so certain that Congress had the right to protect children that we felt rather “put out” with the judge who declared that act unconstitutional. The judge was right, but we were not wrong; for the power of a government to throw its protecting arm around its own childhood is so fundamental that we had a perfect right to presume it. That, in fact, is what any government is established and exists for—to protect the weak and develop the young.

The speed with which the second child labor act was amended after the first was declared unconstitutional shows just how the American people thought and felt about the power of Congress to protect children and its duty to exercise that power; but we were not altogether hopeful. The decision of the Supreme Court that the second act was not lawful did not surprise us nearly so much as the court’s decision on the first. This second decision did, however, go far in convincing all of us that under the Constitution, as it now is, Congress has no power to protect American children from exploitation. No matter how hurtful the work may be, or how long the hours, if the employer is cruel enough to continue it and the state permits it, it may, for all the national govern-
ment can do, be carried on until children fall in their tracks. It is an astounding situation, but a clear one.

Perhaps, after all, it is well that the two Federal child labor acts have been declared unconstitutional. Both moved somewhat circuitously, by indirection. In a matter involving both the welfare of children and national morals, the approach should, if possible, be direct. The amendment that has been approved will, if adopted and ratified, empower Congress to deal with this matter directly and whenever it sees fit. A great gain in statecraft that.

But let us get this clear. For the people the amendment, if adopted and ratified, will be not new law, but a clear statement of the law as they have long understood it. In other words, it will be a solemn declaration by the people of what they want the fundamental law upon this question to be. We believe, we are sure, that the people are ready to vote and only await a submission of the question by Congress.

If the amendment is not submitted, or if, when submitted, it is not ratified, it will be exceedingly unfortunate that this question was ever raised. One loves to have faith in the protective power of one's government, especially for the weak, as in one's God. We want our national government to be able to protect our children at home as well as our citizens abroad. It ought not to be otherwise.

2. The amendment suggested will, if adopted and ratified, hold no state back from doing whatever it may see fit to do for the protection and development of its children. So far as I know, there has never been any intention in the mind of anyone to interfere with the states' rights to go as far as they please. The whole purpose has been to give protection, reasonable protection, to such children as the states by state laws do not protect. The amendment is designed just as much to leave state legislatures free as to give Congress power.
So far as I have heard, no one has even suggested that any state will be held back. On the other hand, if Congress is empowered to act by this amendment and does act, many children will be given additional protection. The standards of some, of many, states are too low for good citizenship.

3. If this amendment fails of adoption or ratification, we may not only expect that there will be no material progress in child labor legislation in some of the states, but a decline. The chief of the Children’s Bureau in her very excellent statement shows that only thirteen states have legal standards for the employment of children up to the standards fixed by the two Federal acts. Seventeen states conform substantially to the Federal standards. That leaves a large number, the majority of states below standard, and for a full appreciation of the situation as it is now we must remember that the whole field of dangerous occupations, except employment in mines and quarries, was left untouched by the Federal act. There is need, urgent need, for going forward. This is no time for giving ground.

If this amendment fails, ground will be lost and children will suffer. The years from the passage of the first Federal child labor act to the declaration of the Supreme Court that the second was not law were fruitful years in state child labor legislation. Respect or fear of the national act led more than one state legislature to improve the laws regulating the employment of children, and I recall distinctly that the inquiry was, whether if so and so were done, the state would be left to run its own affairs, and whether Federal agents would stay out.

Our people respect Federal agents and Federal courts as they do not respect state officers or state agents. Nothing much has been done yet because of a desire not to give any additional excuses for the amendment, but, in my opinion, once all fear of the adoption and ratifica-
tion of this amendment is removed there will be a decided falling off.

Our children are first of all American children, wards of the nation. The nation owes it to itself as well as to the children to see well to it that every child has a fair fighting chance. Without this amendment Congress cannot act to make good what ought both in law and morals to be the national guaranty to childhood.

CHILD LABOR

We have had some success in eliminating child labor by legislation in various states of our country. There are, however, some states which have not yet enacted legislation affecting the child life or child labor in such states, and we know the competitive results which are involved in the labor of children when employed in any one particular district or state and forbidden in other states. We come before you, not to impress upon your minds, or, through you, upon the minds of all the members of Congress, the situation as to the economic competition involved in child labor being permitted in one series of states and forbidden in many others, but we appeal to you because of the humanitarian side of this subject.

If I cannot speak in the name of the ladies and gentlemen with whom I am joined here this morning, I can speak for labor; I can speak for the men and women that toil as I express my own deep convictions that it is a crime against civilization and a blot upon our claim to progress and civilization, if the government of our country, the most wonderfully developed country in industry and commerce, and standing as one of the great-

1 From statement of Mr. Samuel Gompers, president of the American Federation of Labor, before the House Committee on the Judiciary, 67th Congress, 2d Session. Hearings. June 1, 1922.
est nations on the face of the earth, permits the labor of the young for the purposes of profit and exploitation. I might say, too, that it is my judgment, as the result of many years of activity, thought, and study, that any industry which cannot succeed in the United States unless the young and innocent children shall be employed in it, should not exist, and the sooner that industry is thrown out of the body politic and economic the better it will be for all of us.

Of course, it is not within my province, and particularly here, to indulge in any criticism of the decisions rendered by the highest court in our republic, but may I be pardoned if I refer to the fact that the government of the United States passed a law for the protection of the people employed in the match industry from a terrible disease contracted in that industry which ate away the bones of the men and women and children who worked in that industry. The government there exercised its taxing power, utilizing it so that the phosphorus industry, in so far as it applied to matches and the making of matches, was abolished, and the Supreme Court of the United States held that act valid and constitutional. The Congress of the United States, for the purpose of protecting the dairy farmers of our country in their industry, imposed a tax upon oleomargarine, and the Supreme Court of the United States held that the government was still within its power in enacting that law, and decided that the law was constitutional. In the case of child labor and child life, the Supreme Court held that the Congress went beyond its power in invoking the taxing power of the government in endeavoring to prevent child labor.

Perhaps no one has, as yet, made reference to the Sixteenth Amendment to the Constitution of the United States in its application to the thought and the subject under consideration. The Sixteenth Amendment, commonly known as the income tax amendment, provides
that the Congress shall have power to lay and collect taxes on incomes from whatever source derived, provide apportionment among the several states, and without regard to any offenses or remuneration.

The tax upon products in which the labor of the children were employed was taxed by the Congress of the United States, and the Constitution in its Sixteenth Amendment provides that the Congress shall have power to lay and collect taxes on incomes from whatever source derived. The tax upon the product of child labor is an income to the employer, to the corporation which employed the children.

I do not want you gentlemen to imagine that I set up my own judgment as against that of the Supreme Court of the United States as to that which is constitutional or unconstitutional. But I do believe that it is the duty of every citizen to freely examine and to express his judgment as to the narrow, the broad, or the general interpretation of constitutional law.

It was Lincoln who by the stroke of his pen set three million slaves free; and it took a four years' bloody struggle to enforce that principle of human freedom for every inhabitant under the flag of our republic. It was the decision of the Supreme Court of the United States in the Dred Scott case which made it possible for an escaped slave to be brought back to his original owner and master, and then came four years of war, with hundreds of thousands of men and women, the best blood of our country at the time, to decree that slavery in the United States or its possessions was abolished forever.

This work in which we have been and are engaged must go on. Here we are appearing before the Judiciary Committee of the House of Representatives, appealing for consideration in this our fight. There is not in all the world a civilized nation or a nation calling itself civilized, in our accepted understanding of that term, that has permitted the children of their country to be exploited to
the whim and the greed and the profit and the avarice of those who live upon the blood of our children.

Perhaps I may be speaking under stress and feeling, because I have lived in the time when children were permitted to work in any of the industries, of any of the countries, no matter how tender were their years. I was a contemporary of those times and know and feel the great outrage committed against child life. Thanks to the great efforts that have been put forth, we have been enabled to impress upon the legislatures of many states to enact laws to protect children from the avarice and ignorance of parents and the greed of employers, and the Congress of the United States has enacted these laws which our court has declared invalid.

SET THE CHILDREN FREE

America often boasts of her idealism. But the United States today is far behind most of the other nations as far as child labor is concerned. Somewhat to the surprise of a group of social workers who had gone to Washington to attend a hearing of the Senate Judiciary Committee in January, 1923, this was brought out by Albert Thomas, director of the Bureau of International Labor, established at Geneva by the Treaty of Versailles. M. Thomas, polite and anxious to avoid offending his American friends, told of efforts to obtain ratification of a treaty which would bar night work for persons under eighteen and put into effect a minimum-labor age of fourteen. He said that many nations had signed the agreement. Then he continued:

But we have another category of countries, those countries which now are hesitating before ratification. And many countries in such shape, I may confess, emulate the example of the United States and say: "The greatest country of the world, the greatest industrial nation, has not yet joined in the protection of children."

On two occasions the United States, as a nation, did join in the protection of her boys and girls. Two Federal laws were passed, one in 1916 and the other three years later, which gave Congress power to enforce certain standards. But the Supreme Court found that both laws were unconstitutional. Now only eighteen out of forty-eight states have local measures which meet these standards. In the rest of the states the fight against child labor is a losing one. The boys and girls are more and more going back to work or are laboring for longer hours.

Even a superficial study of child labor in the United States today brings out very clearly just how widespread is the evil. Dull statistics? This army of more than one million ten- to fifteen-year-olds and the countless thousands under ten, has a far-flung battle line. Children are at work, for instance, in the shadow of the snow-capped Rocky Mountains. They labor down where balmy breezes are supposed to blow in from the Gulf of Mexico. In the cotton mills of Dixie and in the cotton mills of the north. Thousands of them work in the tenements of the big cities and not a few in the coal breakers of Pennsylvania. And then, of course, there are offices and stores and factories of every description from coast to coast where many a thin pay envelope is handed to youngsters who must stand on their tip-toes to reach the window of the cashier.

Take the beet-sugar industry, for instance. The cultivation of sugar-beets is peculiarly suited to the exploitation of children because the children of the beet fields work in the open air it is more than difficult for those who have investigated the matter to arouse much interest in the problem. It is one of the worst forms of industrialized agriculture, however. Boys and girls as young as six work for thirteen and fourteen hours a day lifting hundreds of pounds of beets. The work is closely supervised by “field bosses” employed by the sugar com-
panies which buy the beets from the farmers and convert
them into sugar. Scottsbluff, Nebraska, and its vicinity
is an excellent place to observe children at work in these
"factories without roofs."

Although Scottsbluff has been heard of but rarely
in the east, it is a prosperous and booming town, none
the less. Its prosperity is due to the cultivation of sugar
beets and not a little to the work of the children who are
employed in the industry. Two companies, the Great
Western Sugar Company and the American Sugar Com-
pany, virtually control the fertile valley of the Platte
River which runs east, through the state of Nebraska for
a distance of three hundred and fifty miles from the
boundary of Wyoming. It is in this valley, through ir-
rigation, that beets are grown.

A dozen different roads radiate from Scottsbluff. It
is along these roads, in the early dawn and even while
it is still quite dark, that the children of the beet fields
go forth for their day's work. I saw them in November
when the frost lay thick on the prairies and when the
harvest was at its height. But the work had been going
on since April, steadily and monotonously.

The harvest is probably the most bitter time of all. It
is then that the children must pull the heavy beets from
the ground, stooping until their backs ache and pulling
until their wrists are weary. After the beets have been
pulled the tops are sliced off with a sharp knife. Then
the beets are piled into carts and hauled to a nearby fac-
tory. Sugar beets are heavy. A child of eleven or
twelve years often lifts a total of several tons a day!

Scottsbluff is merely typical of many other places.
The northeastern part of Colorado has conditions which
are virtually the same. Michigan grows vast quantities
of beets in the fertile Thumb valley in the northern part
of the state. In each case it is an industry organized
upon the theory that the hand labor is cheap labor. The
head of the family must call upon his wife and his children in order to make a living wage. Schools and recreation are virtually unknown. Thousands of these boys and girls are physically defective. But Colorado and Nebraska and Michigan are but little concerned. Their lawmakers do nothing at all. Are not these people merely “beet hunkies?”

And then there is the south. Many of the southern states, on the basis of present conditions, have been unjustly condemned. One has to search for exploitation as fearful as in the beet fields of the west. But it is bad enough. Mississippi, for instance, with 25.5 per cent of her children from ten to fifteen years old at work, has 9.3 per cent of the same group unable to read or write. And Mississippi has but a single labor inspector with an appropriation of $5,500 a year although she spends ten times that amount on her cattle. It is because of this that small children stand on boxes at Biloxi, Mississippi, in order to reach the tables where shrimp and oysters are being canned. Biloxi boasts of an excellent climate but it is not warm and mild in the open cannery sheds with the wind sweeping in from the gulf and the rain leaking through the chinks in the roofs. The state law forbids the work of children but the single factory inspector admits that his task is hopeless.

Children of eight and nine no longer work in the textile mills of the south. The manufacturers, for the most part, will assure you that they “think child labor wrong.” Some of them will admit that infant labor did not pay. It was driven out, never to return, by the first Federal law and even by state laws which were passed before the Federal statute. And yet the south is bitterly opposed to the passage of an amendment to the Constitution controlling child labor. “State rights” is still effective as a war cry. But now and then one again finds a frank manufacturer who says that child labor is still very valuable in the south.
First of all the army of child laborers forms a club to be used against labor agitators. There is ever a surplus supply which can be called upon when needed. State laws, in the cases where the work of very young children is prohibited, can easily be amended in time of need. And probably of even greater importance is the necessity of training children in the work of the mills while they are still young and before they have had a chance to learn that other trades and other means of livelihood lie beyond the horizon.

"Get them in the mills while they’re young or you don’t get them at all. Sixteen is pretty old to begin training mill workers.” So one mill owner told me. Preserve this labor supply and the south has a great advantage. At the present time a father in the mills assumes that his daughter and his son will follow in his footsteps. The daughter will marry a millhand and will produce another generation of Anglo-Saxon workers who, in their turn, will watch the spindles which roar and hum throughout the night.

Georgia’s law permits girls of fourteen to work all night. Mississippi sanctions work for boys of twelve. More than fifteen thousand boys and girls of fourteen to sixteen are working from ten to eleven hours a day except in Alabama where an eight-hour law is in effect. In North Carolina the labor of convicts in the state prisons are limited to nine. But boys and girls may and do work in the mills for ten and eleven hours.

At Wilkes-Barre, Pennsylvania, a small boy was lounging near one of the many coal breakers that dot the hillsides of this anthracite district. His face was very dirty, with the grime of coal dust and he appeared to be about twelve years old. But when he was questioned as to his age he lit a cigarette with all the airs of complete maturity and insisted that he was sixteen.

"Sixteen hell!” remarked a coal miner who happened
to be passing. "That kid's twelve. Don't let him kid you. These boys lie like the devil to get into the breakers because the company won't take 'em unless they've got proof that they're sixteen."

But "proof," in the state of Pennsylvania, is easy to get. Dr. Royal Meeker, secretary of the Department of Labor and Industry at Harrisburg, explained that with all of the duties that had been heaped upon this department it was virtually impossible to enforce the law effectively. Almost any old proof is enough as far as the boys of the breakers are concerned. A thousand different school officials may issue certificates. Baptismal records are accepted and even the affidavits of the parents of the boys. The sixteen-year-old breaker boys of the Pennsylvania mines are strangely dwarfed. But none of them worked when the Federal law was in force!

Then there is tenement home work. New York city is by far the worst example with thousands of boys and girls, some of them as young as two and three years old, making artificial flowers, sewing on garments, making cheap toys, and doing a number of other tedious and menial jobs. The state, in a sense, sanctions this work because it licenses tenements for home employment and does not employ sufficient inspectors to see that the child labor laws are obeyed.

Will the passage of the Federal amendment cure these evils? Not entirely. Child labor must be controlled locally, to a certain extent. After work has been forbidden the community must furnish schools and recreation. Otherwise the argument that children are better off at work than running idle in the streets is a very valid one. But Federal control will do one thing. It will remove the unfair advantage now held by the states whose child labor standards are low. It will act, as it has done in the past, as a stimulus to awakened interest in the problems of the children.
SELECTED ARTICLES

STATES RIGHTS AND CHILDREN

Child welfare is such an intimate, such an imperative matter: is it credible that the nation should need to step in to hold any state to its duties to its children? Is it credible that the state should need to step in to hold the parents of children to their duties? It is credible. The history of child labor proves that, conclusively.

That history follows monotonous lines. Wherever industrialism gains a foothold, it finds a medium in which children live not in leisure, but bound to the manifold duties of household and farm. Their employment in the factory is shocking to nobody, neither to the parent, who has kept them at work on less lucrative employment, nor to the factory manager who regards the factory as rather a release from drudgery than an aggravation of it. Gradually there is a speeding up of machinery, an increase in the strain of labor, but nobody observes it, until the proportion of stunted bodies and maimed minds in the adult population becomes striking. It takes at least a generation after child labor in factories has been established in a locality before the majority of good citizens get over the view that it is better for children to be in the factory than on the street. Only then does it become possible to inaugurate a crusade for abolition, against the stubborn opposition of a well entrenched vested interest. That interest may be overcome, but not before it has enjoyed prolonged reprieves through legislation faultily drafted or through defective plans of administration.

We are one nation, but economically our states are in very different stages of development. In the older industrial states the ultimate consequences of child labor are perhaps well enough known to produce a strong sentiment against the system. In the newer industrial

states that is not the case. But even in the older states there are powerful interests that have not given up the fight for child slave labor. Always they point to the fact that the products of a state which conserves the health of its children must meet the competition of the products of states which do not. Economic specialists may point out that in the long run child labor never pays, and the states that employ it will be beaten in the competitive race. But legislatures are not made up of economic specialists, and the specious argument from interstate competition affects them profoundly.

The progress of child labor legislation through the state governments has been slow and irregular. The progress of efficient administration has been yet slower and more irregular. Is there good reason for believing that it will be more rapid in the future? Professor Frankfurter stakes his hopes on the woman voter. We also expect much improvement in the quality of social legislation from the woman voter. But also we foresee much loss in the civic zeal of the woman voter from the baffling struggle with well organized interests in the framing of laws and the provisions for administration. We are confident that the women of America are against child slavery. But we are not aware of any enthusiasm on the part of the woman voter for child welfare which confines itself within state lines. One needs the masculine tradition of states' rights to take satisfaction out of driving child labor out of New York and into New Jersey, or vice versa.

We believe that the case is one that calls for national action. We are not in reality one nation unless we can establish minimum national standards, most of all in the field of child welfare. We are aware, we repeat, of the disadvantages of a multiplication of Federal functions and the growth of bureaucracy. Therefore, although we should look to national legislation to set the minimum standards, we should favor a plan for leaving the admin-
administration in large measure to the states, with grants in aid from the Federal treasury to help support the expense.

It may be said that experience with concurrent administration of the prohibition laws does not inspire confidence in the system. We have yet to hear of any state in which prohibition is less effectively enforced under the present scheme than it was under state law alone. We have yet to hear of any state in which popular zeal for enforcing the law has been abated because part of the responsibility has been assumed by Washington. Quite the contrary. Citizens who wish the law enforced are no longer baffled by the reflection that at most they could only chase the saloon keepers and their customers over the river into another state. We have entertained doubts as to the expediency of national prohibition, so long as great sections of the population regarded prohibition as an unwarranted interference in their personal rights. Nobody regards the exploitation of child labor as a personal right, but only as a pecuniary advantage. Nobody will employ children just to spite the law. Nobody will feel that in helping to enforce the law he is prying into someone's personal affairs. Nobody will feel that in trying to abate the evil at one point he is merely exaggerating it at another. It is perfectly feasible to establish conditions under which the good citizen would be encouraged to cooperate with the governments, state and Federal, in the enforcement of the law. And after all it is the cooperation of the citizen in administration, rather than his cooperation in law making, which is most needed at the present time.

CHILD LABOR IMPORTANT THRIFT PROBLEM

There are one or two points on which I would like to touch with some emphasis. One of them is this prob-

1 By Herbert Hoover, Secretary of Commerce. Thrift Magazine. 6:54. August, 1922.
lem of child labor, which again forces itself into the field of emergent action. Every well-wisher toward children must feel deeply the failure of the last effort in national prevention of child labor. A study of the situation as it stands will show that a majority of states have forward-looking and effective laws in child protection; that some others have enacted legislation that only goes part way. But there is a minority that is still in the middle ages in its attitude to childhood.

Child labor in these backward states is competitively unfair to industry in the states that have responded to the moral and social ideas of our people. But far beyond this, the moral and economic results of debilitated, illiterate, and untrained manhood and womanhood that must spring from these cesspools where child labor is encouraged and is legitimate, infect the entire nation.

All of us would agree in the wish that the sense of local government and local responsibility in our country were such that each and every state would advance itself to the forefront of progress in this so vital a question. It would be far better for the future of the republic if this were true, for I know of nothing more disheartening than the impulse and justification given to the centralization of government by continuous failure of local government in matters that affect the nation as a whole. With the growing population and growing complexity of our industrial and social life, the constant resort to Federal control for solution of difficulties will yet undermine the very basis of social progress by the destruction of the sense of local responsibility.

However, if it is impossible to secure this necessary safeguard to our people by local government, I am one of those who consider the losses in our sense of local responsibility are less than the losses to the nation as a whole and if all else fails I stand for amendment to the Federal Constitution that will give the necessary power and authority to compel action in those states which are
negligent of their responsibilities. Let us have our eyes open to the fact, however, that the necessity for so doing is a definite step in undermining the autonomy of local government, and the sacrifice in this autonomy that a few states are imposing on the whole will only open the gates of encroachment through the Constitution every time some local social cesspool must be drained. It is with this thought in mind that I should like to suggest to you that a final effort be made to bring all states into line to abolish child labor. If that cannot be accomplished quickly, I regretfully join with those in favor of Federal action.

Clearly, if economic waste is reprehensible, waste of child life whether viewed economically or in terms of common and universal betterment is a blight that in its measure is more deplorable than war. I have no need to argue the case and cause of childhood, but it may be worth recounting that our system of individualism can only stand if we can make effective the supreme ideal of America. This ideal is that there shall be an equality of opportunity for every citizen to reach that position in the community to which his intelligence, ability, character, and ambition entitle him. I am a strong believer in this progressive individualism as the only road to economic, social, and spiritual safety and to human progress. Without this tempering ideal that America has evolved, individualism will not stand. There is no equality of opportunity where children are allowed by law and compelled by parents to labor during the years they should receive instruction; there is no equality of opportunity unless this instruction is made compulsory by the state. There is no equality of opportunity for children whose parents are not restrained by law from exploiting them, and compelled to give them participation in the beneficent privileges that the state provides for them.

Lest some would think because of the deep feeling of many of us upon this subject that these statements
can be recited as evidence of the failure of America, let me also add: Out of some twenty-six million children between five and sixteen years of age in America the use of child labor so far as it retards proper development and education of children, probably affects less than three hundred thousand children. This number is three hundred thousand below the ideals of America, but no other nation can show so small a proportion.
Amendments to the Constitution of the United States are regulated by Article V, which provides, among other things: “The Congress whenever two-thirds of both Houses shall deem it necessary shall propose amendments to this Constitution, etc.” In other words, before Congress shall propose any amendment a necessity therefore must be established. It is not proposed to make any contention against the regulation of child labor. This is a subject which, although only recognized and legislated upon within recent years, is one upon which there is a well-founded and universally recognized sentiment which has its base in the natural feeling of humanity in almost every heart toward children. It is, therefore, not to be presumed that what is said is intended in any manner to be antagonistic to the subject of child labor regulation in a reasonable and proper way.

The care of children both as to their labor and education is primarily conceded to be within the control of the parents, and the state should only invade the dominion of parental control to such an extent as will correct abuses. The love which the God of Nature has planted in the breasts of fathers and mothers is a sufficient guaranty in the great majority of cases for the careful nurture, training, education, and development of children. We hope there never may come a time in the history of our country when either state or the Federal entity will absorb into itself the entire care and control of childhood. The Russian Soviet presents a lamentable spectacle of the dangerous growth which might possibly

be obtained in that direction. We, however, do not fear that this state of affairs can ever exist in our beloved America. Reasonable and proper regulation, however, has certainly come into being to remain with us as a wholesome and benevolent side of our social existence. There is no quarrel with this spirit.

**INTRODUCTORY**

From 1789 until 1865 only two amendments to the Constitution were made. The first ten, so called, were adopted as a condition to ratification by the states. They are frequently called our Bill of Rights, and are really an integral part of the original Constitution. The eleventh and twelfth were adopted soon after the Constitution, the latter in 1804—one limited the control of the courts of the United States and safeguarded the sovereignty of the state by limiting the entertainment of suits against the states in the Federal courts; the other touched upon the machinery for election of President and Vice President.

It is sometimes erroneously supposed that the Civil War destroyed "state rights," but that is an error. It only destroyed the contention that a member state had the right to secede or withdraw from the union. By it the fact was established that the union was indestructible, but left the states equally indestructible units.

The question of secession was not really a question of "state rights," for that term only applied to the reserved rights under the Constitution. Hamilton in the Federalist (page 135) refers to secession in these words:

> However gross a heresy it may be to maintain that a party to a compact has a right to revoke that compact, the doctrine itself has many respectable advocates.

This contention we see existed in colonial days, but was finally ended by the Civil War. By "state rights" is now clearly meant those rights which remained in the
states, expressly reserved and not delegated to the Federal entity.

In December, 1865, the Thirteenth Amendment was proclaimed, and by it slavery was forever abolished in the United States.

In July, 1868, the Fourteenth Amendment was proclaimed, and in 1869 the Fifteenth Amendment was passed on by the states and proclaimed in March, 1870.

These three amendments grew out of the Civil War. The Constitution then remained unchanged for nearly half a century more. How well the fathers built. For a century and a quarter that great instrument remained unchanged, except for these five amendments and three of them resulting from the war. Nation and states worked harmoniously under its beneficent provisions, and there was little or no friction except that which grew out of the extension of slavery.

Centralization

Beginning, however, in 1913 four amendments followed in rapid succession—income tax, popular election of Senators, prohibition, and woman suffrage, each of which it is believed by many sound lawyers invaded the reserved rights of the states.

In the last portion of the nineteenth century and the beginning of this there has grown up a serious movement toward enlarging Federal power and breaking down that of the states. Sometimes this has come through judicial decision, but more largely through Federal legislation and these last-named constitutional amendments. Before this period the dual existence worked out as it was planned by the fathers. True, there were controversies, but they were settled. The separation of powers as defined by Hamilton and Madison were recognized and duly respected.

Hamilton in the Federalist (No. 23) described the
powers delegated by the states in consenting to the creation of the Federal entity:

The common defense of the members; the preservation of the public peace, as well against internal convulsions as external attacks; the regulations of commerce with other nations and between the States; the superintendence of our intercourse, political and commercial, with foreign countries.

Madison in the Federalist, (Nos. 45 and 46) shows the general character of what powers were retained by the sovereign states:

The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State. By the superintending care of these (by the States), all the more domestic and personal interests of the people will be regulated and provided for. With the affairs of these, the people will be more familiarly and minutely conversant.

We are not only citizens of the United States but also citizens of the sovereign state in which we reside. The nation formed under the Constitution of 1789 was not a nation in the general sense of the word. It was a nation with limited powers. It possessed only the powers delegated to it by the sovereign states. Each state transferred irrevocably and exclusively certain elements of its own sovereignty calculated to promote the purposes of the union. Left ununited, these several thirteen sovereign states would soon have become a prey to interstate jealousies, rivalries, and selfishness or a prey to foreign enemies.

As the union was of inestimable value in protecting us from these evils, so the continued existence of each state in that union is an absolute necessity to protect us from equally great evils menacing us today. As Mr. Ira Jewell Williams said in his admirable address before the committee at the public hearings, quoting from that distinguished author and profound student of history, Professor Fisk:
If the day should ever arrive when the people from the different parts of our country should allow their local affairs to be administered by prefects sent from Washington and when the self-government of the States shall have been so far lost as that of the Departments of France, or even so far as that of the counties of England, on that day the progressive political career of the American people will have come to an end and the hopes that have been built upon it for the future happiness and prosperity of mankind will be wrecked forever.

GROUNDS OF OPPOSITION

It is not only the dynamic forces of nature that destroy the hills but the elemental changes through trituration which will wear them down and, if given time enough, finally destroy them. Our perfect system of checks and balances and duality of government are not more imperiled by destructive war than they are by the insidious efforts of idealists and earnest reformers in time of peace.

The last four amendments are clear invasions of the reserved rights of the states. The amendment to prevent the issuance of tax-free securities lately offered was aimed at the destruction of one of the most important of the state's sovereign powers. Happily, it was defeated in the Congress. By it, to correct some economic condition, it was intended to place the Federal government in control of the credits and finances of the states.

It is this unwise tendency to centralize all power in Washington to which we object.

It is this tendency with its resulting creation of new bureaus, a new army of officeholders under the national government, to which we object.

It is to the creation of a bureaucracy with all its tyrannous proclivities and increase of expenses to which we object.

It is to compelling citizens to seek redress of their grievances under a beaurocratic government and to travel thousands of miles to Washington in order to do so that we object.
Every one of these new amendments impinging upon the states and reducing them from their present dignity and power is calculated in the end to destroy them and bring them down to the level of the French Departments and English counties of which Mr. Fisk has written. The proposed amendment is clearly one of these which pursues the same line and is intended to take away from the control of the states a matter which clearly lies within their rights. It may be answered that this objection is valueless if the necessary three-fourths of the states ratify the amendment and it becomes a part of the Constitution. Many sound thinkers have contended that the clause permitting amendments to the Constitution was only intended to cover changes by addition or improvement with respect to the delegated powers and was not intended to take away from any of the states against their will the powers sovereign in their character which have been expressly reserved. However, a discussion of this would now be merely academic. Nevertheless, it can well be urged that it is taking away from some of the states against their will the rights which are covered by its terms.

There has not been attempted so far as I know any justification of these invading amendments or of this proposed one other than upon what may be termed an overwhelming necessity. The Constitution puts the duty on Congress to determine whether or not a necessity exists before sending down a proposed amendment. In order to destroy the symmetry and perfection of our social organization the necessity ought to be an overwhelming necessity and one without remedy in any other direction. If this be done, then it stands as the excuse. What overwhelming necessity is there in this case?

The primary question for us to consider is; Does an overwhelming necessity exist for Federal intervention and legislation? The statement contained in Miss Abbott's evidence before the committee clearly shows that
there is today a wholesome growth of favorable opinion upon the subject of the regulation of child labor within the states of our union. Already forty-six states out of forty-eight have enacted regulatory laws. It may be true that perhaps only eighteen of the states have risen to the high degree of regulation which the proponents of this measure deem to be essential to the welfare of children. Is there, however, any valid reason for assuming that with the use of propaganda, persuasion, and appeal on moral grounds that this enlightened sentiment will not yet reach the high-water mark of their expectations? On the contrary, it is verily believed that if the same effort which is now being put forth to secure a Federal amendment were exerted in the field of state legislation the desired result would be obtained. We have a Children's Bureau in connection with the Department of Labor which, under the guidance of Miss Abbott, is doing good work. Why should it not continue to perform this work in the several states of the union? The regulation of child labor is primarily a subject for state legislation and not for national enactment.

The question of whether or not a necessity exists which would appeal to Congress to pass this resolution to send the amendment to the states for their several action is one which must address itself to each individual member of Congress and to his knowledge of the condition of affairs in his own state. That a large number of women's organizations are the proponents of this measure is not a sufficient argument. We all know how these organizations act. A few people in each direct and announce the adhesion of the organization to some specific thing that is sought to be obtained. Very little weight is to be given to the quotation of the number of such organizations. Every Congressman has a knowledge of conditions in his own state and ought to know whether or not a necessity exists. The necessity is perhaps capable of subdivision into two parts. One, a necessity
springing from the alleged fact that excessive abuses of childhood exist. The other, a legal necessity that in no other way than by an appeal to Federal authority can the abuses be cured. It is contended on the other hand that the atmospheric conditions today are such that we may reasonably hope for a high standard of regulation in every state in the union.

It has been urged that economic conditions call for the enactment of a Federal amendment. In other words, that the child labor regulations in one state give an industrial advantage over other states, which have less complete and perfect regulatory statutes. Upon this point I wish to quote a statement of Mr. Felix Rackemann, of Boston, Mass., who says:

This is theoretically true, but it is also true, as I happen to know, being president of a New England cotton mill, that if all child labor, so called, were presently abolished in other states the fact of such a step would hardly be appreciable to the New England mills.

It would be a very poor argument to urge a Federal amendment upon the grounds of correcting competition between certain branches of industry in the several states. There is no intelligent man that ought to permit such an argument to prevail as a reason why a Federal amendment should be promoted. It is indeed an untenable suggestion that an amendment to the Constitution should be adopted to correct competition. Let that become a basis and we would soon make that venerable document an undesirable and destructive patchwork. Rival and competitive industries with unequal conditions in the several states are numerous and would furnish a basis for many amendments.

Also to urge that because in one state a higher, and we may concede a more intelligent treatment of the subject of regulatory legislation for child labor has been reached and adopted, that therefore that state or a group of such states having attained this position should be
armed with coercive power to bring all differing sister states into adopting the same regulations, is wholly un­
just and unreasonable.

The most important of the proponents of this meas­ure, Miss Abbot, in the hearings before the Committe on the Judiciary, page 275, stated the grounds upon which the proponents claim there exists an overwhelming and irremediable necessity for the adoption of this amend­ment. I quote them:

I want to remind you of the fact that, after all, the reasons why we are asking for a Federal minimum standard with reference to the employment of children, or that Congress be given power to enact a Federal minimum standard with reference to the employment of children, is (1) because we have shown that the numbers involved are very large; that is, that there are more than a million children between 10 and 16 years of age employed; and something over 300,000 of them between 10 and 14 years of age; and that nearly half a million are in nonagri­cultural employments; (2) that this employment is confined to no one section of the country, nor to no one part of a single State; (3) that while the States in various parts of the country have enacted child-labor laws, those laws have been uneven and inadequate, sometimes because of successful opposition to the enactment of a law, and sometimes because of successful opposition to the effective enforcement of the law; (4) because, after all, we feel that the question of children involves the citizenship of the country in a way which justifies national con­cern and interest; (5) no one State alone can protect itself wholly against the evils of child labor; the children who grow up in other States migrate frequently to States in which ample provision has been made for the protection of children, and bring with them bad health and illiteracy to the State to which they go; (6) the State can not protect itself against the compe­tition of low standards in other States.

Her first reason is the “numbers involved,” which she says are very large. She claims that more than one mil­lion children between ten and sixteen years of age are employed, and possibly over three hundred thousand of them are between ten and fourteen years of age. When we take the percentage of the number of children whom she alleges to be engaged in gainful occupations or doing child labor, the number is not so appalling as one states
merely the bald fact that it is about one million. According to the Children's Bureau, of which she is the head, in a publication intended as part of the propaganda for this amendment on page 1, it is stated that the number of children between ten and fifteen years, inclusive, in the country is about 12,502,582. This would only mean not more than about 11 per cent of the children of the country between the ages of ten and fifteen are thus being worked. By this same publication it would appear that of this number the child workers between ten and fifteen, inclusive, are about three hundred and seventy-eight thousand out of the total of twelve and a half million, or about 3.3 per cent of children under sixteen years of age.

According to the census report and according also to this same publication of the Children's Bureau, that of the one million children between the ages specified, ten to fifteen years, 87 per cent are engaged in agriculture; 2 per cent in the extraction of minerals; 2.5 per cent in manufacturing and mechanical industries; 0.5 per cent in transportation; in trade, 4.6 per cent; professional services, 0.2 per cent; domestic and personal services, 3.2 per cent; clerical occupations, 1.8 per cent. A number of the states fix the age of employment for children at a minimum of fourteen years, so that a part of this million are lawfully employed according to the laws of these states, and it is a debatable question today as to whether fourteen years is or is not too young an average at which to allow children to work. It would seem therefore, that the number is not such an appealing factor as would authorize us to move in favor of the adoption of this amendment.

Her second reason is that this employment is confined to no one section of the country, nor to no one part of a single state. It would seem, therefore, that in the eighteen states in which ideal regulatory laws have been established that it must be due to the lack of the enforce-
ment of those laws. This certainly is no ground for the enactment of a constitutional amendment. If in these advanced states the laws, home laws are not enforced, could we expect Federal authority to do better?

Her third reason is the unevenness and inadequacy of the law in certain cases and opposition to successful or effective enforcement of the law. This certainly is not a reasonable ground for the adoption of the proposed amendment by Congress. Opposition to the law ought to be overcome in the place where it exists by the attention of the authorities being called to the violations and prosecutions instituted. The unevenness of the law is not a basis. The history on this subject shows a gradual growth toward a uniformity of standard. The mere fact of the existence of the unevenness does not justify a resort to legal force to compel the backward states to even up to those which are in advance. In these modern days, idealists and reformers have forgotten the "law of love" and are seeking to put every one of their reforming ideas into effect through the application of force. The bludgeon is resorted to instead of persuasion. If inequality of the law and unevenness of the law were to be a basis for Federal intervention then indeed is the door open with regard to other inequalities and unevenness in the various states laws for the intervention of innumerable amendments.

The fourth reason, "the question of children involves the citizenship of the country." This is rather a rhetorical expression than a reason. Of course, every human being involves the citizenship of the country, but that is no ground for Federal constitutional amendments.

Her fifth reason is that no state alone can protect itself wholly, because the children who grow up in other states migrate frequently to states in which ample provision has been made for protection of children and bring with them bad health and illiteracy to the state to which they go. Was there ever a more puerile or unjustifiable
reason thought of as a basis for this stupendous act of amending the Constitution of the United States? How possibly could legislation by Congress prevent children from migrating from one state to another?

This amendment cannot remedy this evil if it be an evil, and her last reason is the mercenary one of checking or preventing competition which is produced through low standards in some of the states. This has been sufficiently discussed to need no further answer.

Taken all together, is it not a monstrous thing to claim that these in their totality make an overwhelming necessity for changing the fundamental law?

We therefore contend that there has not been shown the necessity which alone can be the excuse for this invasion of state reserved rights.

The net result of the amendment tendency is so far-reaching, one might say revolutionary, as to demand the attention of every citizen. If it is desirable and for the general benefit, we should wish it Godspeed and help it along; if it is otherwise, every lover of this country should exert himself to check it before our system of government is destroyed.

The enormous expansion of the everyday, ordinary Federal operations significantly appears in the increase of the per capita cost of operations and the number of civilian officeholders engaged in their conduct. In 1871, notwithstanding the inevitable expansion due to the four years' war between the states, there was only one civil employee of the Federal government to each seven hundred and thirty-three of the population. Fifty years later, in 1921, every one hundred and ninety-two people in the country were burdened with the support of one such employee.

The cost of the Federal government, exclusive of the amount paid out for the army, navy, pensions, and interest on the public debt, in 1871 was $62,777,666, averaging only $1.58 per capita. The cost of the Federal government in 1921, excluding every item which might even remotely be claimed to be a war expense—not only, as before, the military establishment, pensions, interest on public debt, but also the disbursements for Federal railroad control, vocational education, and the emergency shipping fund—reached the discouraging total of $825,968,057, or $7.64 per capita—almost five times the per capita cost fifty years before. The population of the country had increased about two and a half times. The number of civil-service employees had increased over ten times from 53,900 to 560,863. The total cost of the peace activities of the government had increased more than fourteen times.
Bureaus innumerable have been created and commissions also by which the expenses of government have been multiplied very extensively.

This proposed amendment, if adopted, would produce a legal situation similar to that respecting prohibition. The authority of Congress so far as exercised will be absolute and exclusive to the extent that Congress may legislate, but the states will be permitted to pass child labor laws, only, however, if consistent with the Federal law. The state may legislate beyond the Federal legislation, but cannot go below the minimum fixed by Congress. It is possible to pass a law prohibiting the labor of all minors under eighteen years of age. If so, the states would have no jurisdiction whatever left upon that subject. The New England farmer's boy could not pick blueberries on the hills; the city schoolboy could not sell papers after school; the country boy, white or black, could not work in the cotton, wheat, or hay fields of the south or west; the college student even, if under eighteen could not work to pay his way through college.

It will not do to say that Congress would not pass such a drastic law. Perhaps it might not. We should not forget, however, that the Sixteenth—the income tax—Amendment was adopted upon the supposedly unanswerable ground that without it the nation in case of war or other public emergency would be without adequate means of raising revenue. Yet it was hardly ratified before Congress levied an income tax, and at a time when the country was at peace with the whole world. Almost before the Eighteenth Amendment took effect the extreme Volstead law was enacted, which is so extreme that in the opinion of many thoughtful citizens its severity is responsible for the unsatisfactory enforcement of prohibition.

A campaign for a marriage and divorce law amendment to the Constitution is in sight. The Sheppard-Towner Maternity Act which now calls for the distribu-
tion of $1,240,000 each year will eventuate soon in another amendment to the Constitution, for if, as Miss Abbott says, the state is interested in the children, it will also be argued it is interested in the mother and the birth of the child. Again the Sterling-Towner bill is another intrusion upon the domain of state rights, intended to bring into existence another department of government, to be called the department of education. It is proposed to carry with it as a starter an appropriation of $100,000,-000. It is backed by the teachers’ bloc and some other well-intentioned citizens who think it supremely necessary and of such importance that by and by an amendment to the Constitution will be urged.

Our country has an area of three million square miles and a population of one hundred and ten million people. The sections of our country differ greatly in their industries and in their peoples. The conditions of life and of being are greatly diversified, and to rule and control this vast area and this vast population, ever increasing, from Washington as a central point, will mean practically the end of local self-government. The principle of local self-government to the greatest practical extent and applying to the widest possible range of subjects, administered to the smallest governmental unit reasonably adequate for the purpose, has been the corner stone of our existence. The tendency to centralize represents the antipodal principle. The individual citizen is unable to follow, feels himself powerless to influence, what a government far removed from his locality, operating through unknown and inaccessible bureaus and commissions, may be doing. Consultation with his fellow citizen is useless and for the most part impossible. The United States by creating a multitude of government agencies, involving the country in vast expenses and these agencies being inaccessible to the average citizen, will result in the creation of a vast lobby system at the Capitol. It will deny
to the citizen the primary principles of local self-govern-
ment.

While preparing this report our attention has been
called by Honorable Austin G. Fox, of the New York
bar, to an article published in the March Atlantic
Monthly by Bentley W. Warren, Esq., from which we
have made copious extracts and also take the follow-
ing as our conclusion:

The States will be at the mercy of the Federal Government,
their independent action will be at an end, they will be for all
practical purposes as much mere bureaus of the Federal Gov-
ernment as its own departmental bureaus and commissions in
Washington.

When the States shall have been thus destroyed—as they
surely will be unless present tendencies are checked—who
believes that our present Union can continue? Said Madison (in
the Federalist, No. 14):

"Were it proposed by the plan of the convention to abolish
the governments of the particular States, its adversaries would
have some ground for their objection, though it would not be
difficult to show that if they were abolished the General Gov-
ernment would be compelled, by the principle of self-preserva-
tion, to reinstate them in their proper jurisdiction.

"Who has ever seen the keystone of an arch remain in posi-
tion when its supporting members have been removed?"

Let us as trustees of the welfare of the union and
also of the welfare of the states and regardful of the
necessity for preserving an "indestructible union of in-
destructible states" pause in the consideration of this
further amendment, and look well to the foundations of
our social fabric.

STATE VERSUS FEDERAL ACTION

The door to the Federal action having now been twice
shut, what are we to do about child labor, particularly
in the stubborn black spots of the south? In my judg-
ment further Federal legislation, under the existing Con-

1 From article Child Labor and the Court, by Felix Frankfurter. New
stitution, is unavailing and any such proposal as requiring the products of child labor to be branded as a means of notice to the consumer, before acceptance for interstate shipment, would be as futile as, under Hammer vs. Dagenhart, it is clearly unconstitutional. Naturally, therefore, in and out of Congress, the friends of the child labor movement are pressing for a constitutional amendment. But a whole brood of questions at once demands attention as to the form of such an amendment. Should the amendment deal with children alone, or should Congress be given power to deal with industrial relations? If the amendment concern itself wholly with the prohibition of child labor what means of enforcement should be provided—what power or what duty of enforcement should be lodged in the states? Prohibition of child labor presents different elements from prohibition of liquor; nevertheless the Eighteenth Amendment has taught us something as to the limits of effective Federal enforcement. At least it has taught us that there are limits. These are questions that call for the most mature consideration, and should enlist, for their wise solution, not merely devoted humanitarians, but legal specialists equally zealous to abolish the plague spots of child labor, but also alive to the delicacies of American constitutional law and to the inherent difficulties of law enforcement.

One even ventures to express serious doubt of the wisdom of a constitutional amendment, rather than, as Secretary Hoover urges, a renewed energetic movement to rouse the states to action. Such an attitude, I am well aware, will be received with impatience and disdain by those who see nothing but the cruel evils of child labor to the exclusion of all else. But the method of dealing with this ancient enemy does present difficulties perhaps as important as the evil itself. Nothing less seems to be involved than the fashioning of responsible citizenship. It is too easy to look to Washington and a centralized administration for the correction of all our national
shortcomings. I do not speak from any regard for traditional states' rights, nor as the exponent of any theory of political science, but as one with some knowledge of the functioning of the Federal machinery and its power further to absorb and discharge effectively nation-wide duties, especially duties of intimate local concern, affected by local conditions of great variety throughout the country.

Of course child labor is of national concern, and some benefits will accrue from national action. But this is true of many other fields which we have not turned over to Washington, because such concentration would be self-defeating in its execution and make for a corresponding paralysis of local responsibility.

Withdrawing children from shop and mine is not enough, unless provision is made to put the children into schools. Today no state can plead financial want, or need for aid to discharge these duties. If these rudimentary tasks are not fulfilled by the states, the fact shows that there is not enough civic understanding and will, among a sufficiently large number of people, to bring to pass a decent level of citizenship. The deeper statesmanship may well be not to attempt removal from the remote center of this or that glaring evil, but to awaken the community to the need of its removal, for only by such vigorous civic education will an informed public opinion, essential to the enforcement of decent standards, be secured and sustained. Only thus will the national aspirations be translated from mere negative prohibitions into affirmatively good lives of men and women. The mere fact that progress through the states in the past has been slow—which, naturally, tries the devotion of such noble champions of children's lives as Mrs. Florence Kelley—need be no measure of future progress. For a new political instrument is now available—the women's vote. Why should not the League of Women Voters in every state make it the order of the day to put a wise child labor
law upon the statute books of every state and—what is almost everywhere forgotten—an adequate and efficient corps of inspectors for enforcement? What possible competition for the women's interest in action can there be to that of securing a wholesome and just child life? If it be said that the women are least organized in those states where the evil of child labor is the most flagrant the simple answer is that nothing will furnish such a stimulant to the cohesive organization of women, for the exercise of their political power, as the procurement of fit lives for children. If the women will it, not only would child labor be prohibited by paper legislation but the enforcement of such laws, and an environment fit for children to be born into and to grow up in, will quickly become the possession of every state in the union. Indeed, the states would furnish competition not in child labor, but in child welfare.

TO CHECK CHILD LABOR

We are opposed to a constitutional amendment of this sort for two reasons—that such a remedy is worse in the long run than the evil it is aimed at; and that there is no clear necessity for resorting to it. We believe that a practical and harmless way to gain the desired end is available, and that it should at least be tried out before changing the fundamentals of our government.

A rule that no child under fourteen, or sixteen, shall work in a factory is not a fundamental principle of government by a union of sovereign states like ours, which have delegated certain powers to the central government solely in order to accomplish specific purposes which they could not compass by their action as independent units. It is a mere police regulation. It is no different in principle from the prohibition of Sunday golf or baseball by

*From Independent, 109 : 369-70, December 23, 1922.*
CHILD LABOR

Congress, and in the minds of many thousands of our citizens is even less vital to social salvation than strict Sabbatarianism. To give Congress authority over the conditions of child labor in the states is in principle to give it authority over every detail of the citizen's personal life and habits. Some men and women would welcome such a change; but the inevitable result would be a vital alteration in the basis on which our union of states now functions. Beneath certain large aspects of unity, this country is one of highly diverse conditions of race, of culture, of environment, of ideals and standards. It is a fundamental of our system that the separate states have each a free hand in finding its own solutions for problems that are not common and vital to all states. Herein lies flexibility, room for experiment, and easy opportunity for retreating from mistaken positions without burdening the whole country with the error. We believe this system is vastly more hopeful for sound advance than mass movements for national legislation on essentially state matters.

What the President might well do is to summon a conference of governors to discuss child labor regulation. He could make it plain to the governors of the states now lax as to child labor that the moral sentiment of the country as a whole demands a raising of their standards. He could point to his own recommendation to Congress as showing the probable result of their failure to adopt the standards of the rest of the country. He might well use his recommendation to point his own regret over an impending vital departure from the American system, and urge upon the governors of the backward states—all of them long-time champions of "state's rights"—that they appeal to their people for legislation that would forestall interference through constitutional change. Shrewdly planned and managed, we believe this appeal would be effective. Such a solution seems to us infinitely preferable to changing the Constitution.
CHILD LABOR AND THE CONSTITUTION¹

When the people of the United States in 1865 concluded to abolish slavery they decided to abolish everything that looked like the obnoxious system, and they therefore included in their prohibition every form of involuntary servitude. They did not content themselves with giving to Congress a power to act in its discretion; they declared on their own authority that involuntary servitude should not exist in the United States except as a punishment for crime. They were not content with abolishing the slavery of adults; they forbade the enslavement of children. The language they used is broad enough to forbid compulsory labor at home. Within the letter of the clause, child labor abolition is certainly within its spirit. "It reaches every race and every individual," conceded the Supreme Court in Hodges vs. United States 203 U.S., 1.

Child labor is a species of involuntary servitude. The children whose labor is an evil, destructive of their own health and the economic standards of every community in the United States, are in some manner compelled to perform their grinding tasks. There is held over them the fear of corporal punishment or the withdrawal of that support which the parent or state owes the child. It is a sanction independent of and extraneous to the contract of parent or child with the establishment in which the work is required. It was just such an inducement, imposed by authority and not the naked inducement of the contract itself, that the court found and condemned in Baily vs. Alabama, 219 U.S., 219, and United States vs. Reynolds, 235 U.S., 113.

Doubtless the Thirteenth Amendment was not addressed to the evils which may arise in the home when parenthood forgets its obligations. But these children

are not working in their homes or directly for their parents. They are farmed out in the service of great factories or worse establishments. The law everywhere denies them the capacity to make their own contracts. They are legally and actually incompetent to insist upon the terms and conditions which make contracts fair to themselves. They are peculiarly helpless in their dealings with an employer, even were they free. But they are not free to make or avoid the contract. Whatever be its condition, they must submit. There are few of the incidents, which united to keep the colored race in slavery and the Mexican Indian in peonage, that are not present to keep these children in servitude when an unnatural parent or inalert state so wills. It is ridiculous to suppose that the children, working in the places sought to be reached by these laws, can labor or not, as they please. They are driven to toil.

Neither do the children receive the meager compensation which they earn. It goes to the parent or guardian as an incentive to him to force a labor which, however injurious, is unlikely to kill its victim before the legal right to it ceases. It is this legal right which is set up in Hammer vs. Dagenhart (247 U.S., 251), and in the Atherton Mills vs. Johnston,—U.S.—(decided May 15, 1922) as the basis for the father’s right to maintain suit to have an act of Congress held void. In so far as these children are concerned theirs is an involuntary servitude. It is as vicious a wrong against them as African slavery or any form of peonage.

The state statute which regulates the relation of parent and child, guardian and ward, or employer and apprentice, or other conditions of employment, can be on no higher footing than any other exercise of state power, when coming into conflict with the Constitution and laws of the United States. Those state statutes providing punishment for crime and payment of debts by labor, were in the exercise of admitted if not ex-
elusive powers of the state; but when, as in the Bailey and Reynolds cases, they are so administered as to result in the enslavement of any individual they give way before the prohibition of the Federal statute. Why should the power of the state to regulate the relation of the young to those who must support or employ them be permitted to interfere with a like power of Congress to prohibit such involuntary labor of children as may result in worse evils?

The Thirteenth Amendment empowers Congress by appropriate legislation to enforce its prohibition. This is not, like the Fourteenth Amendment, a prohibition against action by a state. It is a direct delegation of affirmative power to Congress to deal with all the evils of involuntary servitude. It does not call for action "corrective" or the legislation of the states, as the court limited Congress in United States vs. Reese, 92 U.S., 214; United States vs. Cruikshank, 92 U.S., 542; and the Civil Rights Case, 109 U. S., 3, under the Fourteenth Amendment. In the Thirteenth Amendment it is a police power to act "ex directu," as plain and unequivocal as any police power of the states.

The particular evil to be remedied is the involuntary servitude of children in factories, mines, etc. It can be reached without disturbing the ordinary relations of parent and child, guardian and ward, or of the state and its schools or reformatories (Booth vs. People, 57 N.E. (Ill.), 798). Since infants are legally incapable of making contracts and actually incapable of taking care of themselves, and since they are actually and legally subject to the control of parent, guardian, or court, the contracts whereby they are required to labor and the laws providing for their care are peculiarly subject to abuse and to permit the introduction of a system of involuntary servitude in contravention of the Constitution. Congress may, therefore, forbid the contracts entirely and any enjoyment of their results. Such an in-
terference with the laws of the states was the direct object of the Thirteenth Amendment. An exercise of power over the contracts and labor of infants bears a direct relation to the power under the amendment, which the court in Baily v. Drexel Furniture Co., could not find between the taxing power and the elaborate regulations set up to end child labor. This labor not merely "approximates" slavery and offers "full opportunity for it." It is actually involuntary labor and within the express words of the prohibition made by the Constitution. It has stood, as an exception to the policy declared by the amendment, only by suffrance and because of the inappropriateness of the remedies twice selected by Congress.

If there is a line of demarcation between the powers of Congress and the exclusive powers of the states, which it is the duty of the Supreme Court to guard, it is just as essential to preserve the national power as the state power. It is only after the line is found that it is useful to admonish the people to preserve it as "our form of government." The fact that "our country" has been able to endure and prosper for nearly a century and a half may be due to the elasticity of the national powers which has enabled Congress to extend its care over the nation as fast as the national necessity demanded.

There are cogent reasons for preferring action by immediate legislation rather than by further amendment of the Constitution. Action by amendment is slow and the work of Congress must yet be repeated in enacting legislation after and if an amendment should carry, whereas the need for legislation is immediate. The Constitution is the most important, the fundamental law of the land and it ought not lightly to be amended by adding provisions already contained. To resort to amendment for powers already in possession casts doubt upon all other powers expressed; begets disrespect for
an instrument which cannot be taken at its word; and tends to induce a belief that Congress and courts are not responsive to the most solemnly declared will of the people. Congress should be as jealous of its prerogatives under the Constitution as courts or executives.

The preservation of local self-government, which is the design of those who would act by constitutional amendment, depends upon the ability and vigilance of the people in the several states in electing their state legislatures upon the local issues reserved to them for decision. National legislators are chosen upon issues involving the national welfare. To refer such questions for decision to the state legislatures chosen on different political principles is an abdication of national representative authority and a deprivation of the power of the people to act by their will once expressed. It introduces the evils supposed to be involved in systems of "direct legislation" without the advantage of action by the people themselves and without the power of the majority to determine the action. Owing to the distribution of the population among the states, the Constitution might now be amended by less than a majority, while less than 5 per cent properly placed, can prevent any amendment whatever. Constitutional amendment involves either a very great exertion by the people or it involves action without any real reference to the people. By their Constitution the people, if it is their act, prohibited involuntary servitude; and by the form of the language chosen, imposed upon Congress the duty as well as granted the power to enforce the prohibition. What plainer case or more tempting opportunity can be awaited for the exercise of the power commanded than in rescuing these children from their enslavement? I do not know child labor from any personal contact: but I know childhood, and I know something of "our form of government." I know that youth must be left free to grow naturally, by intelligent leading, into healthful
Infancy, schooled in the privations, exhaustion, and despair of child labor, graduates into adult political classes, stunted in physical, mental, and economic stature, with power to think but not to think straight, power to vote but not to vote intelligently or effectively, and with a powerful incentive to think in the language of anarchy and to act in the direction of social destruction.

RURAL CHILD LABOR

The American farmer realizes that the welfare of the farm boys and girls is a fundamental aim of any program to improve the rural conditions. The Farm Bureau in its manifold activities, has the welfare of the boy and girl ever in view. Broadly speaking, the entire program of the Farm Bureau seeks to improve the farm child's life. Just at present the disastrous economic situation forces the American Farm Bureau Federation and state federations to devote much of their energy in seeking a solution of the marketing problem, but in this the welfare of the child is not forgotten for it is fully realized that not until the farmer is on the same economic basis that is enjoyed by the city business man, will the farm child receive the same opportunities that the city business child receives.

Specifically, the Farm Bureau has a large child welfare program. This program is developed by the county farm bureaus. In practically every county farm bureau in the United States boys and girls clubs have been, or are being, organized. Trained leaders are being placed in charge of these clubs; such clubs as county boys' and girls' pig and calf clubs are doing much to educate the farmers for the next generation in modern practices of agriculture. Such clubs give the boys and girls a new

---

incentive and a new outlook on farming as a life's work. For the girls there are poultry clubs, sewing clubs, cooking clubs.

I only regret that the length of this article prohibits me from describing the great change that is being made in rural child life through the activities of these various boys' and girls' clubs.

In another way the Farm Bureau has been active this year in improving the rural child's problem. In many states, farm bureau federations have, through their efforts, secured enactment of county unit bills whose purpose is to give the farm child the same educational advantage that is enjoyed by the city child.

The farmer realizes that an essential to the solution of the problem of rural labor is recognition of the existence of the evil by the country people themselves. It is recognized by country people that this is their own problem. There are several ways in which the general movement for organization among farmers is helpful to the movement for child labor reform. Rural organization serves two purposes that are vital to the solution of the problems of rural child labor. The first is discussion. Rural child labor must be discussed by farmers as they discuss other matters of common concern. The second is active promotion of the common welfare. Rural organization stands both for thinking and for doing. The rural child labor problem calls for thought and then for action. The parallel is certainly suggestive.

Moreover, there is a distinct gain for child labor reform wherever farmers succeed in their organized efforts to achieve or to increase economic prosperity, for the welfare of farm children depends largely on the economic condition of their parents. It depends also on standards and ideals of individual and community living, and where these standards and ideals are high, the consideration given to children and to their health, play, and schooling is greater than elsewhere—there is less child labor. Promotion of these ideals of rural life is
part of the program of the American Farm Bureau Federation.

So far as child labor on the home farm is concerned, the remedy lies with the family and the community rather than with legislatures and prohibitory laws. There are rural children who are being worked beyond their physical strength, but this is a condition that can better be overcome by the education of parents and by community sentiment than by legislative provisions that could not be enforced through lack of adequate inspection, leaving out of the question the fact that legislation and inspection of this kind would strike the average farmer as an unwarranted invasion of his domestic rights. He would stand with the Englishman whose house, in proverbial phrase, is his castle.

But rural child labor is chiefly a matter of the deprivation which it involves. As for its apparent effects on physical growth and development—the explanation often is not so much actual overwork as lack of such compensatory and corrective activities as free play and well-directed recreation furnish. Appreciation of the many and varied values of play and recreation—not only physical, but mental and spiritual values—is rapidly gaining ground in the country places. With recognition of these values, and the establishment of opportunity to receive these values, child labor will have been dealt a real blow, for it consists partly in interference with a normal and abundant play life for children.

Child labor consists further in interference with schooling. There are other causes than farm work of the notoriously poor attendance of country children at school, but this is one of the most common. Country children not only are entitled to just as good schooling as city children but they are entitled to just as much; and schooling pays in the country as well as in the city. The country child must not be penalized educationally for living in the country. On a platform of better
schools and better school attendance, the Farm Bureau is dealing another blow at child labor, for child labor is known by its interference with education.

The farm offers unsurpassed opportunities for what the National Child Labor Committee calls "children's work," as distinguished from child labor. Children's work, as I believe the committee regards it, is work which is healthful and educational and leaves plenty of time and energy for school life and normal play life. The opportunity for healthful work on the farm, with its variety of out-of-door occupations, is apparent. The opportunity for work which is educational is also very great. It is a fact which has often been commented upon that the home as an educational institution has declined everywhere in the world. Perhaps there is no source of promise for its restoration that is more hopeful than that to be found in the home farm. The educational value of farm work for children may also be enhanced by the public school through an improved curriculum which accords with the actual life of the country child. Through the school, with such a curriculum, an intelligent interest may be developed in the farms and the work of the farmers. The Smith-Hughes courses are a step in this direction. Then there are the boys' and girls' agricultural clubs under the supervision and direction of the county agricultural and home demonstration agents. These serve to bring to farm children not only a richer social experience, but also a new interest in the work they do, and in farming as a business or profession. If we can establish in place of meaningless toil and drudgery, work that is really interesting to farm children we shall have done much to abolish rural child labor. It need not always be work which children have not done before—for old tasks and duties can be clothed with new significance. It is this element of interest and significance that, from the educational standpoint and to a large extent from the hygienic standpoint, distinguishes children's work from child labor. Besides
establishing children's work, we must also establish a proper proportion and relation among work, play and school in the actual lives of children.

Particularly tragic is the lot of the country child chained hopelessly to the drudgery of the farm because the world does not pay the farmer-father enough for his products to enable him to give his boys and girls proper schooling and clothes and comforts and advantages. Look to the cotton fields of the south if you would see how the farmer's economic problem becomes transmitted into a nation's social problem. Child labor is absolutely essential to cotton production because it costs nothing. With southern farmers receiving 7 cents a pound for cotton which the Department of Agriculture states that it costs 33 cents to produce, of course, he must tie cotton sacks across the backs of his children rather than the school books which should be there. In the cotton districts the schools close when work in the cotton fields begins. It is an economic problem and nothing else.

The same thing applies to production of milk and butter, though in less degree, and on the whole line of farm products. The children must work because their labor costs little or nothing. It is necessary to have cheapened cost of production because the farmer receives so little for his stuff.

Give the farmer his just due economically and he will take care of the child labor problem on the farm. With economic justice he will furnish his boys and girls with every advantage and add to it the privilege of growing up in the country—where every child of right ought to be raised.

PROPOSED CHILD LABOR AMENDMENTS

The proposal to amend the Constitution giving Congress power to prohibit the labor of persons under the

---

1 Statement of Gray Silver, Washington Representative of the American Farm Bureau Federation, United States House, Committee on the Judiciary, Hearings, 68th Congress, 1st Session, February 7-March 9, 1924, p. 249-51.
age of eighteen years and to prescribe the conditions of such labor does not find a favorable response among the farmers. In making this statement it must be distinctly understood, however, that the farmers are adverse to child labor which interferes with the proper growth, development, and schooling of children. Farmers, of course, at the same time do not countenance idleness and believe that children are better off when fully employed at either work or play.

By far the majority of states already have laws regulating the labor of minors or of children less than fourteen years of age. As a matter of fact, the conduct of children is so completely hedged about by state laws in most of the states that any Federal legislation which would follow this proposed amendment to the Constitution by Senator McCormick would coincide with the state legislation or tend to confuse it. Further, it seems to me because of the diversity of employment this is one of the matters which can be regulated most efficiently by the states themselves.

I am sure the farmers would be among the first to resent the activities of the Federal Bureau if it would try to take the place of the parents in telling their children what duties they should or should not perform and what kind of work they should do. In fact, I believe such a proposal is unnecessary, especially as it might apply to the families on the farms. If a Federal law is needed to regulate child labor it should be directed toward industry where undoubtedly there is still some need for regulation. The farmers do not ask for exemption for they are not in the offending class.

Some of the child labor enthusiasts who would save all children from work until manhood and womanhood have become unduly exercised over a few statistics which they do not understand. They have forgotten the very pertinent fact that the cities recoup their virility from the farm where the boys and girls are always given some-
thing to do in the line of light tasks which cheats the devil of unemployment and builds sturdy frames and muscles.

When questioned, some of these enthusiasts say that any Federal regulation or law on this subject would exclude the boys and girls on the farm. However, others are not so sure. The chances are that if unlimited authority is given to some bureau that it will grow until it becomes a nuisance.

A lot of propaganda has been sent out which is thoroughly resented by farmers. Certain syndicates have published the greatest lot of rot about young boys starting to work at 4 a.m., continuing late into the night, and being given insufficient food. It is always possible to find exceptions to every rule. It will be admitted that there are nomadic types of farmers just as there are hobos in industry. Occasionally agriculture is “industrialized” by some contractor hiring all of the men, women, and children available to harvest certain truck crops. Frequently these people come from the city in large numbers and labor during part of the summer and fall months in this way. Those who cry out in our national weekly publications that there are “more than a million children who must be set free” grab off a lot of undigested statistics and hurl them at the public with their sob-sister methods. At the time of the last census there were recorded 1,060,959 children under age “regularly employed under unfavorable conditions” according to these statements. Of this number, 647,309 were employed on farms. This, of course, makes a very different picture, for everybody knows that 90 per cent or more of these children were working at home at the lighter tasks involved in farming—learning as they worked. Further, they probably are employed only part of the time. The census figures, however, showed that 63,990 were “working out.” The unintelligent returns made by census takers opens these figures to grave ques-
tioning. How many of these children actually were working out regularly month after month and how many really were working during vacation time or during periods when the crops of a community had to be saved? Thus there evaporates into thin air the bug-a-boo of children labor on the farms, who must be set free. If there are cases in which children on the farm are required to work too hard it is due to the pressure of economic conditions which should be righted and which in turn will bring better conditions generally on the farms.

I feel sure that no one on this committee is going to vote for a bill or resolution which might eventuate in some bureaucrat determining whether a community whose livelihood depends upon the raising of strawberries should not close school for a few weeks and thus permit the children to aid in the harvest upon which the financial returns of the whole year depend. Nor would the farmer relish regulations from Washington prohibiting children from aiding in the harvest of many other crops where light labor at reasonable hours is necessary, and rightly so, the capital which sensational magazines are making of the idea that he raises a family for the purpose of harvesting a cotton crop.

As a matter of fact, the movement for Federal regulation of child labor comes several years too late, for the states to a very large extent have already taken adequate action, and if the states do not control it sufficiently, frequently unemployment laws and regulations are enforced by the counties, not only from the standpoint of labor, but as to requirement for attending school.

To pass this resolution making it possible for the states to amend the Constitution would straightway result in the normal course of events, in the passage of the bill authorizing the Children’s Bureau in the Department of Labor to issue some regulations which would make it illegal for boys and girls reared on the farm to be anything but first-class loafers.
EXAMINATION OF THE PROPOSED TWENTIETH AMENDMENT

An amendment to the national Constitution is presumed to be urged only by “overwhelming necessity.” The pending proposal, through its designation as the “child labor” amendment, makes a peculiarly sympathetic and disarming appeal. History indicates representative institutions were often imperilled by popular rulers before whom the people’s vigilance relaxed. So, too, power is likely to be recklessly bestowed in response to a plausible appeal to the heart which dims the reason. Those who analyze and reflect will find lurking beneath a touching sentiment a determined endeavor to obtain a grant of power from the people, revolutionary in its effect upon their private life and government, and entirely unnecessary to accomplish an object which all desire.

Analysis of the proposed amendment demonstrates that it is not a “child labor” amendment, but an exclusive grant of power to the Congress, which directly and by implication confers control over the labor and education of all persons under eighteen to an extent not now possessed by any state of the union.

It proposes a revolutionary transformation of the traditional relation and respective function of local and Federal government and the primary control of parents over the training and occupation of their children.

It is unnecessary, since the nature and extent of the work done by children is grossly exaggerated. It is plainly evident that the protection of child life from exploitation is being more effectively and rapidly met by the states than perhaps any other like social question.

The legislation flowing from this amendment will inevitably be bureaucratic, increasingly expensive, and superparental in its control of minor life.

1 From pamphlet by James A. Emery, General Counsel, National Association of Manufacturers of the United States of America, 50 Church Street, New York, August, 1924.
It will impair the sense of local responsibility for the remedy of community conditions, and substitute for that natural respect for local law the distrust and constant irritation aroused by the imposition and administration of remote, inaccessible and irresponsible bureaucratic authority.

The proposal is socialistic in its origin, philosophy and associations.

It will overwhelm the central government with administrative detail. Finally the very nature of the debate upon the amendment indicates that it will continually excite sectional dissensions and open the way to Congressional regulation of production especially novel in its application to agriculture.

Prior to the vote in the House submitting the proposal, various amendments were offered to it, each and all of which were defeated. These required its ratification within seven years, submission of the proposal to conventions called by the legislatures in the respective states, exclusion of the labor of persons under eighteen within the house or in the business or upon the farm of the parent, or in houses or on farms where such children reside. Before the final vote in the Senate, amendments were proposed and rejected which would have excluded from the terms of the proposal "outdoor" employment, or agriculture and horticulture, reduce the age limit to sixteen, strike out "the power to prohibit," require ratification within five years, or confine the congressional power to occupations of special hazard.

The suggestion to submit the proposed amendment either to qualified voters in the respective states, or to conventions therein, arose from a growing realization that amendments take vast power from the people without opportunity for their approval or disapproval. Governor Ritchie of Maryland, in a recent address, emphasized this consideration. He said:

Thirty-six states can impose their will in constitutional questions on the other twelve—and not the people of those states,
but just a majority of the legislature in each of those states, and you have a majority of the legislatures in each of thirty-six states if you can get the vote of 2,316 members. Think what that means! Twenty-three hundred men or women out of 110,000,000 people can write into the Constitution of the land any amendment they choose to ratify, with no appeal to the people from their action.

The first section of the proposed amendment would grant to Congress the power to "limit, regulate and prohibit the labor of persons under eighteen years of age." It will thus be observed that the word "children" is not employed, and the age limit of eighteen includes plainly not merely all who may be described as children, but all who are commonly regarded as youths. This age limit, it may be observed, is two years in excess of that fixed in either of the child labor statutes which were invalidated. Neither is this grant of power confined to regulation, but it includes the right to "prohibit" the labor of any person under eighteen. It is commonly said by the proponents of the proposal that it is intended merely to give Congress the power which the states presently possess over the same subject. It is not open to dispute that no state possesses the power to prohibit the labor of all persons under seventeen, much less eighteen years of age.

Can it even be doubted that if any state prohibited any person under seventeen, much less eighteen, from engaging in farm work, that such prohibition would not be judicially sustained? It may likewise be asked, would the people of any state grant such power of prohibition to their own legislature? Yet they are asked to grant to the Congress a greater power than any state possesses or would be likely to be granted.

"What is the highest standard now? Is it more than eighteen years?" asked Congressman Montague of the chief of the Children's Bureau.

"They are prohibited up to eighteen years in no country, nor in the United States," she replied.

The power to prohibit carries much more than the
right to prevent the acceptance of employment. It includes of necessity the authority to fix the conditions under which any person under eighteen may be permitted to engage in any occupation. It necessarily includes the power to say to such persons what hours they may work and at what employment, the wages which must be paid, the education or training preliminary to work.

Moreover, the power to prohibit employment may include the authority to appropriate wholly or partly for the support of those who are not permitted to support themselves. Nor does the power of prohibition merely run against unrelated employers. It includes the power to forbid any person under eighteen from working for the parent, or guardian, either in the home or around their premises, or farms or for them in any occupation.

Thus, it must be observed, not only direct but implied power is conveyed. Every grant of political authority carries the power to make it effective. From the right to declare war is implied the right to draft our citizens, and take such exclusive control of factories, farms and railroads as is necessary to insure the successful conduct of war. The power to regulate commerce is held to imply the power to exclude things from it, to fix rates, control the distribution of facilities and the legal liability of the passengers, managers and employees of interstate carriers.

So the proposed amendment would authorize Congress to enact legislation, create such bureaus, commissions or boards, appoint such officials and employees and levy such taxes as in its judgment are necessary to make its authority effective.

The whole subject of training and education as a condition precedent to the employment of persons under eighteen passes to the Congress and it will determine the obligations of parents and guardians with respect to the labor and education of all such persons. That
subject is conceded to be primarily within the control of the parents, nor is there excuse for its invasion, save to meet abuse. "The law which the God of nature has planted in the breasts of fathers and mothers is a sufficient guarantee in the great majority of cases for the careful nurture, training, education and development of children."

Commenting upon this phase of the proposed amendment, the Right Reverend Warren A. Candler, Bishop of the Methodist Episcopal Church, says:

But this "Child Labor" amendment tends to discredit and dethrone parents and subvert family government, substituting for parenthood a paternalistic government at Washington and empowering the Federal Congress to stand in loco parentis to all the children of the country under eighteen years of age. This is nothing less than a monstrous proposal. It proceeds on the absurd assumption that Congress will be more tenderly concerned for children than their own parents, and that from the distant capital congressional tenderness and wisdom will do better for them than their affectionate fathers and mothers, watching over them in their homes. This assumption appraises congressional government far above its worth and puts home government far below its value.

It has been said that the proposed amendment does not contemplate the early enactment of legislation aimed at the control of farm labor. This gratuitous assumption respecting future regulation is met not only by the fact that Congress is to be granted exclusive control over the labor of all persons under eighteen years on the farm, even to the point of prohibition against any direction or request of the parent, but every effort to exclude horticulture or agriculture, or any form of outdoor work, from the terms of the amendment was opposed and defeated by its proponents. Moreover, the National Child Labor Committee, the chief proponent of the amendment, distributed to every Congressman prior to the vote on the proposal, booklets which carry the plain implication that labor upon the farm now needs legislative attention.

The pamphlet points out that, under the census of 1920, 647,309 boys and girls between ten and fifteen
years of age inclusive are engaged in agricultural pursuits. Again, the booklet states "agriculture" is the only important field of work entirely uncontrolled "by legislation." Again, "the south, because of its agricultural character, still leads in child labor." Legislators are told "agriculture employs three-fifths of the million child laborers," and "investigation shows that there are many of these at work in sugar-beet fields, cranberry bogs, cotton plantations and other agricultural pursuits throughout the country." It is further urged upon the attention of Congress that "the 1920 census was taken in January, a season when little or no agricultural work is being done," hence "many children who ordinarily follow agricultural occupations are reported by their parents as having no employment."

Many more paragraphs of this booklet and of the argument of proponents before committees and in their publications is devoted to emphasizing the necessity of Federal regulation of child labor on the farm. One may properly ask, if it is not intended to employ the power to secure Federal supervision of farm labor, why is it demanded in terms denied to any state? Why have the proponents of such legislation resisted every effort to limit the power sought, as were the Federal Child Labor Acts of 1916 and 1919, to those under sixteen engaged in mines and quarries, or under fourteen in manufacture?

The figures of the Federal census for 1920, considered elsewhere, show that 88 per cent of those under sixteen who are partially or occasionally, as well as constantly, employed at any farm task, reside in the home, and any work they perform is on the farm of their parents. Is it to be conclusively presumed that Federal legislation and a Federal bureau is essential to protect such children against their parents? On the day Calvin Coolidge become President of the United States his fourteen year-old son received $3.50 for his labor in a neighbor's tobacco field.
Federal coercion cannot become a satisfactory substitute for the persuasion of "neighborhood opinion." The warning words of President Coolidge to the American Bar Association are most pertinent:

In a republic, the law reflects rather than creates a standard of conduct. To dragoon the body when the need is to replenish the soul will end in revolt.

Everything back of this proposal speaks of "compelling backward communities," "coercing recalcitrant states." It is immediate reform by force rather than the patient but permanent method of persuasion. It urges "dragooning" the community "body," rather than "replenishing" the community "soul."

Federal authority to be applied through this amendment must accommodate itself to the varying local circumstances of highly diversified local life, or its administration will be unworkable. When Congress enacted a model child labor law for the District of Columbia, it found it necessary to exempt the children employed in the service of the Senate to meet a local condition. But to do this essential thing for the nation under the proposed amendment would substitute the judgment of a bureau for the special experience and knowledge of a responsible state. Yet if such power be granted, it will be impracticable either to recall or modify it.

What then is the overwhelming necessity which demands that such power be granted?

It is said by the Senate Judiciary Committee to rest upon the proposition that Congress having twice sought to exercise the power the public may be supposed to believe that it ought to possess it. If that were a valid argument, Congress ought then to possess all the forms of power which it has vainly endeavored to exercise in the course of political history.

It is further urged that the nation has an interest in the protection of its future citizens, which indeed is true. But that argument rests upon the final declaration that
the states have so neglected the effective protection of child life that Federal intervention has become necessary. If this be a fact, then indeed a strong case could be made, if not for this grant of power, then for at least giving to Congress the authority to perform a duty which the states have not met.

What say the proponents? In a communication of the Secretary of Labor to the Senate Judiciary Committee, and in the various arguments made by the representatives of the Children’s Bureau and the National Child Labor Committee to the committees of Congress and to popular gatherings, it is constantly asserted that there is urgent need for congressional intervention, because more than one million children under sixteen years of age are gainfully employed. The impression is subtly conveyed that this employment is fairly continuous and of a nature which threatens their health, education and, at times, their morals.

What then are the facts? Are children so extensively employed? Is there such neglect and retrogression in the state regulation of child labor that a grant of congressional power is necessary?

According to the census of 1920, there were in the United States in that year 12,502,582 children from ten to fifteen years of age, inclusive. Of this number 1,060,858 were said to be gainfully employed, 647,309 in agricultural pursuits, and in non-agricultural occupations, 413,549. Of those engaged in agriculture, 88 per cent, or 569,824, did work on the farms of their parents where they resided. It is apparent, then, that but 77,485 could be said to be engaged in any form of agricultural occupation outside of the home farm, and these alone would be the subject of legislation under the so-called child labor amendment, unless a regulation or prohibition of work by children on the farm of their parents is intended.

There remain 413,549 between ten and sixteen en-
CHILD LABOR 369

gaged in non-agricultural employments. When the census of 1920 was taken, the Child Labor Tax Act of 1919 was in effect, and 364,444 of such children were fourteen and fifteen years of age, and must be presumed to have been legitimately employed. There would then remain but 49,105 from ten to thirteen years of age, or below the standard of the act of 1919.

Referring to this, the distinguished Senator from New York, Mr. Wadsworth, discussing this amendment in the Senate, May 29, 1924, made the following statement, which was never contradicted, questioned or criticised:

Undoubtedly, some of those 49,000 are employed in such a fashion as to cause concern. Incidentally, more than one-fourth of those were newsboys. For example, there were but 622 cotton-mill operatives in this group; 404 being employed in the States of North Carolina, South Carolina, Georgia and Alabama, and 218 in all the other States. So it will be seen that it whittles down to almost nothing. There are only 404 in the four southern cotton-mill States, and there is only a bare presumption that any of the 404 were illegally employed—that is, were below the age limit. A great deal of the outcry and uproar has been directed at those same four States on account of the alleged conditions existing in cotton mills, and we find the conditions do not exist.

But it must be borne in mind that the figures of the census of 1920 did not include merely persons under sixteen who are continuously employed. It included all kinds of intermittent work done by school children outside of school hours, and all forms of legal employment under the Federal Child Labor Tax Act, which was in force at that time.

The Director of the Census in a letter to the chairman of the Judiciary Committee of the House, under date March 18, 1924, said:

It is generally recognized, of course, that the great majority of the children reported by the Bureau of the Census as engaged in agricultural pursuits was not, as a matter of fact, working with any high degree of regularity or continuity. Of the 647,309 children ten to fifteen years of age reported as engaged in "agriculture, forestry, and animal husbandry" in 1920,
569,824, or 88 per cent, were farm laborers on the home farm, and it is very probable that a majority of the remaining 77,485 worked either for, with, or under the direction of their own parents. The work of these children doubtless varied from a few weeks or months work each year to regular employment throughout the year.

In the two groups of children ten to fifteen years old in some form of agricultural occupation other than work on the home farm, 77,485, and those from ten to thirteen in non-agricultural pursuits, numbering 49,105—one-quarter of whom are newsboys—a total is presented of 126,590. Can it be contended that the employment of 126,590 children out of 12,502,582 demand the grant of power to Congress which is sought? There is no evidence that the employment is other than intermittent, is dangerous to health or morals, or to the extent that such is the fact, it will not be corrected by the states with the rapidity which has characterized their progress in dealing with this subject.

**Summary**

This proposed amendment of the Constitution would confer upon the Congress the exclusive right to regulate not merely the working life of children, but of every person in the United States under eighteen years of age. It would include the power to prohibit all such persons from earning a livelihood at any and all forms of employment, or even to engage in any task or occupation in aid or support, or at the request or direction, of their parents or guardians at any time or place, and not less at home or within their premises than on their farm or in any factory. The proposed grant of authority includes, by necessary implication, the right to attach any preliminary condition to any under eighteen engaging in labor. It confers, therefore, the right to determine what hours, if any, they may work, at what occupations, at what pay, and with what preliminary education or training, the right to direct and supervise such education or
training, to provide by taxation for the support of those under eighteen who may be prohibited from labor or of the parents or guardians dependent upon the aid of such prohibited labor.

The amendment would, therefore, convey power in terms and to an extent not now possessed with respect to the same subject matter by any state of the union. Nor is it probable that the people of any state would confer such power upon it. It would give a right of intervention between parent and child and Federal control over farm life without precedent in the history of local government.

The proposed amendment would remove from the states a subject and relationship which by every concept and tradition of American government are peculiarly their right and obligation. Any subsequent legislation could be administered and enforced by the central government only through an elaborate and expensive bureaucratic system, inevitably tending to be a top-heavy, irresponsible, unresponsive, remote from the subject of regulation, irritating in the circumstances of supervision, and by its operation lessening respect for and obedience to the central authority.

The theory of control and the social tendencies comprehended within the amendment are strangers to our soil and more in harmony with the philosophy and manifest desires of alien states.

Finally, the amendment is utterly unnecessary. The states have neither neglected adequate protection of child life nor failed in the development of sympathetic, reinforcing public opinion. On the contrary, the testimony of their severest critics is overwhelmingly in their favor, and the circumstances and progress of state legislation exhibit an effective and constantly growing body of appropriate local regulation without parallel during the past decade in any other field of social reform.