1938

The economic and social significance of child labor in the United States

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Boston University

http://hdl.handle.net/2144/13811

Boston University
BOSTON UNIVERSITY
College of Business Administration

Thesis

The Economic and Social Significance of Child Labor
in the United States

Margaret Esther Gamble
(A.B. Cornell University 1930)

submitted in partial fulfillment of
the requirements for the degree of
Master of Commercial Science
1938
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Chapter I

INTRODUCTION

Child labor! What a wealth of sympathy and emotion, of consideration and concern, of argument and legislation, of boredom and revived interest has accompanied this epochal problem of society.

The labor of little children, slaving at a tender age, tended to weaken them physically and morally at a time when their plastic natures should have been shaped into strong bodies and thinking citizens who could participate actively in maintaining a democracy. Certainly such work and life pictures of stunted childhood has justly aroused the emotional consideration of the American people to an effort to protect the children against exploitation by both parents and industry.

State after state made some legislative progress in the elimination of this social atrocity. No longer could the general public be disturbed by emotional pictures, they had to be stimulated to state and national action by the intelligent consideration and concern for the effect that child labor has on our complex social and economic problems. Although at no time has the child stepped down from the pedestal as the primary reason for our diligent efforts, with the industrial development of the country, the proportionately greater increase in population
(due to immigration and an increasing birth-rate) and the ideal of education for all, there was a change in the attitude of reformers from one of emotion and sympathy to one of practical economic desire to place the responsibility of work on the shoulders of the adult.

Actual Federal attempts to accept the responsibility of this problem came as the direct result of economic difficulties, namely, the competition of the low child wages with those of higher adult wages and the resulting problem of prices and profit between like industries in the states with low standards of child labor and those with higher standards. The first law was an attempt to regulate the problem of child labor by prohibiting the inter-state commerce of their products. The second endeavored to restrain industry from employing young children by taxing the profit of establishments where children were so hired. The advocates of child labor reform soon learned that their approach to a national solution of the problem must be through direct rather than indirect methods as both laws were declared unconstitutional by the Supreme Court of the United States.

Direct legislation could only be secured by giving Congress the right to promulgate laws in favor of social problems, particularly in regard to minimum standards regulating the employment of children. Hence, an amendment was framed to accomplish this purpose. The amendment met with the approval of leaders from all political parties and passed the Congress of the United States and eventually reached the individual
states for ratification. It is still being ratified. States with low standards rejected it, states with high standards felt that it was superficial, farm states ignored it as an industrial problem of the East. Years dragged by, the reaction set in, people considered the problem solved, a low ebb tide was reached, the amendment was pigeon-holed.

And then came the depression! And out of the depression came renewed vigor of social and economic leaders in their desire to correct the unequal balance and standard of living for the working people. Their program again contained the proposition of minimum child labor standards for the country. Desperate efforts to secure actual results forced the leaders to revert to the indirect method, namely, the inclusion of child labor standards in the National Recovery Act program. Likewise, they re-stimulated interest and endeavored to secure direct action among a sufficient number of states to insure the passage of the amendment.

The standards, to be sure, have broadened vertically and horizontally since the earlier standards were first set forth. Today, we consider it as a problem of minors as well as little children; a problem concerning all phases of production and distribution rather than merely one of industry; a national as well as a state problem; a challenge to the schools and courts as well as business; a solution for the unemployed adults, as well as a benefit to the laborer's wages and industries' profits; a problem of financial responsibility to sup-
port them until they approach their majority; and an opportuni-
ty to cooperate with other nations in securing inter-national
minimum standards.

This then is our problem,—shall we recognize the social
and economic problems which the child creates for our nation,
raise the standards both vertically and horizontally, accept
the financial burden of their support, or shall we ignore
the proposition and continue on our state-satisfied way con-
sidering the problem solved and admitting that we lack faith
that our national government will not usurp the rights grant-
ed to us in the Constitution?

To those interested in the field, literature in abund-
ance may be found to support both sides of the question, to
change one's opinion, to confirm one's convictions, or to ac-
quaint the unfamiliar with the progress and possibility of
child labor as a problem yet to be solved.

The library with its wealth of material is the logical
approach to the subject. When that is exhausted a study may
be made of the child labor laws of the various states to re-
veal the exact status and standards of the states. The Nation-
al Child Labor Committee and the Children's Bureau of the
United States Department of Labor are constantly making new
surveys and tabulating new statistics concerning the status
throughout the country. The Association of Manufacturers issue
bulletins to present their point of view. The newspapers re-
hash the pros and cons at every sign of renewed action. Final-
ly, educators, churchmen, and statesmen are frequently present-
ing their position on this moot question.

Careful and analytical consideration of this material will permit one to draw one's conclusions concerning the significance of the child labor problem in the United States.
Chapter II

Child Labor in the United States

"There is practically no child labor in the United States". This statement was recently made by Nicholas Murray Butler, President of Columbia University. He made the statement in good faith and after personal observation of conditions in South, East and West. Yet the accuracy and justification of such a broad and sweeping statement is dependent upon many things. Did he consider the age of the child as under 12, 14, 16, or 18? Did he consider the necessity for higher age limits in the hazardous occupations? Did he realize that much labor, both of the agricultural and sweatshop variety, is not 'home' labor, or working for parents but is frequently paid labor either directly to the child or included in the parent's wages, if the work is done under the family system? Did he consider the youth of the nation, who are exempt by law from protection in domestic service? Should he have considered the youth of the nation selling wares in the streets of the cities and towns? If by law children are permitted to work when school is not in session, is it fair to say that children do not labor if the school terms are adjusted to allow them to work in the seasonal industries during the peak season?

## DECLINE OF CHILD LABOR IN THE U. S.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Children in U.S. 10-15 years</th>
<th>Total children Employed</th>
<th>Children in Manufacturing</th>
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</thead>
<tbody>
<tr>
<td>1900</td>
<td><img src="1900_chart.png" alt="Diagram" /></td>
<td>1,750,178</td>
<td>161,276</td>
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<tr>
<td>1910</td>
<td><img src="1910_chart.png" alt="Diagram" /></td>
<td>1,990,225</td>
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<tr>
<td>1920</td>
<td><img src="1920_chart.png" alt="Diagram" /></td>
<td>1,060,858</td>
<td>121,234</td>
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<tr>
<td>1930</td>
<td><img src="1930_chart.png" alt="Diagram" /></td>
<td>667,118</td>
<td>67,593</td>
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</table>

**Sources:**
- Census of Manufacturing
- U. S. Census
- N.A.M. Estimates

Each figure represents 2,000,000 children

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National Association of Manufacturers. *At School Not At Work*. Booklet No. 6 (p.17)
Should we say that because we have laws prohibiting types and kinds of labor to children of certain ages therefore children do not labor when in certain cases the law is adjusted to allow them to work?

The Children's Bureau of the United States Department of Labor published the following facts: "There were 667,118 child workers 10 to 15 years of age, inclusive, in the United States in 1930, according to Census figures. During the depression the total amount of child labor decreased, but the number of children working in certain undesirable occupations, or under sweatshop conditions, increased."4 There will not be another Census until 1940, so that we are dependent upon the facts of the 1930 Census. The comparative tables for 1920 to 1930 showed a decrease of 37.1% in the number of working children with a total increase of 14.4% in the population of children 10 to 15 years of age. In fact, over the last three decades the total percentage of employed children decreased to less than 5% in 1930.5

**NUMBER AND PROPORTION OF CHILDREN 10 TO 15 YEARS**

**OF AGE GAINFULLY EMPLOYED, 1900 - 1930**

<table>
<thead>
<tr>
<th>Age 10-15</th>
<th>Gainfully Employed</th>
<th>Per Cent</th>
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<tr>
<td>1900</td>
<td>9,613,252</td>
<td>1,750,178</td>
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<tr>
<td>1910</td>
<td>10,128,365</td>
<td>1,990,225</td>
</tr>
<tr>
<td>1920</td>
<td>12,302,582</td>
<td>1,060,858</td>
</tr>
<tr>
<td>1930</td>
<td>14,300,576</td>
<td>667,118</td>
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On the surface it would appear that Dr. Butler was right and that the renewed energy expended to secure ratification of the child labor amendment was unnecessary. Yet, the census authorities wish to point out that these figures are not exact standards for comparative purposes because the 1930 Census was taken on a different standard and at a different time of the year than that taken in 1920. To be exact, the 1920 Census was taken in April and the 1930 Census in January. This means that the great number of children that leave school to do the spring planting were not included in the count. Secondly, the enumerators were told not to include children working full-time for their parents. Thirdly, the second Federal Child Labor Law was in operation at the time of the 1920 Census, so that those figures are not representative of the exact numbers employed a few years previous to or shortly after the census. Finally, both the 1920 Census and the 1930 Census were taken during depression periods when children leave industry following a definite cyclic trend. In any case, the Census authorities have stated that

"Any conclusions drawn from a study of the returns for children engaged in agricultural pursuits or from a study of the Fourteenth Census returns for children engaged in all occupations would probably be incorrect."³

The Florida State News printed a resume of a New York Times editorial and attempted to point out the use of percentage statistics to minimize child labor as an unfair and sophisticated device.

"Of course the assertion that child labor in 1930 was limited to 1½ percent of the gainfully employed workers is a resort to sophistry to minimize the importance of the child labor evil. On the other hand, the plain statement that 130,000 children under the age of 16 were employed and 50,000 more of tender ages compelled to work at hazardous jobs dramatically visualizes this large army of boys and girls chained to mills and factories when they should be in school and tends to arouse definite opposition to the continuance of this evil.

"Percentage statistics like those used by the New York Times are nothing but a smokescreen shot out to conceal the truth about child labor. They undertake to hide the actual facts regarding this social outrage."

We cannot help but deduce that there is some child labor left in the United States. The percentage of children employed, in comparison with the total child population, may be small but it should not be overlooked. Furthermore, there can be no doubt but that it is somewhat more than is generally comprehended by the majority of the average thinking citizenry.

The N.R.A. codes set a 16 year minimum age for industrial occupations and raised the age limit to 18 for the hazardous occupations, so that temporarily there was a real decline. However, the trend is now reversed and we find that the children are returning to industry following the upward swing

of the pendulum toward a more prosperous era.

"During the last seven months of 1935 the number of children under sixteen leaving school for work in areas reporting to the Children's Bureau was about 12,000 which is 55% above the total for the twelve months of 1934." 10

Granted that there is some child labor, we must realize that standards vary according to the definition you have for a child. The earlier standards considered a child, a boy or girl under ten years of age; 11 then this was raised to twelve in the textiles and other industries; 12 gradually this was pushed up to fourteen. As fourteen years of age is the usual age for a child to finish grammar, or elementary school, this seemed a fair age especially since an elementary education was considered enough for the average child. However, today, fourteen is too young. 13 Industry agrees that accidents occur more readily to young children than to older ones, 14 that the turn-over in child labor is high, 15 and that social delinquency is greater among the younger children who are

are employed. Exponents of improved social conditions state that the average intelligent parent would not desire his child to go to work at fourteen and therefore is unjustified in expecting the children of others to do so. Furthermore, it is not desirable in a democratic order to undermine so completely the physical and moral health of those of an adolescent age. The state of Ohio has passed a law to keep its youth in school until eighteen years of age, with the usual exceptions which allow them to obtain work permits at an earlier age. The higher age limit is satisfactory in so far as it has been tested.

This is indeed enough proof that the vertical age level should gradually be raised, especially for the hazardous occupations, and within reason for all trades.

And why should the child of industry, the child in manufacturing and mercantile establishments receive all the attention of social reformers? Is it not fair to make the laws broad enough to include all other types of employment on the horizontal plane? Should we not consider agriculture, the street trades, the seasonal industries, the home employment (particularly of the sweatshop type), domestic service, and

17. Lumpkin and Douglas. *op. cit.* p. 44
the many unlegislated opportunities in infant industries? The occupations which employ children will be considered under three headings; non-industrial, industrial, and agricultural.20

Non-Industrial Occupations

The laws which placed a prohibition on factories and mines are so narrow in scope that children may seek and find employment in less regulated, non-industrial occupations.21 These occupations are the street trades, transportation, communication and theatricals. Agriculture, according to the International Association is considered as a separate unit. The largest number of the children employed in the non-industrial occupations are to be found in the street trades.

The street trades entered the field of child employment much later than did industry. In fact, it did not present itself as a serious problem until the twentieth century. Professor Ward writing on the Child in Pure Sociology (London 1913) stated that the mines and factories were the first to arouse the entire civilized world, the mercantile establishments followed shortly after, yet the street-traders, that class of child laborers whose association with a great mass of people has been most intimate and constant, has been the last to meet with consideration.22

20. Based on Conference Divisions for the International Association.


The next year, 1914, Edward Clopper revealed that the labor of children in the streets seriously affected them both physically and morally. He regarded it as one of the hazardous occupations and recommended that "The Little Merchant of the Streets" be protected from the associations which it was so easy for him to form in his round of daily work.23

The picture painted was of children deprived of normal growth and life. The child was not only exposed to physical dangers, but also to early and late hours, irregular meals, the use of stimulants, and bad companionship. He was subject to an education that led him to cheat, to misinterpret facts by practicing deception, and to beg. For example, a child would present one 'shoestring', or some other article at a time, begging in plaintive tones for sympathy and mercy so that he could go home. Once sold, another was brought out and so it continued to all hours of the night.24 How can we correct the business ethics and practices of our future merchants unless we train them at an early age in the responsibility and importance of honest representation of goods?

The argument has been that children acting as merchants at a youthful age have grown up to be successful business men. This may have been true of some, but percentages would indicate that the majority have been weakened in some way.

1. Edward N. Clopper. op. cit. p. 3.
2. Ibid. p. 2.
The important services which they render are primarily that of the newsboy and bootblack. Messenger services have also been in the foreground, but have recently been more strictly regulated through legislation. Street trades simply implies the selling of articles by children in the streets. Many types and kinds of wares are offered for sale. In Florida, "It was found that each city seemed to have its own particular line,—Jacksonville, popcorn and homemade candy; Miami, peanuts; Tampa, homemade candy; Pensacola, newspapers and peanuts; Orlando, newspapers."25 These wares are typical of what one might expect in the warmer evening climates where the resort people enjoy refreshments. Other states making a similar survey might uncover different types of wares. The most popular ware for one state may differ in another state, or new ones may crop up in any particular state, or locality of that state. For instance, Florida discovers that many children are delivering milk from the wagons to the doorsteps at an early morning hour.26 Hence, definite steps had to be taken to eliminate this practice. This irregular up-cropping of new endeavors for children would indicate that the law should be wide enough and sufficiently without exceptions, so that loopholes for child workers would not be uncovered

26. Ibid p. 23
and used. It would certainly be beneficial to have one law, rather than many, cover the employment of children in any single trade.

We should not overlook the employment opportunities for adults in the street-trades. To be sure, the financial returns are low, but an adult might better seek small gains from honest efforts rather than starvation. Likewise, it might be possible for him to build up a trade and a substantial increase in wage returns, at present the adult in some instances, receives a slightly higher wage for an identical service than does a newsboy. A legal restriction on the messenger services of the communication companies leaves the bootblacks and the newsboys making up the large total of employed children in the street trades. Not so much has been written of the bootblacks, yet it is certain that you and I have seen him carrying his box in some public garden, or thorough-fare, seeking to shine your shoes. Where does he come from? Does he need the work? What does he do with the money? These are all honest conjectures and no doubt their answer is not greatly different from that of the newsboy.

Although many boys and girls have been removed from the evil of late night street selling, the newsboy is still selling his papers on the street corners day by day. From
Rhode Island comes this statement, "Enforcement of this law rests with the local police authorities and a good deal of leeway is allowed from the letter of the law as very small children are to be observed selling magazines without licenses. Rhode Island needs an amendment to the Street Trades Law very much." 27

The National Government, as well as certain states, has definitely recognized this problem of the newsboy. In March, 1934, the Children's Bureau of the United States Department of Labor, in collaboration with the Research and Planning Division of the National Recovery Administration, made a field survey of children under sixteen in seventeen representative cities. 28 The children dealing in news were divided into three classes, the newspaper sellers, the newspaper carriers, and the magazine sellers and carriers. "The survey showed median ages for the groups studied as follows: Newspaper sellers, 13.7 years; newspaper carriers, 14.3 years; magazine distributors (those selling and delivering), 12.7 years." 29 Some children under ten and even some under eight were found employed. The magazines used younger children than did the newspapers; and the newspaper sellers were younger than the carriers, though it is


29. Ibid p. 4
believed that carrying is better for the younger child. The general tendency has been for older boys (fourteen and fifteen years old) to be employed rather than those under ten as had been customary prior to 1922 and 1926. Sellers' total weekly hours decreased, the hours of the carriers increased, with a general wage drop for all groups.30

The newsboys, who sell the papers on the street corners, are the 'hustlers'. They must compete with hawkers from other papers, although they are usually guaranteed their corner from other sellers of the same paper. The street sellers are not organized as are the carriers and seldom profit from the 'prize' system. More than 50% obtain their papers directly from the main distributing room of the newspaper, or from the trucks. The rest obtain them from newsdealers. The boy usually obtains his papers on credit and is allowed to return the unsold papers. However, in some instances, he is still required to pay for them, or as they say, he is made to "eat 'em".31 In a few cases the boys may receive bonuses (but never as much as a man receives for the same amount of work), and in a few cases, where they receive tips, they are paid only a small commission.

30. Ibid p. 4-5

<table>
<thead>
<tr>
<th>Classification</th>
<th>Each Figure Represents 50,000 Children</th>
<th>Number Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture 70%</td>
<td></td>
<td>71% 472,243</td>
</tr>
<tr>
<td>Mining 15%</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td>10% 68,266</td>
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<tr>
<td>Manufacturing</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Mechanical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non-Industrial</td>
<td></td>
<td>9% 58,332</td>
</tr>
<tr>
<td>Trade</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Communication</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Domestic Service</td>
<td></td>
<td>7% 46,145</td>
</tr>
<tr>
<td>Public Service</td>
<td></td>
<td>3% 22,132</td>
</tr>
<tr>
<td>Professional</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Clerical</td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>667,118</td>
</tr>
</tbody>
</table>

National Association of Manufacturers. *At School Not At Work*. Booklet No. 6 (p. 18)
The hours of work vary from five to thirty or more. When these hours are added to the regular school week it is found that many boys, particularly the younger ones, are working longer hours than the adults. Although night selling has been regulated some cities still have newsboys at work after eight or nine o'clock, in fact, even until one and two o'clock in the morning.

The average earnings are $1.41 for a week.32 It is questionable as to whether or not the boy actually uses this sum to supplement the earnings of the household, or whether it goes for movies and candy.33 Some states definitely consider it the latter. There can be no doubt from the facts that the child works extra hours after school, in all kinds of weather, missing his meals at regular times, and frequenting streets and districts34 which are undesirable. The result is often a truant from school, a lad too tired and too unprepared in his lessons to report to classes. Eventually, he reaches a juvenile court and is charged as a delinquent and a social problem. Again he may force society to become conscious of him when he reports to clinics.

32. Ibid p. 14-21
34. Lumpkin and Douglas. op. cit. p. 8-10.
with "cardiac diseases, orthopedic defects, and throat ailments". 35

To what extent the newspapers should be blamed entirely for this condition is questionable. Florida states that the newspaper men make special efforts to enforce the laws and prohibit the unlawful selling of papers. "The blame of this", the evil of street selling, "lays at the door of fathers and mothers and here I wish to dispel the idea that newspapers owners and managers countenance this. They give strict instructions to their circulating distributor not to supply young boys and girls, but the older boys peddle them to the small boys which makes it hard to overcome." 36 On the other hand there can be no doubt but that the papers do encourage boys to sell papers.

The lot of the newspaper carrier is somewhat better. He has better supervisors, he works in a more residential district, and he is considered a 'little merchant.' Contests are sponsored, prizes are given, and sometimes banquets and outings are arranged. However, it is not all ideal. The system has become so elaborate that he must not only deliver, but he must solicit new subscriptions, collect the weekly paper bill, and sometimes carry the debt of un-

35. Lumpkin and Douglas. op. cit. pp. 8-10.
paid accounts, in order that the paper may not go without its share. The latter duties are done after the papers have been delivered; hence, the carrier may work during the supper hour, or in the evening when his clients are most likely to be at home. As a result of this system the average carrier earns less than $1 a week and in some cases they may receive no pay for a week's work. Accidents, particularly those from traffic hazards, are probably the most outstanding social problem of the carrier and usually he is not entitled to compensation.37* Once again we might wonder just how much responsibility the newspapers incur by encouraging this system, and we cannot withhold the blame from them entirely for they most certainly use persuasive methods in securing work from the 'little merchants of the streets'. "And since its advertising rates vary with its circulation, it is a profitable business to put pressure upon the child. All the methods of high-pressure salesmanship are used." The child is encouraged to tell hard-luck stories, he solicits at night, he collects after deliveries, he is charged for wet papers and for absence from pep meetings, and is strictly held to contracts with individual papers as to present and future employment.38


* Recent law in North Carolina makes the parent the employer. American Child October 1937.
Recent law in Wisconsin makes the publisher the employer - Ibid
The magazine sellers and carriers are of the younger age group. There earnings are very small because they sell few magazines. They are enticed into the business by strange men offering prizes. The general problems of the other groups are applicable to this one.

One method of regulation has been tried and in lieu of something better has worked fairly well, namely, the badge system. This method allows the boy to receive a badge on the same basis as he might receive a work permit. He must make personal application, present his birth certificate, his school standing, and show physical ability.

The better states license the boys, with permits or badges, according to the rules for obtaining the work permits of that state. Usually this means that they must present their school record, certificate of age, and make an agreement not to misuse the license. Frequently they are prohibited from any night work.

In Alabama, where the street trades law seems to have been given considerable thought, the badge may be taken away from the child if his grades are unsatisfactory in school.

"Before a boy is given a badge he must have a form, which is provided by the Department, signed by his teacher stating that he is doing satisfactory work in school. His keeping his badge is contingent upon his making good grades

in school. Oftentimes a badge is revoked for a period of two weeks until a boy brings up his grades in school."

It may also be revoked if it is loaned to some younger child. This latter is one of the weaknesses of the badge system. Alabama, likewise, fines any person or concern who furnishes a child without a badge articles for sale. One loophole exists, namely, newsboys over ten and bootblacks over twelve may sell on fixed routes in residential districts.

The gamut of laws is run in the regulations of the forty-eight states in regard to street employment by children. Yet at no time has it ever been perfected. Loopholes occur which permit children to carry on against odds and at times "the little merchant" is smiled on with pride and patted on the shoulder with reverence because he is an "independent contractor", learning to handle his share of the work and his money. On the other hand, we should not forget the picture of the little merchant working for little or no return, with a minimum of character training involved.

In the field of communication messenger service is the largest employer of children. It is often regulated by law, either in the street trade section or separately. "Between 1929 and 1936 there were slight increases in the percentage of children entering mercantile occupations and messenger and delivery service." 40 This type of occupation

has regulated due to the accidents, moral hazards occurring to messenger boys. The messenger service of the communication companies, particularly Western Union and Postal Telegraph, have been controlled by legislation. The former hazards have not been destroyed, but they have been denied to younger boys and girls. In the majority of states today the age level has been raised to eighteen years for boys and twenty-one years for girls.

Twenty states (June 1937)* have laws regulating the employment of children in the street trades. To be sure they vary greatly in extent and type of control.

Alabama Florida New Hampshire Pennsylvania
Arizona Iowa New York Rhode Island
California Kentucky North Carolina Utah
Colorado Maryland Oklahoma Virginia
Delaware Massachusetts Oregon Wisconsin

"Thirty-five states permit boys under twelve years and twenty-nine states permit girls under twelve years to engage in street trades."41 Under twelve, in some instances, means that children under ten are still allowed to sell papers. Three other states have a law regulating messenger services, but not extending into the other forms of streets trades. All vary, some are low and realize it, some are trying to improve their 'badge system', yet none are satisfactory. No matter how much is done they cannot escape

* The list of states was prepared from charts submitted in Chapter III.

from the fact that children are still at work after school to the detriment of the next day's work.

A model street trade law was suggested by Wiley H. Swift at the Seventeenth National Conference on Child Labor.

The following present some of the proposals:

"1. No street trading for girls under eighteen years of age. It would be better if this could be made twenty-one.

"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 were written into the law, there would be no great necessity for insisting upon fourteen instead of twelve.

"4. The state-wide act should fix minimum standards only. This act will itself 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....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....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.

"6. Not much, if anything has been said upon the question of the number of hours of employment. The eight-hour standard for children under sixteen is now rather well established in ordinary employment.
"7. Any child should be treated by the juvenile Court as a delinquent, dependent, or neglected child, as the circumstances may show."42

The states have very meagre regulations for theatrical employment. Children legally residents of one state may perform in neighboring states in places and at hours when local children of that state are prohibited from theatrical work.

A few states only require that adults (either parent or friend) be present during a performance. A few states require that a twenty-four hour permit be secured and filed before a child trooper can perform. A fee may or may not accompany this request for a permit.

To what extent the children radio entertainers should be controlled is yet to be discussed.

Exemptions are always made for school and church performances. Other forms of non-industrial employment are transportation, communication and trade. About 9% of the employed children are in this group.

The mercantile establishments were considered a fine place for children to learn a trade. Children left school to run errands, to cashier, to deliver packages, and to clean stores in the belief that they would work up to better positions in that or some other establishment. Today we find that such hopes for advancement have vanished and

that in its place are long, tedious hours of work. The long hours which children work in these establishments are legalized as the work is usually done after school and in vacations.

Incomplete figures for occupations entered by these children during the first 5 months of 1936 indicate that more than one-fourth went to work in manufacturing, mechanical, and mercantile occupations. About one-fifth of the children entered messenger and delivery service and more than one-third left school for domestic service, either in their own or in other households. These figures again illustrate the tendency for children 14 and 15 years old to go to work in miscellaneous types of employment that are unregulated by state law, occupations which subject them to the abuses of long hours, low wages, and poor conditions.43

Industrial Occupations

Although children had long been at work in the fields and at home helping their parents win a livelihood from the soil in the early days of colonization, when it was believed a sin to bring a child up in idleness and although very young children were apprenticed out to shop workers to learn trades, it was the employment of children in the factories, first in England and then in America that aroused social reformers to initiate a movement to free employed children.44

The conditions in the factories were indeed deplorable. The Children worked long hours and at a very young age. Night work was not unknown and children ten and even younger were allowed to watch the machines. The result was physically weakened children. Tuberculosis and other respiratory diseases were common to the young who had grown up in the factories. One case is related of a man who employed his child in his factory believing that he was saving him from hard labor and poor working conditions such as he had known in the old country. How heart-broken he was and how hard it was for him to understand that the life he had chosen for his child was worse than the heavier labor of the fields.

"The decline of child labor over the past thirty years has been most notable in manufacturing industries. Truly it may be said that machines are doing the work that once would have been done by young hands. For example, the number of wage earners under 16 years of age in manufacturing industries in 1930 is estimated at approximately 63,000. This figure may be contrasted with a comparable figure for 1909 of 161,493 as given in published figures of the Census of Manufactures.

"Again the striking decrease in child labor in manufacturing is clearly seen in the fact that in 1904 out of every 1,000 wage earners there were 29 children under 16 years of age. By 1930, the year of the last census, this figure had decreased to 9 children per 1,000 workers."
The Association of Manufacturers put it briefly when they say that only 10% of the children in the ten to fifteen age group are engaged in manufacturing according to the 1930 Census.

The Encyclopedia of the Social Sciences also presents figures which show a decline in the employment of children in the manufacturing and mercantile groups. In 1910 the numbers employed in the manufacturing and mercantile groups were 260,934. By 1920 the number had decreased to 185,337, a change of -32.8. The decrease was approximately 29% between the years 1920 and 1930.47

The actual reduction in the numbers of employed children is real. It has been mainly due to legislation. The laws of the various states have regulated hours, age and forms of employment. By requiring work certificates they have kept track of the number of children entering employment although because of this type of exemption they did not actually prohibit young children from securing jobs.

The first and second child labor laws definitely helped to remove children from this type of employment during the period when they were enforced.48 A return to employment was the result of their removal.

However, a real and definite decrease was experienced in the next cyclic period from 1929 to 1936. This was due to a great extent to the unfavorable business conditions and the general lack of employment opportunities.49

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47. Encyclopedia of Social Sciences. op. cit. p. 420
49. Children's Bureau. Mimeograph No. 7236
"During the period from 1929 to 1936 the proportion of children 14 and 15 years of age who went to work in manufacturing establishments decreased from nearly 50% in 1929 to less than 20% in 1936. Between 1929 and 1936 employment of minors 16 and 17 years of age in manufacturing and mechanical occupations also decreased, though not as sharply for the older as for the younger group."

The year 1935 indicates a change in this decrease toward a return to industry, or an upward swing in the trends toward juvenile opportunities for employment.

Cyclic trends following business conditions in the long run do not alone account for the decrease of child labor. The long time decrease has been due to legal restrictions and enforcements. Practically all states have laws establishing minimum age, hours of work, night work, hazardous occupations, and general conditions of the major industries of their particular state.

Ten states have a minimum age of sixteen for work in factories and stores. In some instances they are allowed to work outside of school hours if they are fourteen. These states are Connecticut, Montana, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Utah, and Wisconsin. Four states require a fifteen year minimum, with exceptions for fourteen years. These are California, Maine, Michigan, and Texas. One state, Wyoming requires no minimum age. All other states, with exceptions require fourteen years.

50. Ibid
Similar tables have been prepared by the Children's Bureau showing the maximum daily hours, the maximum weekly hours, the night work prohibitions, employment certificate requirements, and the compulsory school-attendance laws for the children under sixteen years, and those between sixteen and eighteen. All laws affecting the employment of minors in manufacturing and mercantile establishments.51

The exceptions are made for vacation time, after school work, non-harmful or out-of-door occupations, for small establishments, for canneries, and for perishable products. In some states the regulation for hours of work applies only to the textile industries. It is interesting to note that some states make exceptions of the industries which employ the largest number of children under the poorest conditions, for example, canning and perishable products.

The canning industry, whether in the fruit districts of the Northeast, or the shrimp areas in the Southern Gulf States creates one of the most serious problems to those concerned with child workers. The children are frequently kept out of school during the rush seasons to work in the canneries. They work under unhealthy conditions and live in rough and nonpermanent huts during their sojourn. Usually the problem of canning is tied up with the problem of migratory child labor as the family52 move from one state

51. Children's Bureau. A Summary of State Laws Affecting the Employment of Minors in Factories and Stores. (October, 1937)

52. The Family System is a method of contracting an entire family A premium is placed on the number employed.
to another to meet the progressive ripening season from the South Atlantic to the Northeast. The children miss school and the inspectors, who might find them and ask them to return. The problem of inspection is difficult as the season is short and it is impossible to reach all out-of-the-way places during the 'rush'. When the inspectors do arrive the children are 'ducked' out of sight. In the shrimp industry the children are allowed to work 'out-of-school-hours' and hence, do not avoid the law. However, they frequently begin work at 3 A. M. and work again after school in the afternoon.

"To stand over a table of slippery shrimp from 4:30 until 8:30 and then to try to concentrate in school is too much, especially if the same child goes to a heading shed in the afternoon and works until closing time, which may be as late as 11 P.M."

The children working on shrimps are seven and eight years of age and up. The medium hours of work are five and the medium earnings around seventy cents.

The Southern States are again in the foreground as employers of child labor. This time the children are working in the lumber industry. Boys ten and twelve operate machines in the manufacture of baskets and barrels eleven hours a day at low wages. Frequently the stapling machines are dangerous

and need to be guarded if accidents are not to occur to the workers. 55

Again we find a law that allows exemptions for home work, a law that permits children to be employed in 'industrial home work'. This is perhaps one of the worst type of evils which may weaken a child physically for life. The abject poverty of widowed parent who needs the aid of each pair of little hands means that a child works late into the night after a day at school. The pay for this 'sweatshop' work is extremely low, the work monotonous, and exacting.

"Factory employment is supposedly the best regulated work in which children engage. But even factory work has some heavy counts against it. The sweatshop type of factory is a hardy plant, and survives anything but strenuous treatment. One labor commissioner from an industrial state asserted 'conditions in sweatshops are similar to those which existed fifty years ago, with long hours, starvation wages, and poor working environment.'" 56

In January 1938 great need was found for legislation against industrial homework. The evils of this type of labor is apparent by both the Child Labor Organization and the Manufacturers themselves. It was revealed that only 12 out of 190 workers could earn more than 25 cents an hour. The Tag Manufacturers on June 23 decided to abolish industrial homework.

55. Lumpkin and Douglas. op. cit. p. 57
56. Lumpkin and Douglas. op. cit. pp. 50-53
This problem is not confined to the cities as the Manufacturers ship goods to rural communities to be finished.\(^{57}\) Hence it becomes a problem of agricultural as well as of industrial states.

The problems are many and the illegal evasion of laws is great among the factories. Unpaid wages and adjusted time clocks keep the workers from obtaining their due.

"The White House Conference on Child Welfare of 1931 said that the only way to reform industrial homework is to abolish it—legally to prohibit all sending out of goods to be finished at home, and to hold the manufacturer responsible."\(^{58}\)

The hazardous occupations are found in the manufacturing establishments (and in mines). Most of the states require a higher age as a minimum for employment in these occupations. The majority of state laws list the machines\(^{59}\) that are considered dangerous in their state and in some instances they allow the State Board of Health to extend the list as they find necessary after an inspection tour.

Most of the mining states\(^{60}\) have laws which prohibit the labor of young children. However, as has been previously stated, new industries are always appearing which make

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57. Infants' Knitted wear is sent from New York City to 600 rural communities. One Maine town receives work from 27 Philadelphia and New York firms.

58. Ibid. p. 52

59. A list of the machines usually considered hazardous may be found in the appendix.

60. Mining is sometimes classified as agriculture. However, it is considered here because laws regulate mining; and agriculture is usually exempt.
ineffective the laws with exceptions which are already on the statute books. The recent problem confronting these interested is the condition of children employed in the tiff mines* of Missouri.61 Once again we find small children working long hours because they are employed with the 'family'. The situation calls for remedy and it would seem on the surface that it will be slow in coming if left to state regulation.

Industrial mercantile work may have decreased appreciably but nevertheless the many exceptions which occur in the state laws permits the employment of children at low wages and long hours and under poor conditions in many states of the union. Furthermore, due to the tendency to raise the vertical standards for child labor in these trades the outlawry of the remaining evils is not sufficient but must be extended to protect children on a higher age level from the monotonous work, which can be learned in a few week's time and from which there is no advancement, until such a time when age and physical development will be sufficient to withstand the tasks and conditions of industrial occupations.

The vertical trend is an extension of the age limit to eighteen years. The minimum age recommended by the Interna-

* Tiff Mining is the term applied to the extraction of the Mineral barite.

ional Association of Governmental Labor Officials in October 1935 was sixteen years for factory work and for all employment during school hours. Only ten states in July 1937 approached this standard. These states were Connecticut, Montana, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Wisconsin and Utah.62

The International Association again set a standard for such occupations. "Minors under eighteen should be prohibited from work in a comprehensive list of hazardous occupations, and a state agency should be authorized to extend the list." Many states prohibit work in some hazardous occupations and fourteen states have agencies to extend the list. However, no state meets this standard in all respects.

We have discovered, on the other hand, that much of the labor in this field is performed by children outside of school hours, under the family system, and in vacation time thereby escaping, for the most part, any regulation in regard to age, physical fitness, hours, and condition of work. Therefore, we are justified in saying that child labor still exists in these industries and should not lightly be discarded as a finished product of legislation without further need for regulation and control.

Agriculture and Domestic Employment

"Nearly three-quarters of all the child labor in this country is found in the fields of agriculture, fishing and mining. The great bulk of this number is in agriculture itself." 63

The children employed in agriculture are at work on the farms of their parent, or at work in industrial agriculture,* either employed as individuals or with their parents.

In the early days of colonization children had to help their parents in the fields in order that there might be enough food for the coming long, cold winter. It was always considered healthful, out-of-door work so that children continued to help their parents in summers, and during the free hours after school. "In 1910 there were 2,000,000 from ten to sixteen years of age employed in 'gainful occupations'." 64

"In 1920 there were 3,328,131 listed in the census as sixteen and seventeen years of age. At this time 1,712,648 of this number were reported as gainfully employed. This represented nearly 45% of the total. There were 4,663,137 in this same age group according to the 1930 Census, so that with a slight decrease in the number gainfully employed, 1,478,841 the actual decrease was 14 per cent. The actual decrease between 1920 and 1930 was 32%." 65

64. Industrialized agriculture generally refers to large scale production.
The Association of Manufacturers does not record statistically the numbers of children employed in the younger age group, from ten to fifteen. They pass this number off carelessly by saying that the numbers are far less than most people believe. However, the actual figures state that 469,497 or 70% were employed in agriculture, and that of this group 235,328 children were between the ages of ten and thirteen and some were under ten.\textsuperscript{66} And of course, the children under ten are not counted by the Census.

As has been stated before statistics for this period cannot be relied upon too greatly because of the method of census taking and particularly because they did not count the children at work on the home farms. The greatest opposition to Federal, or State legislation, has come from the group that maintain that the government has no right to regulate the work of a child for his parent. Just how many children of this number gainfully employed are working for parents? Not more than one hundred thousand or one hundred and fifty thousand.\textsuperscript{67} This astounding figure is reached by elimination of the children who work with their parents in the fields, particularly in the tenancy and sharecropping system in the South. The children that

\textsuperscript{66} Encyclopedia of Social Sciences. op. cit. p. 420

\textsuperscript{67} Lumpkin and Douglas. op. cit. p. 94
actually do work for their parents do so because of poverty, not because of 'parental rights'. The opponents justified this condition by saying that the farmer desires his child to receive an education as much as other members of this economic society. However, this is impossible to secure because his farm is heavily mortgaged and only in dire economic need does he demand the labor of his child. If he can in any way clear enough year by year he turns to the hired laborer. The answer is to remedy as soon as possible the economic poverty of the small farmer, by offering security and financial aid.

The remaining children that work for their parents but also for hire are the group that needs watchful attention today. They are not considered as workers, yet how can they be anything else when they go into the fields early in the day and labor with their parents until night, the parent receiving only a return in the crop or a small wage that is always owed to the tenant, either directly or at his store where credit was allowed him for the tools and food necessary for the seasons work. This problem of share-cropping and tenant farming is centralized in the South and it is here in the South that the State legislation is poor and slow and where Federal amendments are rejected.

"Tenancy has been steadily increasing in the South, until today it is the dominant form of land tenure. In 1880 36.2% of the farms were operated by tenants; in 1920, 49.6%; and in 1930, 55.5%. In the cotton belt the pro-
portion was more than 60%; in certain counties it ran to 80% and more.\textsuperscript{68}

The third group of agriculturally employed children are those employed in 'industrial agriculture'. Their work on truck farms is similar to the migratory and family labor found in the canning industry. Similar problems are raised because this type of labor crosses over the state border lines and creates a problem in the neighboring high-standard states. Evils peculiar to agriculture are the 'padrone system', where the organizer recruits, finances and moves laborers from one field to another, or 'squeezes' their wage in any particular field; and the 'wage payment' method used in the sugar-beet fields of Colorado, where the wage is withheld until the end of the season and then is determined by the profit that the grower made figured according to the sugar content sold; and the 'credit system' of the storekeeper, who controls the working life of the laborer while he is in the fields for the season.

"Baldly stated, this is the verdict of the United States Children's Bureau. They 'prefer to furnish labor gangs for work on specific crops'; it is more profitable to go from one farm to another 'and receive commissions from as many farmers as possible'. The large-scale farmer gets around this by setting up his own system."

"Some of the worst abuses of the old English gang system persist in these methods of wage payment."\textsuperscript{69}

\textsuperscript{68} Lumpkin & Douglas. \textit{op. cit.} p. 89

\textsuperscript{69} Lumpkin and Douglas. \textit{op. cit.} p. 71
When attempts were made under the AAA to raise the age to fourteen unless the child was working for his parent, the producers of Colorado, Nebraska, Wyoming, Montana, in the West, and Michigan and Minnesota in the East had the laborer sign sharecropper contracts so that he would be employing his own child and so that the grower could still obtain cheap child labor. Further provisions of AAA production control prohibited children from 14 to 16 working more than 8 hours a day. In spite of evasions of this law available figures for the AAA indicate that hours and conditions for children can be maintained with a 14 age minimum and 8 hour day. To secure such a standard cooperation by the school authorities is necessary in the issuance of work permits. The AAA was declared unconstitutional and it cut short the accomplishment of this endeavor.

The Southern states are the outstanding section employing child labor in agriculture. Alabama, which has better child labor legislation than its neighbors, has 50,000 children, or 16 percent of its children employed in agriculture. They are exempt from protection by law, as they are in all other states, so that the solution appears to be in education of the parent in the advantages the

70. Lumpkin and Douglas. op. cit. p. 73
child will receive if he is kept in school and by offering scholarships to support themselves and help their families while they are still in school.  

This is a sample of one of the better legislated Southern states. There labor department is more active than some and acknowledges that the law is so liberal that it is inadequate in meeting the needs of the child.

The cotton fields, the shrimp industry, the oyster beds, early spring berry picking, and the beet fields are the outstanding employers of child labor. The conditions are poor, wages low, hours long, and the work is not exempt from regulation. Some hazards overhang the child in the beet industry due to the 'topping' of the beet. The child holds the beet against his knee and cuts the top off with a knife that might easily slip and cut him.

In the Northeast section Connecticut is the outstanding employer of children in industrialized agriculture. Here children that work in the Connecticut Shade Tobacco Plantations are not properly cared for. Even though much of this vacation work does not keep the child out of school the working conditions should be controlled. Sanitary conditions, both during the working day and in the housing of the children at night are bad. Transportation of children in broken down trucks has resulted in accidents. However, 

73. Working Conditions on the Connecticut Shade Tobacco Plantations. Summer 1937
the Shade Growers Association has made a voluntary agreement to limit the employment of children in this occupation to minors over 14 years of age. As a result only seven children under age were found working in the fields, though some appeared much younger. The growers are requiring certificates for birth.\textsuperscript{74}

The middle west and the west do not handle legislation and enforcement much better. The school year is usually adjusted to accommodate the child agricultural worker. In the south school starts at 7:00 A.M. in some places so that the child can work in the cotton fields in the afternoon,—two days in one.\textsuperscript{75} In Nebraska and Colorado the beet fields likewise demand that the compulsory school age and term be adjusted to the beet industry. The regulation that said that families should not appear on the farms a month early in an effort to secure work, was not because of school enforcement but because the Public Welfare Department stepped in and demanded it.\textsuperscript{76}

The same may be said of New Jersey and of California particularly the Imperial Valley, of Georgia, and North Carolina, of Iowa and Nebraska. There is no end to the adjustments that law can make to enable the children of America to work on the farms.

\textsuperscript{74} Personal letter of Morgan R. Mooney, Deputy Commissioner, November 8, 1937

\textsuperscript{75} Lumpkin and Douglas. \textit{op. cit.} p. 133

\textsuperscript{76} \textit{Ibid.} p. 112
The AAA program of the South enabled the landlord to collect a reward and to hinder the sharecropper from receiving aid,\(^77\) and in many cases, to throw him out of work. The WPA policy, which allowed local agents to lower the minimum wage standard set, resulted in sub-standard wages. In 1936 the tendency has been to force the WPA workers back into work. The result has been an acceptance of lower wages because of the vast numbers of unemployed seeking work. The answer has been children employed at cheap wages as part of the family hire. These wages are paid directly to the parent, usually included as his wage.

The N.R.A. codes, which aided the manufacturing industries left the field of agriculture with its thousands of employed children untouched.\(^78\) State legislation has certainly not accomplished much regulation, in fact, most of the Southern states are not ready to regulate the agricultural labor problem. The Northern states have some voluntary agreements, which are not sufficient, and they are not above making legal adjustments which permits the employment of children. All states exempt this tremendous employer of child labor from any regulation and thereby, contribute to the economic and social problems of the nation.

\(^77\) Ibid. p. 102

\(^78\) Lumpkin and Douglas. op. cit. p. 127
Domestic employment is represented on the chart as being relatively scarce, only 47,145, or 7% of the total number of children gainfully employed are in this type of work. The statistics for this cannot represent a true picture of the field, because the great majority of girls that are leaving school today are entering domestic service. They do not need to secure certificates for this type of work. Once more it may be parents' rights to allow the child to 'do housework'. Furthermore it is exempt from regulation according to the state statutes.

"Domestic service must come in for its black mark. In 1933 the Junior Placement Service of New York State reported that three-fourths of the domestic service openings that came to it 'offered such wretched pay and living conditions' that they would not fill the posts."

There is no regulation for children in domestic service. In 1930 nearly 40,000 children under sixteen years of age were in this occupation. Children sixteen and seventeen were counted up to one hundred and twenty-six thousand employed in this field. In the continuation schools of Pennsylvania in 1926 nearly two-thirds of the children fourteen and fifteen years old worked fifty-two hours a week. The medium wage was $6.34 a week. This went lower during the depression. Some fourteen-year old children worked in homes seventy to seventy-two hours a

79. Lumpkin & Douglas. *op. cit.* p. 49
80. Lumpkin & Douglas. *Ibid* p. 49
week. Wages ranged from $2.50 to $5. In many instances, the wages are much lower especially if lodging is included in the wage.

Children employed in the United States are found principally in agriculture, domestic service, and the street trades or to make larger classifications, the non-regulated industries and agriculture. The majority of these employed children are to be found in the Southern states, though child labor is to be found to varying extents in every state in the country. When the N.R.A. codes were declared unconstitutional, standards previously set were disregarded and children returned to work. Continual pressure must be made in each state if progressive legislation is to keep pace with our high standard of living and our ideals of a fair and equal chance for every child born into this democracy.
Chapter III

The Status of State Legislation

The States were the first to pass legislation for child labor. It appeared to be a local problem in the early days and the emotions of the people were aroused in the local areas principally by the industrial conditions, which were the direct result of the introduction of the factory system. We find that the State of Connecticut was the first to pass a law providing for the education of working children by the proprietors of manufacturing establishments. This is not ordinarily listed as a child labor law; however, it may be included in the category because it shows some concern and interest in the welfare of the working child. The next, and the one that is usually considered the first child labor law, was passed by Massachusetts in 1836. This law provided that children under fifteen employed in manufacturing should attend school at least three months a year.

The regulation of the hours for children was made by the States of Connecticut and Massachusetts in 1842. The limit was placed at ten hours a day in certain manufacturing establishments. This regulation of hours in

1. Children's Bureau. op.cit. Publication No. 197, p.4
2. Ibid. p. 4
3. Ibid. p. 5
certain industries was extended into New Hampshire, Maine, Rhode Island, Pennsylvania, New Jersey and Ohio by 1860. The abuses and social problems arising from long working hours have been obvious. Later the shift was made from legislation of hours to age limits for children, as it was deemed possible that older children might stand the longer hours better than the younger ones. So that we find certain industries raised the age of employment for children from ten years to twelve.

Although public recognition of the evils resulting from child labor was concurrent by 1860 only a few laws were passed and they all lacked adequate provision for enforcement. The problem was conceded to be a problem of the Northern industrial states at this time.

The mining states, and those whose industries were considered hazardous, plus the industrial states of the East, made progress in state legislation from 1860 on. Between 1887 and 1889 Colorado and New York raised the age minimum to fourteen years. This was slightly higher for mines and those occupations that were particularly hazardous to children. The trend was definitely toward fifteen and sixteen.2

2. Ibid P 6-7
From this time on the states progressed in child labor legislation. They regulated hours, ages, and finally physical fitness. Further restrictions were effected by laws requiring compulsory schooling. The necessity of educating our children so that they could read and write was a problem peculiar to our democracy. We set aside a definite period for elementary education and required that each child should finish a specified grade in this period. Thirty-eight states demand some educational proficiency before the child can go to work. To be sure they are not of equal weight or standards in each state. The many exceptions permit evasion of the purpose and standard, yet it is an advantage to have some educational qualification for the child before he may go into employment.

The requirement of a physical examination to determine if the child is capable of performing his tasks is an important determinant today. We must improve the health of our race if we are to maintain our social and economic standard of living. The minor restrictions which are made in the United States today are certainly far less rigid than those of Germany, Italy and even England. Should we not improve the physical welfare of our youth as much as they?

State legislation has been peculiarly local; the states with mines passed laws regulating the labor of
children in mines; the manufacturing states emphasized industrial conditions; the agricultural states felt that labor on the farms was not justly a legal problem, therefore they lagged behind the others; and the states with large cities legally recognized and restricted the work of children in the streets, theatres, and in mercantile establishments. As a result of this unequal legislation we find that the textile industry may move to the South, where there is no restriction on child labor in industry. Not only is the Northern textile industry affected, but the long, slow process of legislation must again be repeated if the child is to be protected as much in one section of our country as in another. Likewise, the states vary in regard to age, education, physical standards, aid to widowed parents, and in regard to enforcement and follow-up of work certificates. This discrepancy has definitely hindered the states with higher standards when they must compete with the states with lower standards. Many attempts have been made to overcome this, but the migration of industries and of children from one state to another, the parceling out of work to sweatshops in the states with lower standards, has been one of the principal and bitter reasons why agitation for Federal control has continued. The handicap to industry has been difficult to overcome.

On the other hand, we must acknowledge the sovereignty of the individual states and their desire to maintain unim-
paired legislative freedom on social questions. Only thus do they feel that the rights guaranteed to individuals can be protected: And, furthermore, it is the right of parents, not the state, to decide on the welfare of their children, particularly in regard to agricultural and domestic labor. To summarize, all the states feel that they have done a good job, and if further improvements are needed additional legislation will be enacted.

At the present time the individual states to some extent are providing for and protecting the children of this country from labor. We have fifty-two different enactments, including child legislation in the territories, of widely different standards. The first state legislation was carried out by the states through individual initiative and desire for social reform. Later state legislation and improved laws were the result of the earnest effort of toiling reformers. Final efforts for state reform of child labor conditions have been the result of national and state competition for legislative position, both during the first and second Congressional bills and the National Recovery Act. Until such a time as national control is certain, we must accept and hope that the individual states will continue to improve their child labor legislation.

"At the National Conference on Labor Legislation held in Washington, D. C. in November 1936, the Committee on Child Labor Standards made the following recommendations which were adopted unanimously:
"State Legislation: We heartily commend all efforts by States to improve the standards of their child labor laws and urge that every effort be made to incorporate in all State child-labor laws the following standards:

1. A minimum age of 16 years for employment in all gainful occupations, including industrialized agriculture away from the home farm.

2. The regulation of employment of young persons 16 to 18 years of age, as follows:

(a) Hours of work not to exceed 8 hours per day and 40 hours per week; or not to exceed those of adults in the industry in which employed, whichever is the lesser. Night work to be prohibited between 6 P.M. and 7 A.M.

(b) Prohibition of employment of persons under 18 in hazardous occupations, the State Department of Labor or industrial board to have authority to classify occupations as hazardous for this age group.

(c) Employment certificates to be required for the legal employment of minors under 18 years of age.

School Attendance: We urge that every effort be made to revise upward our State school attendance laws to conform with the higher minimum age and employment certificate requirements recommended for State child-labor laws and to emphasize also the need for the provision by the schools of an enriched and varied school program to meet the needs of all young people.

Industrial Home Work: We wish to emphasize our conviction that industrial home work, that is, the sending of factory work to be done in the home, serves not only to exploit the child worker but also to break down labor standards in general through the reintroduction of the sweatshop, and urge therefore the speedy enactment of legislation looking to its abolition."

The recommendation of the International Association of Governmental Labor Officials on October 1935 for Legal Minimum Standards for child Employment are as follows:

That the minimum age should be sixteen years for factory work and for all employment during school hours; 14 years

1. Report of Maryland Commissioner of Labor and Statistics Page 23 (Italics mine)
for nonfactory work outside school hours; employment
certificates should be required for minors under 18 years,
based on proof of age; Minors under 18 should be prohibit-
ed from work in a comprehensive list of hazardous occupa-
tions, and a State agency should be authorized to extend
the list; the maximum daily hours should be an eight-
hour day for minors under 18 years; the maximum weekly
hours should be forty-hour week for minors under 18 years:
(This was the basic week for adults and minors alike under
the N. R. A. codes.); night work should be prohibited
under 16 years and should be prohibited for 8 night hours
for minors between 16 and 18 years.7

In the whole United States 4.7% of the children 10-
15 years of age, inclusive are workers. Limiting these
figures to occupations other than agriculture 1.4% of
all the children of these ages in the United States as
a whole are found in such occupations.

In the United States as a whole 31.7% of the boys
16 and 17 years of age are workers. Limiting these figures
to occupations other than agriculture 20.9% of the boys
and girls in this age group in the whole United States
are found in such occupations.8

Using these figures for comparisons the states with
averages higher than these are presented and those with
lower averages are also recorded. A similar comparison
has been made between the National and International
Standards presented in the preceding pages and the exist-
ing State laws.9

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7. Child Labor Bulletin No. 14-3363, pp. 34. See Appendix
All comparisons with International Standards are based
on these figures.

Sheets No. 4364 See Appendix.

9. See Appendix and charts.
Alabama has fair child labor laws. The state apparently tries to improve them and bring them up-to-date. If agricultural labor is omitted Alabama has relatively little employment for children between the ages of ten to fifteen. However, if agriculture is included Alabama has 63,000 children of this age employed, or she ranks second only to Mississippi in the number of children of ages ten to fifteen employed. Alabama ranks seventh in number of employed children of the ages sixteen and seventeen, if agriculture is included. Similarly she is omitted if agriculture is not considered.

This state has good educational requirements and they dovetail satisfactorily with the labor or work permit requirements. Closer checkup could be made on the return of the permits when a child ceases to work.

It would seem apparent that Alabama has protective laws for industrial work, but that when some method of agricultural legislation is evolved, this type should be included among her laws.

Some advance in higher age limits and in fewer hours per week must be made if they are to approach the standards set up by the Third National Conference on Labor legislation.

10. Alabama Child Labor and School Attendance Laws
   Alabama Child Labor Law Legislative Amendment (1931)
   pp. 3-14
ARIZONA  

Arizona has made some recent improvements in her laws. However, according to the standards set for the States, the laws are in need of revision for age limits, for work permits, and for street trades. Arizona is not listed among the states that have the largest number of child workers in either age group (10 to 15 years and 16 and 17 years). This would indicate on the surface that individual regulation was sufficient. Exact enumeration of children at work on the farms and in domestic service may not have been ascertained.

The work permits are issued in conjunction with the schools but the educational requirement is lax.

ARKANSAS

Arkansas has low standards for age and education and the laws are not horizontally inclusive. No physical requirement or arrangement for check-up is made in the issuance of work permits; or for their return if the child ceases employment. Arkansas ranks seventh among the states with large numbers of employed children. There are 31,000 children from ten to fifteen years employed when agriculture is included. When agriculture is

12. See Appendix for all comparisons.
omitted the present legislation apparently prohibits child employment. Yet, there are many loopholes in the state laws which would permit child labor to legally exist within the state.

CALIFORNIA\(^\text{14}\)

California has good child labor legislation though not yet equal to the ideal standards. According to the standards set up by the International Association of Government Labor Officials,\(^\text{15}\) California meets the standards for issuing employment certificates, the maximum daily hours and part of the night work standard. This state falls short on minimum age, night work for children under sixteen, maximum weekly hours, and hazardous occupations. Some age extension minus exemptions, shorter working week, stricter regulation of night work, an improved street trade law, and some solution for the theatrical problem is needed.

Californian efforts to raise the age limit to 14 years and to establish a minimum wage law for women and children were defeated in the House in the past year. A state bill on the Prison-Made Goods Law was passed and vetoed. This would have prohibited the sale in the


\(^{15}\) All comparisons with International Association Standards are based on U.S. Dept. of Labor Bulletin \#14-3363. See page 15 and Appendix
state of goods made outside the state under conditions illegal by California law. 16

COLORADO 17

Colorado is a state that has poor child labor laws. In no respect does it meet the standards set up by either the National or International Labor Conferences. The discrepancy between the educational requirements of the labor laws and those of education are equally striking. The return of the work certificate to the child is a loophole which enables the child to cease work and not to report to school. It is quite apparent that there is considerable child labor in this state.

On the other hand, Colorado meets the averages for the United States as a whole. This may be due to the educational standards and to a possible adjustment of the school term to the needs of the employer.

Colorado enacted a new law during 1936-1937 establishing a state board of vocational education. Labor, the employer, the farmer, the homemaker, and the distributive trades are represented on the board with one member each.

CONNECTICUT 18

Connecticut has a higher percentage of children em-

ployed in occupations other than agriculture than is found in the United States as a whole. This is true of both age groups. The younger group stands at 2.8%, and the older at 41.5% for children in all trades, agriculture excluded. Connecticut has 43.9%, or a slightly higher average, for the 16 and 17 year group when agriculture is included.

This state is one of the ten states to approximate the minimum age standard set up by the International Association and it is one of the eight states to meet the 8 hours prohibition for night work. It falls short on all other scores.

Connecticut enacted a new law during the past year requiring all children under 16 duly to report beginning and ending of employment. Work permits are to be required for all persons under 18. The minimum age was raised to 14 years of age, in addition to the completion of the eighth grade.

According to the standards, Connecticut has a good average, but should definitely have a broader program to include the street trades and agriculture.

* Younger age group is from 10 to 15 years of age
* Older age group are those 16 and 17 years of age
Delaware meets the United States averages for children in the younger age brackets, but is slightly higher than the average for children sixteen and seventeen (34.4%) employed in all occupations. This figure is slightly lower (25.8% when agriculture is omitted, but is nevertheless higher than it should be.

Delaware falls short of both the National and International Standards, and should legislate on age, hazardous occupations, raise the standards for work certificates, hours of minors, and shorten the weekly hours.

DISTRICT OF COLUMBIA

The District of Columbia is one of the nine states to meet the maximum standards of the International Labor Conference for daily hours, employment certificates, and night work for minors. The averages for children employed in trades, agriculture excepted, are only slightly higher than those for the country as a whole. Yet this indicates that some children are employed whereas with more stringent laws they might give way to adults.

It would be wise for the District of Columbia to raise the minimum age, regulate hazardous occupations,


and work for the forty-four week.

**FLORIDA\(^{21}\)**

Florida is listed with higher averages for the children in the younger age brackets, both inclusive and exclusive of agriculture, and of remaining within the average for children sixteen and seventeen. Florida has 7.0\(\%\) as compared with 4.7\(\%\) for the United States as a whole, or with 12,000 child workers from ten to fifteen years of age.

The minimum age and the educational requirements for Florida are low, which may account somewhat for the fact that this state does not reach the standards of either above-mentioned group. Florida's Commissioner of Labor is evidently trying to improve conditions and it may gradually approach the minimum standards.

Last year important child labor bills dealing with work permits, compulsory attendance, and hours of labor, failed of legislative enactment.

**GEORGIA\(^{22}\)**

Georgia has practically no child labor laws. The educational laws are equally poor. As an agricultural state Georgia has not been interested in regulated con-

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control of child workers. As a consequence, such an attitude, with its resulting inefficient laws, has definitely interfered with the enforcement of better laws in the neighboring states due to migratory farm labor. Certainly if the individual states are to control their own labor problems the states with poor standards must cooperate by raising their standards.

Due largely to agricultural conditions Georgia ranks third highest in numbers of employed child workers (60,000) from ten to fifteen years of age. This is 14.7%, when all phases of work are considered, and 2.9% when agriculture is omitted.

Georgia likewise has 45.4% (as compared with 31.7% for the country as a whole) employed in the sixteen to seventeen age group. These are probably at work in agriculture as the percentage of employed children, when agriculture is omitted, is not greater than the average for the country as a whole.

In 1937 an attempt to amend the laws of 1933 passed the Senate, but the House adjourned without action. The new law would have been far below the standards but would have been an improvement over the present meager regulation.
"The office of the Labor Commissioner has not functioned in this state for some time with a resultant lack of printed material."²⁴

Because the labor department has not functioned the reports of laws concerning children are not only scarce but are not up-to-date. The standards are low, yet the average for the state are no greater than those for the country as a whole.

ILLINOIS²⁵

Illinois is not above the average for the children in the younger brackets, but is slightly higher (26.2%) than the average for those of sixteen and seventeen engaged in trades, exclusive of agriculture. The minimum age, as well as all other points on the International and National scale are too low and too many exceptions are permitted. The educational requirements are fair, but the low minimum age with exceptions might indicate that it would be possible to leave school too soon. The work permit age should be raised in accordance with the standards set forth by the International Labor Conference. Likewise, it would seem that eventually some agricultural and domestic legislation should be included among the laws. The laws have

23. U. S. Department of Labor. (June 1937)
24. Personal letter of Marjory Landsborow. Dated November 15, 1937
not been revised since 1929 and should be brought up-to-date, as there are 12,000 workers from ten to fifteen years of age employed in the state according to the 1930 census. Illinois made progress (1937) by adopting excellent laws regarding industrial homework.

INDIANA 26

The state of Indiana has neither the standards desired, nor does it have more than the average number of child workers. It needs an extension of the laws horizontally to include the street trades, messenger work, theatricals, agricultural and domestic service, and caddying. The educational requirements are such that it is necessary to remain in school until sixteen. Although a child may leave school to go to work, he is expected to return when employment ceases.

During the year 1936 and 1937 Indiana added mines to its list of hazardous occupations and prohibited any minor under 18 to perform such work.

IOWA 27

Iowa has fair laws. They do not approach the standards, neither do they permit a greater number of child workers than is to be found in the country as a whole.


It is one of eleven states to prohibit thirteen hours of night work for children under sixteen years. The street trades, work permits, minimum age and hazardous occupations could be better regulated, as could agriculture and domestic services.

**KANSAS**

Kansas is not reported among the states with large numbers of employed children, nor with percentages higher than those for the country as a whole. This is probably due to the fact that it is an agricultural state with agriculture exempt from regulation.

The educational requirements in the labor laws coincid with the compulsory school attendance laws. The child labor laws are poor with no regulation for the street trades, limited regulation of hazardous occupations or agricultural and domestic service. This state does meet the International Standards for night work. Aside from this one law improvement should be made on all other phases of child labor, with particular attention to agriculture.

**KENTUCKY**

Kentucky is an agricultural state which has 5.5%...

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or approximately 18,000 children, ten to fifteen years at work most of these in agriculture. The state does not employ more than the average in the sixteen and seventeen age group. This may be the result of listing them as adult workers when they are free to leave school, and because they are not held to work certificates above sixteen years. Legislation is needed both horizontally and vertically.

LOUISIANA 30

Louisiana has low age limits, poor educational requirements, no regulation of street trades, theatricals, agricultural and domestic employment, and the hazardous occupations are poorly guarded. Louisiana has 10.1%, or 27,000 children at work, in comparison with 4.7% for the United States as a whole. This includes agriculture. As Louisiana is an agricultural state, 2.1% represents her comparison with 1.4% for trades, excluding agriculture. In the sixteen and seventeen age group, when agriculture is included Louisiana has 36.8% in comparison with 31.7% for the country as a whole. Louisiana is one of the southern gulf states that needs to correct the evils of the shrimp industry where children six, seven, and eight years old frequently begin work at four in the morning.

MAINE

The state of Maine is apparently a state that has neither a high standard nor an excessive amount of child labor.

The hazardous occupations and the street trades need regulation; the requirement necessary for securing work permits should be extended. A letter I received from Minnie E. Hanley, Woman Factory Inspector for this state, says that there were only 46 minors under 16 years employed under regular work permits on October 1, 1937. There were 164 minors employed under vacation work permits. The majority of these were working in canning factories along the coast. Miss Hanley feels that the 8-hour law is the chief one which prohibits factory employment of minors.

MARYLAND

Maryland has a slightly greater number of employed children ten to fifteen years of age than the country as a whole (2.7% as compared with 1.4% for the United States). These are probably working in industry, as agriculture is not included in the figures. Among the children sixteen to seventeen years of age, Maryland has higher percentages, including and excluding agriculture.

32. Personal letter of Minnie Hanley. Dated November 19, 1937
(41.1% with and 33.8% without). It seems that agriculture does not account for Maryland’s greater employment of children.

The laws of the state appear to be average, but below the hoped-for standards. The educational requirements are fairly low and children can leave school for industry by securing work permits. Improvement should be made.

MASSACHUSETTS

In spite of the fact that Massachusetts is satisfied with the present legislation for children in that state and is antagonistic to Federal standards, the 1930 Census reveals that there are 10,000 child workers, ages ten to fifteen employed, or 1.0% in all occupations, agriculture excluded. Likewise, there are 34.3% of the children sixteen and seventeen years employed in all occupations and when agriculture is omitted there are 32.8% of the children in this age group still employed. These figures indicate that the children in this state are mainly employed in industry. All of the averages are above the normal for the country as a whole.

Massachusetts is one of eight states to prohibit eight hours of night work for children up to eighteen years of age. On all other scores the state falls short

of the standards to be achieved. Work certificate issuance could be vastly improved, likewise, the street trade, domestic and agricultural service, and minimum age laws could be strengthened.

Massachusetts during the past year passed a resolve authorizing an investigation to determine the merits of raising the age limit for employment from 14 to 16 years. A bill to prohibit hazardous employment to minors 18 years of age (the present age is 16) was killed. A bill to extend the compulsory school attendance law from 14 to 16 and prohibit the employment of children under 16 during school hours also failed of enactment.

MICHIGAN 35

Michigan is one of the thirteen states to meet the requirements of the International Labor Officials for the issuance of work certificates. The wholesome affect of this law is lost because of exemptions and laxness in the age and educational requirements. An extension is needed of the laws both horizontally and vertically though the laws are on the surface satisfactory for the state, as the averages are equal to or less than those for the country as a whole.

Action was taken in this state during the year 1936 and 1937 to raise the general employment age and

the age for public professional entertainment to 18 years; to lower weekly hours to 40 a week; to require labelling of all goods produced by children under 18; and to prohibit the State from buying or using any article worked on by a minor, under 18 years. This action was referred to a labor committee of the legislature for consideration.

MINNESOTA36

Minnesota has fair laws. They are neither as high as the ideal nor do they permit child labor on a level greater than that of the rest of the country. Definite improvement could be made in agriculture and domestic service, minimum age, and the educational requirements for work permits.

MISSISSIPPI37

Mississippi has poor child labor laws and poor educational laws. This state outranks all others in the number of children employed (68,000) between the ages of ten and fifteen and is third highest in the number of employed children (47.3%) in the higher age bracket. These figures indicate agricultural employment since

the state is not listed as having greater numbers of employed when agriculture is omitted. Definite strides should be taken to protect and educate the children of this state as well as of those in other states.

MISSOURI

Missouri has 14,000 children, ages ten to fifteen employed. These are not all employed in agriculture as Missouri has a slightly higher average (1.6% compared with 1.4%) than the rest of the country when agriculture is omitted. Tuff mining employs large numbers of children.

On the same basis Missouri employs children of sixteen and seventeen in all trades to a greater extent than the country as a whole. This state should attempt to reach a standard for all trades.

Missouri approved a "Prison-Made Goods Law" prohibiting the sale of products made by the labor of children under 16 years. This is limited to all industries agriculture excluded.

MONTANA

The state of Montana has good laws. They approximate the International Standard in regard to minimum age, and an eight hour day for all minors under eighteen.

39. Revised Codes of Montana (1921) Chapter 22
<table>
<thead>
<tr>
<th>STATUS</th>
<th>Minimum Age</th>
<th>Education</th>
<th>Hours of Work</th>
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<th>Work Permits</th>
<th>Street Trades</th>
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<td>not included</td>
<td>not included</td>
<td>Kentucky Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Louisiana</td>
<td>14 years</td>
<td>exceptions</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Louisiana Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Maine</td>
<td>14 years</td>
<td>exceptions</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Maine Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Maryland</td>
<td>14 years</td>
<td>exceptions</td>
<td>8th and 9th grades with exceptions</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Maryland Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>14 years</td>
<td>exceptions granted with work permits up to 10 years</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Massachusetts Commissioner of Labor and Industries, school officers</td>
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<tr>
<td>Michigan</td>
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<td>exceptions</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
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<td>not included</td>
<td>Michigan Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Minnesota</td>
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<td>exceptions granted with work permits up to 10 years</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Minnesota Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Mississippi</td>
<td>14 years</td>
<td>exceptions</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Mississippi Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Missouri</td>
<td>14 years</td>
<td>exceptions</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Missouri Commissioner of Labor and Industries, school officers</td>
</tr>
<tr>
<td>Montana</td>
<td>14 years</td>
<td>10 stores</td>
<td>8th grade</td>
<td>8 PM to 6 PM for those under 16 years 10:30 P.M. to 6 AM. for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Montana Commissioner of Labor, Bureau of Child Protection, parents and employers, etc.</td>
</tr>
<tr>
<td>Nebraska</td>
<td>14 years</td>
<td>exceptions granted with work permits up to 10 years</td>
<td>8th grade</td>
<td>7 PM to 6 PM for boys 16 to 18 years of age and for girls 16 to 18 years of age</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>not included</td>
<td>Nebraska Commissioner of Labor, Bureau of Child Protection, parents and employers, etc.</td>
</tr>
</tbody>
</table>

**Notes:**
- "Exceptional Work" refers to work that is not prohibited by the law.
- "Regular Form" refers to work that is not prohibited by the law with a regular form of employment.
- "Incomplete Form" refers to work that is not prohibited by the law with an incomplete form of employment.
- "Inspection" refers to inspections by the Department of Labor, Bureau of Child Protection."
They are lax in regard to employment certificates, night work, hazardous occupations, maximum weekly hours, and the trades employing children which so far have not been legally controlled.

States Mr. O'Bryne, Commissioner of Labor for Montana, "I might mention, that we have no child labor problem in Montana, such as is known in a great many Eastern states," Despite this opinion there is obviously still considerable room for improvement.

NEBRASKA

Nebraska is a state whose laws are neither good nor bad. Nebraska has no law regulating hazardous industries or the street trades and has very limited control over agriculture. Broadening the laws regulating agriculture and extending them to cover the hazardous occupations and street trades would be a great step forward.

The educational requirements are good though children may leave school before finishing the eighth grade if they attend night school. The requirements for work permits are poor, not only allowing the child to leave but also not providing for his return to school when employment ceases. An attempt to approximate the national standards should be made.

40. Personal Letter. Edward O'Bryne, Date November 15, 1937
41. Labor Laws of Nebraska. Revised 1937. pp. 10-22
NEVADA

Nevada has re-printed (1937) the Labor Laws for the state. It is one of the thirteen states to meet the International Standard for Employment Certificates. Although this exemption allows children to go to work during vacations, after school, and for the support of parents, Nevada is not listed as employing any greater number of children of either age group than may be found in the country as a whole.

An attempt to raise the age of employment during school hours from 14 to 16 years died in the House, as did the attempts to require certificates up to 18 years with reliable proof of age, physical examination, and promise of employment. Such legislation would be helpful.

NEW HAMPSHIRE

New Hampshire is within the average for the employment of children ten to fifteen, but has a higher average (33.1% as compared with 31.7%) for children sixteen and seventeen. This is probably industrial employment as 29.5% are still at work when agriculture is omitted.

The problem is tied up with low minimum age, educational requirements and lax issuance of work permits.


Children in this state may leave school at fourteen without receiving work permits and without being required to return to school if employment ceases.

No regulation is made of agriculture and domestic service and the street trades and hazardous occupations are lax. Again we find a state that needs to improve its standards.

A new law was passed in New Hampshire during 1936-37 decreasing the hours a day to 10 with a 48 hour week in manufacturing. "It permits 10½ and 54 in other employment, with no limit for domestic, agricultural, hotel, boarding house, and telephone." Those in newspaper production and distribution are exempt from one day of rest in seven.

A bill to prohibit industrial homework without a permit to worker and employer was defeated in the Senate.

NEW JERSEY

New Jersey is one of the states employing the largest number of child workers (11,000) ten to fifteen years of age. When the figures are limited to occupations other than agriculture (2.2% as compared with 1.4% for the country) the average is slightly higher than that for the United States as a whole.

New Jersey ranks fifth among the states with greater numbers of employed children in the sixteen and seventeen years of age range.

45. Child Labor Laws of New Jersey in Brief Form. (1933) pp.1-7
age group (44.2% as compared with 31.7%. When these figures are limited to occupations other than agriculture this state has an equally high average (42.6% as compared with 20.9% for the country as a whole).

There is no doubt but that New Jersey permits the employment of many children in industry. The laws regulating child workers in this state do not meet the International standards. Although there is considerable industrial homework reported in industrial states such as New Jersey this state defeated an industrial homework bill requiring sanitary permits, taxation of employer, and prohibiting such work to children under 16 years.

**NEW MEXICO**

New Mexico is one of the six states to have a 44 hour law for minors under sixteen. This is not as high a standard as the International Labor Bureau hopes to attain, but it is a start toward such an ideal. New Mexico is not reported as having more children employed than the rest of the country as a whole. The educational requirements are extremely low and part-time work without regulation is permitted, an other laws need improvement.

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New York has the best laws in the United States. It fulfills more completely than any other state the Minimum Standards of the International Association. It is one of ten states to approximate the minimum age; one of thirteen to meet the employment certificate standards, one of nine to meet the standard for maximum daily hours, one of six to have a forty-four hour week for minors, one of eleven states to meet the night work standard of children under sixteen.

In spite of this New York has 20,000 child workers from ten to fifteen years of age employed. It is one of the states with the largest numbers of employed children, though because of its population the averages are not greater than for the country as a whole.

Despite there favorable comparisons to the general level of standards in the country as a whole New York is one of the few remaining states that has up-to-date failed to ratify the Twentieth amendment.*

North Carolina has a higher percentage of employed children in both age brackets than the average for the

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* See Chapter V
country as a whole. It has 51,000 children from ten to fifteen, or 11.2% more children employed than the rest of the country. The largest number of these children are at work in agriculture, as only 1.9% are employed when agriculture is omitted. There are more children sixteen and seventeen years of age employed than in the country as a whole (41.0% as compared with 31.7%). As the percentages are not greater when agriculture is omitted it is assumed that these children are employed in agriculture. At the same time, North Carolina is reported as approximating the International Standards in regard to minimum age, employment certificates, maximum daily hours, and night work for children under sixteen.

The discrepancy is due to lack of agreement as to how agricultural employment for children is to be regulated. The educational standard needs to be raised.

Recently marked progress has been made as evinced by the following quotation:

"North Carolina made the most marked advance through enactment of a law establishing 16 years as the minimum age for work during school hours or in factories at any time, providing an 8-hour day and a 40-hour week for children under 16 with combined hours of work and school not to exceed 8 a day, and a 9-hour day and 48-hour week for minors 16 to 18 in hazardous occupations." 49

NORTH DAKOTA

North Dakota meets the International Standards in regard to maximum daily hours. It does not approximate the standards in other phases; nor is the state among those with large numbers of employed children. However, due to the fact that North Dakota is largely agricultural, and this phase of child labor is unregulated as well as unabated it is difficult to determine actual conditions in this state.

OHIO

Ohio has very good labor and educational laws. It approximates the International standards in regard to minimum age, employment certificates, and night work. The effectiveness of its certificate program keeps the child in school till eighteen either in part time or night school if employment is slack and a return to day school when employment ceases. Major exemptions are lack of ability to perform school tasks. "Our law is one of the best in regard to certificates. It enables the Superintendent of Schools to take care of the sub-normal child and thus to have check on all children in industry."

50. Compiled Labor Laws of North Dakota. (1933) pp. 66-70
52. Personal Letter from Division Chief. Dated November 17, 1937
During the past year Ohio enacted a new law lowering the hours per week to 40 for boys under 18 years and girls under 21 years.

OKLAHOMA

Oklahoma meets the International Standards in regard to employment certificates where continuation schools exist. It is also one of eleven states to meet the standard for night work for children under sixteen. Although Oklahoma has 10,000 children of the ages ten to fifteen employed the averages are not greater than for the country as a whole. This is true of both age groups.

OREGON

Oregon meets the International Standards in regard to employment certificates and night work for children under sixteen. The averages for employed children are equal to those for the country as a whole except in the case of ten to fifteen year old children employed in occupations other than agriculture and then the figure is 1.7% as compared with 1.4% for the whole country. Improvement is needed in both the vertical and horizontal levels.


54. Handy Reference to Child Labor Laws of Oregon (1930) pp. 1-9
Pennsylvania meets the International Standards in regard to minimum age, employment certificates, maximum daily hours, and a 40 hour week for minors under 18 which is an approach toward the maximum weekly hours. It fails to meet the standards in regard to hazardous occupations, as do all states, and in regard to night work. Again we find a state that has fair child labor laws and at the same time extensive employment of little children. Pennsylvania has 24,000 children of the ages ten to fifteen employed. When employment figures are limited to occupations other than agriculture Pennsylvania has 1.8% (in comparison with 1.4% for the whole country) employed. In the higher age group, sixteen and seventeen years, this state has 35.5% employed. These are probably engaged in industrial phases of work as the figure is 32.6% when agriculture is omitted. The large numbers employed in the higher age group find it comparatively easy to leave school to look for work and these numbers become large, due to the low educational requirement and the exemptions permitting easy issuance of work permits.

"Pennsylvania enacted a new school law which requires that by 1940 all young persons between the ages of 16 and 18 who are not high school graduates and are not em-

ployed shall attend school, transportation being provid-
ed when necessary."56

Another recent Pennsylvanian law includes a clause permitting the outlawing of industrial homework where it is deemed injurious to general labor standards.

RHODE ISLAND57

The state of Rhode Island approximates the minimum age standard and is one of two states to have a forty hour week for children under sixteen. It does not meet any of the other standards.

Rhode Island has 2.9%, and is second only to South Carolina, in the numbers of employed children of the ages ten to fifteen when agriculture is not included. In the higher age group (16-17) it heads the list with the largest number of employed children (54.4% as com-
pared with 31.7% for the country as a whole). These are probably industrial workers as its average is still high, 53.0%, when agriculture is not included.

Louise Blodgett,58 Commissioner of Minimum Wage, stated in her letter to me that Rhode Island used to be one of the worst states in respect to enforcement

56. Courtenary Dinwiddie. op. cit. p. 26
57. Laws of Rhode Island (1923) Chap. 76 pp. 1-2, 92-96
58. Personal Letter from Louise Blodgett, Dated November 3, 1937
with many children employed in the textile mills. As the present law prohibits the employment of children under 16 in the mills, and Miss Blodgett says it is well enforced, there is some question as to why so many children should be listed as employed by the Census. It is obviously apparent that they seek employment in the mills as soon as they reach 16 years of age.

SOUTH CAROLINA

The laws of South Carolina are poor when compared with the rest of the state laws. This comparison is substantiated when it is reported that 49,000 children from ten to fifteen years of age are employed in the state. Furthermore, South Carolina heads the list of the states with the greatest number of employed children (3.2%) of this age group when agriculture is not included, and ranks second only to Mississippi when agriculture is included (18.3% as compared with 4.7% for the country as a whole. South Carolina is again second in the largest number of employed children in the higher age group. In this group there are 50.6% of the children employed as compared with the 31.7% for the whole country. These are laborers in agriculture because the average for the state is not greater

59. Labor Laws of South Carolina. (1937) pp. 25-45
<table>
<thead>
<tr>
<th>STATES</th>
<th>Minimum Age</th>
<th>Education</th>
<th>Hours of Work</th>
<th>Youth Work</th>
<th>Work Parities</th>
<th>Street Trades</th>
<th>Theoretical</th>
<th>Agriculture and Domestic</th>
<th>Hazardous occupations</th>
<th>Enforcement</th>
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<tbody>
<tr>
<td>Nevada</td>
<td>16 years</td>
<td>8th grade</td>
<td>7 P.M. to 7 A.M.</td>
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<td>7 P.M. to 7 A.M.</td>
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<td>Prohibited to boys under 16 and girls under 16</td>
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<td>7 P.M. to 7 A.M.</td>
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<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
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<td>Not included</td>
<td>Not included</td>
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<tr>
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<td>10th grade</td>
<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
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<tr>
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<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
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<td>Not included</td>
<td>Prohibited to boys under 16 and girls under 16</td>
</tr>
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<td>16 years</td>
<td>10th grade</td>
<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
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<td>Not included</td>
<td>Not included</td>
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<td>Not included</td>
<td>Prohibited to boys under 16 and girls under 16</td>
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<td>7 P.M. to 7 A.M.</td>
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<td>Oregon</td>
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<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
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<td>Not included</td>
<td>Not included</td>
<td>Not included</td>
<td>Prohibited to boys under 16 and girls under 16</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>16 years</td>
<td>10th grade</td>
<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
<td>Not included</td>
<td>Not included</td>
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<td>Not included</td>
<td>Not included</td>
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</tr>
<tr>
<td>Rhode Island</td>
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<td>10th grade</td>
<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
<td>Not included</td>
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<td>Not included</td>
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<tr>
<td>South Carolina</td>
<td>16 years</td>
<td>10th grade</td>
<td>7 P.M. to 7 A.M.</td>
<td>Inscription: Regular form</td>
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<td>Not included</td>
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<td>Not included</td>
<td>Not included</td>
<td>Prohibited to boys under 16 and girls under 16</td>
</tr>
</tbody>
</table>
than that for the country as a whole when agriculture is excluded.

"South Carolina extended to 16 years the minimum age for work during school hours and in factories at any time, and raised its age for compulsory school attendance to sixteen, although allowing sweeping exemptions. The South Carolina law failed to limit hours of work for minors or to provide a system of employment certificates without which effective enforcement is practically impossible."60

SOUTH DAKOTA61

South Dakota is an agricultural state which exempts the regulation of child labor in this occupation. It also exempts the street trades and domestic service. The regulations regarding the entrance of children into employment from school are poor, due to imperfect system for the assurance of work permits. The permits are issued by a county superintendent. They state the age of the child and his ability to read and write. No certificates to prove age, physical condition, or promise of employment are required and no provision is made for the return of the certificate when employment ceases. There is also a wide discrepancy between

60. Courtenary Dinwiddie. op. cit.
61. South Dakota Laws Relating to Employment of Women and Children 1931 pp 2-4
the educational requirements in the labor laws and
the same requirements in the laws regarding compulsory
education.

In spite of this South Dakota is not listed among
the states with a larger number of employed children
than that found in the United States as a whole. A
definite attempt should be made to approach the mini-
mum standards.

TENNESSEE\textsuperscript{62}

Tennessee does not meet any of the International
Labor Standards. It has practically no law regulating
street trades; its hazardous industries are poorly
guarded; its most important industries are exempt from
regulation. The educational standards are not suf-
iciently high to keep the child in school. The state
has 7.9\% of its children ten to fifteen employed.
There are 26,000 children of these ages\textsuperscript{1} employed ac-
cording to the 1930 Census. The percentages are less
than those for the country as a whole when agriculture
is omitted. We may conclude that these employed child-
ren are at work in agriculture. The same statement is
true of the boys and girls sixteen and seventeen years
of age. There are 32.4\% of the children in this age
brackets employed when agriculture is included, but

\textsuperscript{62} State of Tennessee Department of Labor pp 7-11
the percentages are not above the level for the country when it is omitted.

It is an unfortunate law that applies only to industry this is true of Tennessee so child labor percentages especially in an agricultural state, continue to be higher than they should. The short school term (from 80 days or less to 4 months) also permits freedom for employment.

TEXAS63

Texas ranks fourth among the states with large numbers of employed children. There are 52,000 children from ten to fifteen years of age employed in this state according to the 1930 Census. This is 7.3% as compared with 4.7% for this age group. These children are engaged in agriculture, particularly the shrimp industry where they frequently work from 3 A.M. until school and then again after school. They become too tired from this long day to progress beyond the second grade. The children in the higher age group are not employed to any greater extent in this state than in any other. Texas does not meet the standards of the Third National Conference or of the International Conference. It is obvious that the standards are low in regard to education, retail trade, hazardous occupations,

63. Laws of Texas. (1936) pp. 1 - 4
and work permits. "Texas adopted excellent laws for regulation of industrial homework, 64 during the past year".

**UTAH** 65

Utah has good laws, they are as nearly in accordance with the International Standards as those of any state in the Union. It meets the standards in regard to minimum age, employment certificates, maximum daily hours, a forty-four hour week for children under eighteen, and night work for children under sixteen. Furthermore its percentage of employed children is not greater than that for the country as a whole.

There is a wide discrepancy between the educational requirements of the labor laws and those of compulsory school attendance. This should be corrected.

Due to lack of funds Utah has found it difficult to enforce these laws. This also should be rectified if the laws are not to be obsolete statutes.

**VERMONT** 66

Vermont is not represented on any lists. It does not have large numbers of employed children nor does it in any way approximate the standards which reformers

64. Courtenary Dinwiddie. *op. cit.* p. 26
hope to attain. The state needs to enact laws regulating the street trades.

During 1936 and 1937 Vermont enacted a law prohibiting the employment of children under 14 during school hours and requiring work permits from 14 to 16 years. The hazardous occupations are forbidden to minors under 16 years at all times. An 8 hour day and a 48 hour week is maximum for all under 16 years, except in domestic and agricultural service. The sale of any goods not made in accordance with these laws is illegal. The compulsory school law now requires six years with exceptions.

VIRGINIA

Virginia has 15,000 child workers between the ages ten to fifteen years of age. The percentage of workers in this age group is only slightly higher than that for the country as a whole (1.5%) when agriculture is omitted. It is only slightly higher than the average for children sixteen and seventeen years of age (52.3%) when agriculture is included.

The state meets only the night work standards for children under sixteen years. It falls short of all other standards.

WASHINGTON

Washington meets the standard for issuing employment certificates in the places where continuation schools exist. It also meets the standard for maximum daily hours and for night work for minors between the ages of sixteen and eighteen. Although it does not meet the standards on any other score, the number of children employed in this state is not greater than the numbers employed in the states as a whole.

WEST VIRGINIA

West Virginia has neither greater numbers of employed than are found in the rest of the United States nor does it meet the standards set up by the International Association. Improvement is needed in the laws dealing with education, domestic and agricultural employment, and minimum age.

WISCONSIN

Wisconsin has good labor laws. They meet the International Standards in regard to minimum age, employment certificates, maximum daily hours, and in regard to night work for both children under sixteen years of age and minors between sixteen and eighteen years. It does not have a greater number of employed children

68. Labor Laws of Washington. 1937
than may be found in the country as a whole. Wisconsin made an advance this year in improving the street trades law. It definitely establishes the status of the newsboy as an employee of the publisher or dealer. This was a progressive step which had the support of the Wisconsin Daily Newspaper League.

**WYOMING**

Wyoming does not meet the standards which the labor officials hope to attain neither does it have a great number of employed children. It would seem that some improvement in the laws could be made without adversely affecting the industries of the state, especially as there are at present few child laborers.

The present status of state legislation indicates that the standards in the northern states are higher than those of the southern states, although in a few cases there are some fairly adequate laws. The following excerpt from *Child Labor Facts* gives a summary of the status of these laws for the various states.

"**Minimum Age for Employment.**

Most States specify:

(1) A general age minimum for employment which in some States covers all occupations except agriculture,

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domestic service, street trades, etc., and in other states applies only to manufacturing or a specified list of occupations.

(2) A lower age for employment outside of school hours.

(3) A higher age (through either the child labor or the school attendance law) for children who have failed to complete a specified school grade.

Special provisions and exemptions make classification difficult. In general, however, the basic age minimum for employment (not including provisions for work outside of school hours or during vacations) is as follows:

(Corrected to June 1, 1937)

10 States have a 16-year limit, but one applies to factory work only.

4 States have a 15-year age limit, but 2 of these have exemptions permitting work at an earlier age.

33 States and the District of Columbia have a 14-year-age limit, but 7 of these have exemptions permitting work at an earlier age.

1 State has no general age minimum.
<table>
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<tr>
<th>STATE</th>
<th>Minimum Age</th>
<th>Education</th>
<th>Hours of Work</th>
<th>Night Work</th>
<th>Work Permits</th>
<th>Street Trades</th>
<th>Theatrical</th>
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<th>Hazardous Occupations</th>
<th>Enforcement</th>
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<tr>
<td>South Dakota</td>
<td>14 years</td>
<td>No grade requirement; read and write</td>
<td>8th grade</td>
<td>10 for those under 16 years and for girls 16 to 18 years</td>
<td>None after 7 P.M.</td>
<td>For those 14.</td>
<td>Issuance:</td>
<td>Penalties not complete</td>
<td>Inspectors of Agriculture</td>
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<td>Tennessee</td>
<td>14 years</td>
<td>No grade requirement; read and write</td>
<td>8th grade</td>
<td>8 for those under 16 years</td>
<td>7 P.M. to 6 A.M.</td>
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<td>Issuance:</td>
<td>Penalties not complete</td>
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<tr>
<td>Texas</td>
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<td>No grade requirement</td>
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<td>8 for those under 16 years</td>
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<td>Issuance:</td>
<td>Regular form</td>
<td>Penalties not complete</td>
<td>Exempt from domestic service</td>
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<tr>
<td>Utah</td>
<td>14 years</td>
<td>No grade requirement</td>
<td>12th grade</td>
<td>8 for those under 16 years</td>
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<td>Vermont</td>
<td>14 years</td>
<td>8th grade, may leave at 6th if needed by parents</td>
<td>8th grade</td>
<td>9 for those 16 to 18 in factories</td>
<td>7 P.M. to 6 A.M.</td>
<td>Issuance:</td>
<td>Restrictions</td>
<td>Penalties not complete</td>
<td>Penalties not complete</td>
<td></td>
</tr>
<tr>
<td>Virginia</td>
<td>14 years</td>
<td>No grade requirement</td>
<td>7th grade, if employed</td>
<td>6 for those under 16 and for girls 16 to 18 years</td>
<td>6 P.M. to 7 A.M.</td>
<td>Issuance:</td>
<td>Restrictions</td>
<td>Penalties not complete</td>
<td>Commissioner of Labor</td>
<td></td>
</tr>
<tr>
<td>Washington</td>
<td>14 years</td>
<td>8th grade, if 14 years</td>
<td>8th grade</td>
<td>8 for those under 16 years</td>
<td>7 P.M. to 6 A.M.</td>
<td>Issuance:</td>
<td>Restrictions</td>
<td>Penalties not complete</td>
<td>State Commissioner of Labor</td>
<td></td>
</tr>
<tr>
<td>West Virginia</td>
<td>14 years</td>
<td>Head and write</td>
<td>8th grade, unless high school is within two miles of residence</td>
<td>8</td>
<td>7 P.M. to 6 A.M.</td>
<td>Issuance:</td>
<td>Restrictions</td>
<td>Penalties not complete</td>
<td>State Commissioner of Labor</td>
<td></td>
</tr>
<tr>
<td>Wisconsin</td>
<td>16 years</td>
<td>No permit under 16. 14 years in high school</td>
<td>Completion of most advanced course in district, unless 16 years</td>
<td>8</td>
<td>6 P.M. to 7 A.M.</td>
<td>Issuance:</td>
<td>Restrictions</td>
<td>Penalties not complete</td>
<td>State Commissioner of Labor</td>
<td></td>
</tr>
<tr>
<td>Wyoming</td>
<td>16 years</td>
<td>None required at school</td>
<td>8th grade</td>
<td>8</td>
<td>7 P.M. to 7 A.M.</td>
<td>Issuance:</td>
<td>Restrictions</td>
<td>Penalties not complete</td>
<td>State Commissioner of Labor</td>
<td></td>
</tr>
</tbody>
</table>

**Notes:**
- Penalties: Fines or Jail
- Exempt: In certain occupations
- Violations: Penalties for violation
- **Exception:** In certain places
- **Prohibited:** Under 16 in certain occupations
- **Inspectors:** Of Agriculture
- **Residence:** Officers
- **Occupations:** In mines
- **Department:** Of Mines
- **Supervisors:** Of Labor
- **Inspectors:** Of Mines
EDUCATIONAL REQUIREMENTS FOR CHILDREN LEAVING SCHOOL FOR WORK, EXCEPT AGRICULTURE AND DOMESTIC SERVICE (through child labor and school attendance laws)

11 States do not permit a child to leave school for work under 16 years. Three of these states exempt children at an earlier age in case of poverty.

2 States do not permit a child to leave school for work under 15 years.

3 States and the District of Columbia permit children to leave school for work at 14 years, occasionally younger, provided they have completed a specified school grade, but in 9 States the grade requirement is waived under certain circumstances such as poverty, need for services at home, etc. The grade to be completed is the eighth grade or elementary course in 22 of these states; the sixth or seventh grade in 6 States; and the fourth or fifth grade in 3 States.

4 States permit children to leave school for work at 14 years regardless of the grade completed. Of these 2 exempt from school attendance any child of 14 years who is employed and 2 have no compulsory school attendance requirement beyond 14 years.

HEALTH CERTIFICATES FOR WORK PERMITS

27 States and the District of Columbia require a physician's examination and certificate of physical fitness before a child can go to work.

9 States leave such an examination optional with the issuing officer.

12 States make no provision for physical examination.

MAXIMUM WORKING HOURS FOR CHILDREN UNDER 16

3 States have an 8-hour day and 40-hour week for most occupations.

6 States have an 8-hour day and 44-hour week for most occupations.

24 States and the District of Columbia have an 8-Hour day and 48-hour week for most occupations.
9 States have an 8-hour day and 48-hour week but the law does not include many occupations (such as work in stores), there are serious exemptions, or the provision does not apply up to 16 years.

6 States specify a longer working period, from 9 to 11 hours a day and 51 to 60 hours a week being permitted.

NIGHT WORK FOR CHILDREN UNDER 16

16 States forbid work after 6 p.m., but 3 of these permit serious exemptions.

22 States and the District of Columbia forbid work after 7 p.m., but 5 of these permit serious exemptions.

10 States permit work until 8 p.m. or later, or have no regulation.

EMPLOYMENT OF CHILDREN IN DANGEROUS OCCUPATIONS

A statistical analysis of state laws relating to the employment of children in dangerous occupations is impossible. Most states specify a list of occupations prohibited for children under 16 years, and some have another list for children under 18 years. Several give power to the state labor or health department to extend the lists by ruling, and some include a general statement regarding occupations dangerous to life, limb, health or morals.

In 10 states there is practically no prohibition of dangerous occupations for children under 16, and in 31 states there is practically none for minors 16 and 17 years of age. In many other states such protection as exists is seriously inadequate. Hardly any state can be said to offer sufficiently comprehensive protection to exclude children and young people from all industrial hazards.

STATUS OF MINORS UNDER WORKMEN'S COMPENSATION LAWS

14 States grant extra compensation to minors injured while illegally employed.

2 States require extra compensation to be paid to the Industrial Accident Fund in cases of illegal employment.

1 State permits extra compensation to be awarded to all minors under 18 whether legally or illegally employed.
9 States exclude from compensation minors injured while illegally employed.

2 States have no compensation law.

**Street Trades**

In only 20 states is there a state law regulating the employment of children in street trades. Thirty-five states permit boys under 12 years and 29 states permit girls under 12 years to engage in street trades. In some cities there are municipal ordinances on this subject.

In many states newsboys are not covered by compensation laws, being considered 'independent contractors' rather than employees. 

When the age minimum for compulsory education is compared with the age minimum for work permits a wide discrepancy is found. In some cases the education laws show no compulsory school requirements but the labor laws for the same state will require that the sixth or eighth grade be reached before work permits can be issued. On the other hand, the labor laws may indicate no grade requirement, in fact, only seven states require that the child be able to read and write (simple sentences), and the education laws will expect the child to attend school through the sixth or eighth grade. Surely the laws should be made to agree on this important point, otherwise the purpose of compulsory school grade and

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72. The summaries of the state laws was an excerpt from a Children's Bureau U.S. Department of Labor publication June 1937, reprinted in State Laws of Oklahoma pp. 47-50
minimum age requirements may be defeated. It would seem on the surface that it is easier to secure higher minimum age requirements for education than for labor. No doubt many of those who oppose laws to regulate children during elementary and high-school days favor the requirement that education keep them in school as long as possible! They prefer to stamp out illiteracy more than they do to legislate protection for children for purely humanitarian reasons, failing to see that illiteracy and other social and economic problems are closely interwoven.

The issuance of work permits has been carefully checked during the past few years to ascertain the exact number of children leaving school, at what age, the reasons they give for leaving, and the rate of turn-over in employment. The studies indicate that while the N.R.A. was in effect fewer certificates were issued, but, with the invalidation of the N.R.A. children are again clamoring for certificates in large numbers indicating a greater increase in child labor during the past two years.

Most of the states issue certificates in much the same way. The accepted arrangement is to have a personal interview with the child, or child and parent; to have the child present a statement of employment telling where he is to be employed, what he is to do, and for whom he
is going to work; a certificate or passport proving the validity of his age; a statement from the school showing that he has fulfilled the educational requirements; and then a certificate from a physician (he may or may not be a public official) stating that the child is physically capable of performing the task he expects to do. The certificate is to be returned to the issuer by the employer upon cessation of employment of the child. This allows the issuer to expect and enforce the return of the child to school within a reasonable length of time.

This general set-up varies from state to state. Whatever point is weak in any one state allows loopholes through which the child may escape from social control and protection. A few states expect that children should attend evening or continuation schools during the time of employment if they have not reached the chronological and educational age. Such laws appear in only two or three states so that the relative advantages are very slight.

In these states the work permits are issued only for certain types of employment so that the actual numbers of children entering occupations cannot be ascertained nor can fair regulation of work be accomplished.

The recommendations made by the Committees on Child Labor to the White House Conference\(^7\) include a program

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73. White House Conference called by President Hoover. The Century Co. New York (1932)
for standard legislation regarding industrialized occupations, agriculture, homework and theatricals, as these are closely inter-woven with inter-state problems.

General standards should be set up for industrial occupations and industrialized agriculture including an age, educational and a physical minimum (the age for part-time and vacation work may be slightly lower), hours of work, night work, and conditions of labor.

Non-legal recommendations include special educational measures, guidance, recreation, hygiene, and scholarship aid to enable the benefits to accrue to all children.

The goal is to achieve minimum standards; the purpose is to equalize opportunity and protection; the method is principally legislative; and the alternative is education and freedom.

There has been some progress in legislation and protection, but we have reviewed the laws of the various states and have found them to be widely divergent in their regulations. Some states have been successful in enacting laws to regulate child labor; others have been less successful; still others have barely touched the surface. In many states enforcement is lax, so that the laws are not as effective as they appear on the surface.

It is hoped that in lieu of securing for Congress the right to pass legislation on child labor that the independent and sovereign states may realize their position and responsibility and improve their standards in accordance with suggested recommendations.
Chapter IV

The Struggle to Secure Federal Legislation

The central government of the United States has lagged behind the separate states in its control of the social and economic problems of this vast continent. The Hamilton-Jefferson problem of a strong central government versus States Rights has incidentally confronted each individual proposal as it has been offered to Congress for legislation, or to the Supreme Court for confirmation of its legality.

The history of this attempt to secure Federal control for child labor standards is bound up in the "rights that are delegated to the Central Government and those which are reserved to the States." As Bagehot says,

"The whole recent history of the Union—perhaps all its history—has been more determined by that enactment that any other single cause. The sovereignty of the principal matters of state has rested not with the highest government, but with the subordinate government."

The apparent omission of a vital factor was to some extent remedied when the Thirteenth Amendment, which abolished slavery and involuntary servitude, was added to the Constitution at the close of the Civil War. This was the first direct attempt at Federal control of social problems and at present is the only possible regulation of child labor based on Constitutional authority.

The Thirteenth Amendment has not been used to regulate involuntary servitude, which results when parenthood forgets its obligations, but to correct conditions when children are forced to serve involuntarily in industry, or when they are working in fear of corporal punishment. Further protection may be extended to children on the authority of this amendment when poor working conditions exists because a child is not legally able to make contracts (Booth vs. People, 57 N.E. (Ill.), 798), or recognize and insist on fair terms and conditions.

The Federal Government also has the power to prohibit the action of the State when that state administers its laws to permit enslavement. Such enslavement may be interpreted to mean the enslavement of working children. "In the Thirteenth Amendment it is a police power to act "ex directu," as plain and unequivocal as any police power of the states."3 "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."4

The breadth of this amendment may be exercised to include child labor and it may be interpreted to permit interference with state legislation or corrective measures,

2. Julia Johnsen. op. cit. p. 348
3. Ibid. p. 350
4. Ibid. p. 351
when they permit the enslavement of the child, and such police power would not apparently lessen the control of the parent in the home but would protect the child against unjust contracts and misuse.

To rely on this amendment to abolish and regulate a species of involuntary servitude such as child labor is a more direct and all inclusive method than any of the later attempts have been. Such legislation could be more easily interpreted to mean Federal control of the home than the Twentieth Amendment, which has been subject to argument and defeat on that point.

In spite of the points in favor of child labor legislation based on the Thirteenth Amendment, Congress has not exercised its power to prohibit the evil of child labor under this law, and the advocates of such reform are probably justified in desiring a more definite source of control.

The early history of the United States shows that the child was considered a necessary and important economic factor in increasing the wealth of the family by performing those agricultural chores which contributed almost entirely to the economic wealth of the family. It was considered a Puritanical essential that no child was to be brought up in idleness, but must learn to work and not play. Bradford pointed out with Puritan simplicity, "as necessitae was a stern task-master over them (the Puritans) they were forced
to be such not only to servants but in a sorte to there dearest children." The early colonies also had pauper laws, or poor laws, as in England where the child was "bound out" to work so that idleness and 'Satan' could not pay a part. In 1672 in the Towne of Boston a certain list of persons were notified, "to dispose of their several children—abroad for servants to serve by Indentures according to their ages and capacities". These children were 8 years old and up.

The Quakers of Pennsylvania imported children from the poorhouses and streets of London to form a colony. In 1627 ships came over bringing 1400 to 1500 children. In 1780 the first cotton factory was established in Beverly, Massachusetts. This innovation of the factory system and the introduction of machines, here as in England after the Industrial Revolution, was a signal for women and children to enter industry. It was thought that the manufacture of goods would be easy for women and children because the machines did the work and the operators merely tended the machines. The economic problem of labor was one of shortage rather than of over-supply, so that employment was available without a displacement of other workers. The protectionists, who advocated the tariffs to protect the infant industries,

5. Edith Abbott. op. cit. pp. 15-37
favored the use of children. These children were a source of cheap labor and enabled these industries to remain in competition with the lower priced products from outside.

Child labor was common up to the 19th century in the United States with no adequate standards and no provisions for enforcement, and with the ethical and economic theories favoring work for young and old, men and women alike.6

The United States Bureau of Census began to collect information in 1870 concerning the occupations of children from eleven to fifteen years of age. In 1881 the American Federation of Labor in their plank for that year called for the complete abolition of employed children under 14 years. The Senate Committee in 1883, during their hearings on capital and labor called attention to the work of children in stores, messenger services, and the street trades, and the small salaries which children received. This marked the first real arousal of public opinion, though as early as 1829 the English had deplored the fact that in this country we were approaching conditions in England. Such an early philanthropist, as Condy Raguet, had started arguments that farm work was healthier than that of factories.7 In the year 1890 a prize was offered for an essay on child labor which revealed the injustice to the child, the cost to society, the economic inefficiency

7. Edith Abbott. op. cit. p. 26
and the harmful competition with adult wages. At the end of the century we find the beginnings of Hull House in Chicago and its revelation of the condition of the child worker and his home. In the last year of the nineteenth century the National Consumers League led the way for National concentrated effort to secure reform and better conditions for the children of the nation.

During the nineteenth century the history of regulation was that of state legislation and control. Toward the end of the nineteenth century there was an awakening in the social consciousness which resulted in a national movement for the regulation of child labor.  

Certain state laws prohibited work in unhealthy occupations and on the more dangerous machines in 1900.

In 1904 the National Child Labor Committee started action to arouse public opinion and to attempt to revive the state regulation of employment, which had been declining during the last years of the preceding era.

"In December, 1906, the first proposal 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 "prohibit the employment of children in the manufacture or production of articles intended for interstate commerce."  

By 1907 the National Government, through the Bureau of Labor, investigated the problem and found that many industrial employers encouraged the work of children in glass,  

8. Children's Bureau. op. cit. Publication No. 197  
9. Julia Johnsen. op. cit. p. 270
silk, and textiles as soon as they were able and ready to work. These children were usually around the ages of 12 and thirteen; and of the child workers of 14 and 15 years from 84% to 96% labored in these factories. A similar investigation was made of juvenile delinquency, which was found to be greater among working children than among school children. Subsequently, investigators began to seek out the causes and reasons why children left school, and to determine home and working conditions.

The Federal Children's Bureau in the year 1912 undertook an investigation of these and other related problems.

As a result of the findings of these various committees, and the arousal of public opinion in the cause of the children of the nation we have the first Federal Legislation of Congress in September 1916 in the form of the Keating Owen bill. This bill prohibited the shipment in interstate or foreign commerce of goods produced in mines, quarries, factories, canneries, or workshops where children were employed in violation of specified age and hour standards.

"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 8

hours a day or 48 hours a week or 6 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."

The United States Children's Bureau administered the bill from September 1, 1917 to June 3, 1918.

"Under its power to regulate interstate and foreign commerce, Congress sought in this measure to close the channels of interstate and foreign commerce to the products of child labor."

In the western district of North Carolina the cotton mill owners brought a case to protest the constitutionality of this law.

The case of Hammer v. Dagenhart, the court ruled:

"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."

Nine months after the law had been in operation it was declared unconstitutional by a five to four decision on the ground that Congress did not have the power to regulate interstate commerce.

12. Julia Johnsen. op. cit. p. 360
13. Ibid. p. 271
14. (Hammer v. Dagenhart, 247 U.S. 251) Julia Johnsen op. cit. p. 29
17. Julia Johnsen - op. cit. p. 271
Although the law did deal with interstate commerce in regard to labor legislation, the court rule indicated that it was a matter of coercion rather than legitimate regulation and therefore it was a matter of state concern. 18

"Another almost immediate attempt to secure a form of Federal control was made. The result was a 10% tax 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." 19 This child labor tax law was in effect from April 25, 1919 until May 15, 1922. Once more a child labor law was declared unconstitutional, with only one Supreme Court judge dissenting. The tax law was defeated because it soon became apparent that it was being used to impose a penalty rather than to obtain regulation or excise. 20 The court ruled it "was not a valid use of Congress's power to lay and collect taxes and that the real objects were remote from the avowed objects." 21

The decision was given in the case of Bailey versus The Drexel Furniture Co. 22 When the court ruled that

18. Ibid p. 292
20. Julia Johnsen p 288 - 292
21. Julia Johnsen p 288 - 292
22. Ibid p. 271
Congress did not have a right to lay and collect taxes in this way the Thirteenth Amendment would have been able to do what this tax law could not. Under this Amendment Congress could definitely have interfered with the states' actions when they were against the social welfare of the individual whereas the court could not find this power in a tax law.

The two Federal Laws which had been passed and which were in effect for short period of time, and then declared unconstitutional, were not in themselves specifically prohibitions or regulations of child labor, but were merely a means of reaching certain minimum standards by prohibiting the shipment of child labor products in interstate and foreign commerce or by imposing a tax on child-employing industries. The laws made definite headway in the arousal of public opinion and in the establishment of a system of Central regulation, which was neither an extreme financial strain or an administrative burden on the labor department. They were both handled by the Children's Bureau at Washington without great expense or a heavily staffed Board. They cooperated with the states in each instance; and having already learned from the states that work certificates were necessary for any sort of a check, the states with high legal standards for employment continued to use their certificates, and similar certificates
were introduced in the states with lower standards. The result was highly satisfactory, in fact, amazingly successful considering the short time in which the act was in operation. The states with low standards made actual improvement during this period.  

"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 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."  

A great advantage came to the child because the exploitation of children by the states with the low standards and the states with higher standards ceased and the states with high standards were freed from a tendency to disobey the law in order to compete with the products of other states made less expensively by cheap child labor.  

After these laws were declared unconstitutional the need for Federal legislation was again apparent. The State Laws were inadequate, some states had low standards which made competition difficult for the states with higher regulations. The states with some legislation were definitely limited by many and devious exemptions.  

23. William Green, op. cit. pp 9-17  
24. Julia Johnsen op. cit. p. 272
"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." 25

The problem of industries migrating from one section of the country to another, especially with the re-localization of textiles in the South, has called for a repetition of legislative activity in the new industrial areas. This repetition might have been eliminated if a Federal Law could have been obtained at an earlier period in the country's history.

In 1924, an Amendment to the Constitution was proposed which would enable Congress to later pass legislation concerning child labor.

The Amendment reads:

"Section 1. The Congress shall have the power to limit, regulate, and prohibit the labor of persons under 18 years of age.

Section 2. The power of the several States is unimpaired by this article except that the operation of State

25. Julia Johnsen. op. cit. p. 283-4
26. Italics mine
laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress."²⁷

The Twentieth Amendment was passed by 2/3 vote of both houses of the Congress and was sent to the 48 states for ratification. This proposed Twentieth Amendment is still pending ratification by the necessary 36 states in the present year (1938).

Ratification has been defeated during this time principally on the question of States Rights versus the Federal Government.

At no time has it been defeated by a political group. In fact, the history of the political parties indicates that child labor reform has been the unanimous concern of all groups.

In 1872 the Prohibitionist party was the first to make an emphatic declaration against child labor. National political party recognition had been accorded child labor by its inclusion in party platforms of the Prohibition and Democratic parties in 1872 and 1892 respectively. The Democratic party in 1892 passed State laws to abolish the "sweating system", by favoring education and opposing child labor. The Socialists gave recognition to child labor in 1904 and the Progressive and Republican parties were to fall in line in 1912 and 1916. In 1912 the

Republican and Progressive parties pronounced themselves in favor of Federal legislation. In 1916 the Republican and Democratic parties did the same.

All political parties in 1924 endorsed the Twentieth Amendment.

"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 3, 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." 28

Individuals in all parties have also endorsed the Twentieth Amendment. Hoover, a Republican, likewise included the proposal for the Twentieth Amendment in his platform. Furthermore Hoover made a specific survey of the problem in a White House Conference and the committee presented recommendations concerning education, physical

28. Julia Johnsen. op. cit. p. 282
conditions, hours, age, specific industries problems, and income, in his report.\textsuperscript{29} Wilson and Franklin Roosevelt, Democrats, are on record in favor of Federal legislation on this subject. Roosevelt wrote the various states urging them to reconsider and to ratify the Child Labor Amendment.\textsuperscript{30} William Green, Socialist has urged people to legislate for the protection of working children and for the ratification of the Twentieth Amendment.

The debates which occur in the various legislatures concerning the ratification of the child labor amendment usually run as follows:

The negative argument are that if the amendment were passed it would mean that the government was entering the home\textsuperscript{31}, that it would interfere with the regulation of religion;\textsuperscript{32} that it would inculcate the Sovietization of childhood,\textsuperscript{33} (the fear and worry of so many propagandists today); that the financial burden would be too great;\textsuperscript{34} that it would interfere with state sovereignty;\textsuperscript{35} that

\begin{itemize}
  \item \textsuperscript{29}White House Conference on Child Health and Protection called by Pres. Hoover. The Century Co. N.Y. (1932)
  \item \textsuperscript{30}William Green. \textit{op. cit.} p. 6
  \item \textsuperscript{32}Father Corrigan for Cardinal O'Connell. \textit{Boston Transcript}. (February 14, 1935)
  \item \textsuperscript{33}William Green. \textit{op. cit.} p. 16
  \item \textsuperscript{34}George Howorth. \textit{New York Times} February 27, 1937
\end{itemize}
today the conditions do not call for action because there is no child labor; that many voters are tired of the subject; that the age is too high and the working child is normally a dullard and does not belong in school; Federal regulation would fail as the Eighteenth Amendment failed; that the sections of the country vary too greatly to be regimented; that adults are thankful they learned to work when young; that alarm today is merely emotion for dear little children; that famous men have worked; that gainful employment, home and farm work, are legitimate, and that idleness breeds criminals.

The claimants for the affirmative side say that the Congress has the right to interfere where the states are lax; that the precedent is as just and fair a supervision as regulation for interstate Commerce; that the child has no place in industry when the adult is unemployed; that Congress can be trusted not to enter the

36. Dr. N.M. Butler. New York Herald Tribune. (February 6, 1937)
38. Julia Johnsen op.cit. p. 341
39. Ibid p. XXI
41. J. E. Brooks. Boston Transcript (January 21, 1937)
42. Julia Johnsen. op. cit. p. XIX
43. Ibid
44. Dr. Albert B Hart. Boston Transcript. October 21, 1924
46. Robert Watt. Ibid. p. 350. McCracken of Vassar
that it is a legal and legitimate part of the Bill of Rights; that Congress in regulation of child labor would not dwell on religion; that we are not Reds, and are not regimenting youth; that it will not undermine the integrity and the stability of the American family; that child labor is exploited in the states where industries compete; that children are better off in school than in factories, although much must be done to improve the schools; that it is an enabling act; that it is not like the Eighteenth Amendment; that as state regulation is inadequate the states need regulation by the Federal government; that the working child is not a dullard; that competition is a disadvantage to the industrial world; and that we must protect the child's health.

47. Dean Roscoe Pound of Harvard Law School on Child Labor Amendment - Oct. 28, 1924
48. Ibid
49. Leon J. Karval - Boston Transcript (February 9, 1937)
50. Ibid
51. Child Labor Amendment
52. Julia Johnsen op. cit. p. 284-5-6
53. Ibid p. XII
55. Julia Johnsen op. cit. p. 344.
56. Child Labor Amendment
57. Raymond Fuller. op. cit. p. 17
58. Julia Johnsen op. cit. p. XIII
The amendment, which was sent to the states for ratification in June 1924, was bandied about by the political and argumentative opponents. During the first eight years only six states ratified, namely, Arkansas, Arizona, Wisconsin, California, Montana and Colorado. The child labor amendment was actually rejected by thirty-five states in the first three years.

The slow process of ratification and the looming defeat prevented actual manifestations of reform. The Hoover Conference paved the way for further advancements, with recommendations for legislation clearly stated. The first return of an indirect attempt to remedy the situation came with the inclusion of child labor reform in the National Recovery Program. At the time when the N.R.A. Codes went into effect only four states, three of which were Western non-industrial states, had a 16 year age minimum, the accepted minimum for child employment. The passage of the Act resulted in a decrease in the numbers of children employed in industry and also in a higher minimum age level than ever known before in this country. The law was in effect from 1933 until it was declared unconstitutional in 1935 by the Supreme Court in its decision of the Schechter case. During the operation of this law

60. The American Child. (June 1937)
63. E. A. Merritt. op. cit.
its effect on the country as a whole was good. States were stimulated to pass state laws raising minimums for the state and impetus was given towards the ratification of the Twentieth Amendment. As a result of this renewed action twenty-eight states have now ratified.\(^\text{64}\)

The battle of the opponents of the Federal Bill is now directed against the time lag,\(^\text{65}\) and the legality of a re-vote on a once rejected measure. Although the statute books contain no rule covering the number of years which the states may have in which to ratify an amendment, certain states feel that because all other amendments have either been immediately and permanently ratified or rejected that the present amendment be considered outlawed. Likewise, the individual states are arguing out the problem of the legality of revoting on a once rejected amendment. The result of this argument will probably be referred to the Supreme Court and the trend of that Court is to over-rule social legislation, hence it may indeed be doomed to defeat even if eight states (the remaining number necessary for passage) soon overcome state prejudice and ratify the amendment. It is possible today to secure ratification by 36 states and at the same time have these

\(^{64}\) See map on next page.

\(^{65}\) Cardinal O'Connell. A. Lawrence Lowell. Boston Herald (February 18, 1937)

David Lawrence. Boston Transcript, March 3, 1937
RATIFICATION BY STATES

AMENDMENT INTRODUCED BUT NOT RATIFIED IN 1937

Connecticut—Passed S., Killed H.
Delaware—Passed S., Killed S.
Georgia—Died in Committee
Maryland—Killed H.
Massachusetts—Killed H. and S.
Missouri—Killed H.
Nebraska—Killed (unicameral)
New York—Passed S., Killed H.
North Carolina—Killed H.
Rhode Island—Killed H.
South Dakota—Killed S. and H.
Tennessee—Killed S.
Texas—Killed S.

LEGISLATURES IN SESSION BUT NO ACTION

South Carolina—
Vermont—

STILL TO CONSIDER AMENDMENT IN 1937

Florida (pending)  Georgia
Louisiana

1. May consider in special session

LEGISLATURES WHICH MAY ACT IN 1938

Louisiana—Mississippi
Massachusetts—New York
Rhode Island—South Carolina
Virginia

The National Child Labor Committee. The American Child. November 1937
* Court Action Pending
states represent only a minority of the people in the country. This might indeed be a "break" for the reformers because New York, a pivotal state, is opposing the ratification.

The upward swing of children returning to work has been everywhere apparent since the N.R.A. was declared unconstitutional. "The U.S. Children's Bureau found a rise of over 150% in the number of 14 and 15 year old children certified for employment during the first five months of 1936 over the corresponding period in 1935 when the codes were in effect." No doubt some of this large percentage of working children would have normally returned to work following the upward swing of employment in general due to business conditions. However, a large part of this number returned to the trades due to the removal of the Codes.

The agitators for legislation now have made strides and do not desire to lose ground so that they are redoubling their efforts to secure direct legislation while people are once more interested in social reform. Some forty bills affecting child labor have been introduced in the past year.

An argument as to the best method of regulation resulted in a difference of opinion. Some legislators

67. The American Child. The National Child Labor Committee. (June 1937)
favored control based on the First Federal Law, as estimates indicate that about 25 per cent of all child workers are in industries engaged in interstate commerce, excluding agriculture; and others favored the prison-made goods principle, which forbids the shipment in interstate commerce of goods made by children into a state which has banned the sale of such goods. The latter requires supplementary legislation which is difficult to secure and it is necessary to prove that a child has worked on a specific article which is hard to enforce. The leaders in child labor reform are in favor of the former method, as it is only necessary to prove that children have worked somewhere in a plant.

After the hearings in May, which were held before the Senate Interstate Commerce Committee on federal child labor legislation, "Senator Wheeler appointed a Subcommittee of three, composed of Senators Johnson of Colorado, Barkley of Kentucky, and White of Maine to draft a new bill." The Wheeler-Johnson child labor bill was rushed through the Senate in a surprise move on August 19." This move was made because the Black-Connery, Wage and Hour bill had been in the meantime introduced and certain groups wished to detract attention from it by favoring a sepa-

68. National Child Labor Committee. The American Child June 1937
69. " " " " " " October 1937
70. Ibid. October 1937
rate child labor bill, and others were afraid the Wage and Hour Bill would not be passed and they desired immediate child labor legislation.

"As passed it was stronger than the original bill, but the prison-made goods feature was retained and the section based on the principle of the first Federal Child Labor Law was deleted." 71

The Senate Committee offered provisions for Child Labor legislation in the Black-Connery, Wages and Hours Bill. The main provisions of the Wage & Hour Bill in its final form were the best that have been incorporated in any recent acts of Congress. The legislative principle of the First Federal Child Labor Law was followed.

Briefly, shipment in interstate commerce was prohibited for goods from any establishment in which children under 16 years had been employed, or in which children under 18 years had been employed in occupations deemed hazardous by the Federal Children's Bureau. Administration was entrusted to the Children's Bureau, an employment certificate system was authorized, and federal-state cooperation of the kind found so successful in the administration of the first Federal Child Labor Laws was provided. 72

The Black-Connery, Wages and Hours, bills eventually reached a House Committee. This Committee restored several undesirable exemptions, but they had no effect as the Bill did not reach the floor of the House.

Vandenberg came forward with a new amendment during the summer of 1937.

71. The American Child, op. cit (October 1937)
72. The American Child. op. cit. (January 1938)
"1. Congress shall have the power to limit and prohibit the labor for hire of persons under 16 years of age.  

2. The power of the several states is unimpaired by this article except that the operation of States laws shall be suspended to the extent necessary to give effect to legislative enactments of the Congress."73

The Vandenberg Amendment was greeted with enthusiasm by the opponents of the former amendment. They felt that they would be justified in supporting this amendment. Only those blind with emotion will fail to see the significant lesson contained in the cordial reception which has been everywhere accorded Vandenberg's new amendment. The limitation implied or guaranteed in our faith in the Congress, in our form of government is stated here, plus a lessened age limit.74

Their enthusiasm was over the very changes which weakened it in the eyes of those favoring the Twentieth Amendment. The Vandenberg Amendment differs from the Twentieth Amendment because it omits the word "regulate" and substitutes the phrase "employment for hire" for "labor", and reduces the age minimum to 16 years. It requires ratification by state conventions rather than legislatures, and ratification must be within 7 years.75

74. Boston Transcript June 29, 1937
75. The American Child (October 1937)
The National Child Labor Committee hopes that the pending Twentieth Amendment will be ratified by the necessary 36 states no later than 1939 and therefore, that it would be foolhardy to give up the ratification of the twenty-eight states already secured for the uncertainty of securing passage of the Vandenberg Amendment. However, if such a change is necessary some modification should be made to include workers not reached in the present phraseology and should definitely include minors from 16 to 18 engaged in the hazardous occupations. 76

The outlook for 1938 is hopeful. A new Wages and Hours bill will probably be formed or a separate bill will materialize. The arguments from those favoring the Wheeler-Johnson and the principles of the Black-Connery Bill indicate that the latter is winning a victory.

"Therefore we face the new year with a two-fold program:

1. To secure the enactment by Congress, either through a separate bill or a new wages and hours measure, of federal Child Labor legislation for interstate commerce industries.

2. To complete ratification of the Federal Child Labor Amendment, in order that federal protection can be extended also to the large groups of child workers who cannot be reached through legislation based on the interstate commerce power. Such groups constitute fully 75 per cent of all working children. 77

76. Ibid

77. The American Child (January 1938)
All supporters of Federal Child Labor Legislation are still pressing for final ratification of the Twentieth Amendment, so that legislation may be passed for children in whatever place they are found working.
Chapter V

The Economic and Social Significance

Any society which wishes to maintain a high standard of living must consider the social and economic conditions which permit children of tender ages and minors in their adolescent years to become the support of themselves or an important contributing factor in the support of their families.

The adolescent child experiences physical, mental, and emotional changes which demand that he receive attention and care from society even as much as the children of younger years.\(^1\) For if these younger years are completed under harrowing conditions or in unsympathetic surroundings it is quite likely that the child may not become adjusted to the social environment in which he must live.

In early adolescence the emotional life of a child is topsy-turvy. He is sensitive to praise and blame; he fatigues quickly; he needs social recognition; he brags of his adulthood; his environment is the pattern for good or bad. Adolescence does not cease until 16, and during this period, the child should be guided and protected.

Not only does the child suffer but he frequently becomes a burden to society. Children that work dur-

\(^1\) Encyclopedia of Social Sciences op. cit. p. 423
ing these formative years have their defects accentuated instead of having them corrected by the normal development which they would have if they continued in school. We have already seen that they are subject to tuberculosis, accidents, orthopedic difficulties cardiac troubles, and respiratory diseases depending upon the type of work which they undertake. Such children begin to call at the clinics and hospitals shortly after they start work. Although they are permitted to receive compensation if they are hurt by accident when using hazardous machinery, frequently, in nonregulated industries, they are signed as a 'contractor' and are liable for their own accidents. Theoretically if they are illegally employed the employer is liable for double compensation; actually they may frequently go without any compensation.

There is a great deal of social and economic waste whereever young persons are employed. This waste is acknowledged by the National Committee of Manufacturers. It is the general opinion of industrial management that the labor of children under 16 is inefficient. The workman's Compensation laws of the 48 states say that accidents to children are greater and more severe than to adults. One-fourth of the children in industrial accidents are

3. National Industrial Conference Board. op. cit. 50'
4. Encyclopedia of Social Sciences op. cit. P. 422
handicapped throughout life.

Furthermore, society is apt to become burdened with a physically inferior race, at least a race deficient in physical vigor, with low earning power, premature old age, and need for state aid.\(^5\)

Would the expense be any greater to society to maintain schools with programs of sufficient interest, and to offer aid to dependent and impoverished parents so that these children can stay in school, than it is to allow them to become the flotsam of the laboring classes?

The child frequently gives as his reason for leaving school that he is dissatisfied with school, that he does not like school; that it is uninteresting; that he is discouraged, and that he thinks he would like to work. Some of our opponents feel that the child is dissatisfied and uninterested because he does not have the capacity to learn. Many cases have been observed and careful study has been made of the intelligent quotient of the 'drop-out' and it has been maintained that the intelligence tests which prove that the working child is mentally inferior are not valid. The tests are frequently based upon 'verbal testing' and the child who seeks employment comes from homes where opportunity to increase his vocabulary has been limited. In many instances these are

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5. Publication No. 197 pp 30-31
children from foreign speaking homes so that they use English only in school. Tests such as the Binet tests are prepared mainly for the testing of children from the same social stratum and when given at random to children from widely different economic spheres the results become invalid for just comparison.

Again, many constructive tests have been given by Stenquist and McFarlane to prove that the child ordinarily supposed to be mentally inferior and therefore unsatisfied with school, actually ranks high on a mechanical test, or if removed from his environment he may develop a mental quotient more in keeping with his new environment. Also, studies of continuation school children show that they run the gamut of abilities.

It remains therefore for the schools to refute this argument by providing a widely varied program so that the child may become the master of the work which in later life he will perform. The adjustment in many cases may be on a motor rather than an intellectual level. The program calls for differentiated classes, flexible systems of grading and promotion, the abolition of the lock-step, the ability for the child to experience the feeling of success, subject matters based on a child's knowledge

7. Lumpkin and Douglas op. cit. "Experiments with foster children" p. 136
8. Raymond Puller. Ibid p. 28
of individual difference, and extra curriculum activities.\textsuperscript{9}

In addition, the curriculum must include vocational guidance in order to avoid the economic waste of inefficient labor, high turnover, low-wage earning power for the child both now and in the future, and a lower-wage earning power for all unskilled employees at the present. The field must include industrial, commercial, agricultural, and home economics as vocations. The child should be studied and acquainted with job opportunities, his tastes, should be discovered and he should be helped to adjust himself to there tastes. To complete the cycle the child should be guided through the placement and supervision of the job to ascertain whether or not he has adjusted himself to the job or whether the employer and employee misunderstand each other\textsuperscript{10} and an adjustment is needed.

To what extent this program, put into action after the Smith-Hughes Federal Aid was offered to the states in 1918-1919, has increased the enrollment in the school is not ascertainable, as some may have remained in school due to lack of employment opportunities, particularly during the years the N.R.A. was enforced.\textsuperscript{11} However, the fact that today one and a half million pupils are pursuing

\textsuperscript{9} Everett W. Lord. Child Labor in the Public Schools Nat. Child Labor Committee. Pamphlet \#95 p. 11
\textsuperscript{10} Children's Bureau. Publication No. 197 op cit. pp 120-131
\textsuperscript{11} Statistics of Public High Schools Chapter of the Biennial Survey U.S. Department of Education (1933-34) p. 9
vocational subjects exclusive of commercial work is indicative of the interest that many pupils have in these subjects, both for occupational and informative reasons, and of the improved holding power of the schools during the first three years of high school. The majority are enrolled in industrial subjects, home economics, and agriculture.

"It appears fairly safe to say that one of every three pupils is taking work in agriculture, home economics, or shop subjects. If commercial work is included the percentage is considerably increased, but the likelihood of duplication in registrations is also materially increased."

The holding power of the schools has greatly increased, but we still have far to go.

"In 1920, only 608,053 students (generally 16 and 17 years of age) attended the two upper grades in public high schools. By 1930, this number had increased to 1,536,997, an increase in the ten years of 928,944, or over 150%. Thus, about one-third of all persons 16 and 17 years of age were in senior public high schools."

In spite of this increased enrollment many schools do not offer any opportunity for participating in this group of subjects, nor a well-rounded enough program so that a try-out in the major vocational fields may be made. The need for available agricultural programs in the areas of this country with large numbers of children employed in agriculture is an item that could well justify the expendi-

13. National Association of Manufacturers op. cit. No. 6
ture of money rather than the necessary maintenance of these same children on relief without improving the social or economic background.

Other social problems created by working children are delinquency and illiteracy. The number of illiterates is large in those sections of the country where children work. Our political and social organization demands that we eliminate illiteracy as much as we can.

"Educational history shows that nonattendance and illiteracy keep rather close company. A study of the compulsory education laws, nonattendance, and illiteracy, strongly indicates interesting relationships. And a study of compulsory education laws in effect in 1928, together with the 1930 census, revealed that:

"1. The 10 States which ranked lowest in the percent of literacy of persons between 10 and 20 years of age had, apparently, less rigid and less definite compulsory school attendance laws.

"2. These states also ranked far below the average percent in school attendance.

"3. The 2 States which ranked lowest in percent of literacy of persons within the stated ages were also the same 2 States which had, apparently, the weakest laws.

"4. Illiteracy and nonattendance were largely affected by racial differences.

"5. Nine of the 10 States having apparently less rigid and definite laws also manifested an unusually high rate of nonattendance and illiteracy among the native white population between 10 and 20 years of age."14

We should attempt to seek cooperation between compulsory school attendance and labor in order to combat illiteracy.

More delinquents are also found among working children than among those attending school.

These children are prone to reflect the conditions which they see and experience. They need adventure and excitement to alleviate the monotony of their daily work. Frequently they play truant because of tiredness and boredom resulting from physical inability to 'swing two jobs'.

As Dewey says, "Any manual labor ceases to be educative the moment it becomes thoroughly familiar and automatic." The performance of many tasks may be learned in the first five minutes of work. No wonder amusement is sought after doing such monotonous work for hours, days and years at a stretch!

Working children contribute four times as many delinquents as school children. "There is more crime and delinquency among employed children than school children." There are, of course, other contributing factors, family, school and associates, but employment and the breaking of these restraining links is all important.

"In a study of the educational status of 1,394 persons convicted of the violation of the laws of Delaware and Nation from January, 1930, to December, 1932, less than one-fourth of one percent were found to have graduated from a high school in Delaware since 1921.

"In a similar investigation directed by Governor Gardner of North Carolina, it was disclosed that among one hundred youths in the state prison there was not one

15. William Green. op. cit. pp 9-17
16. Raymond Fuller. op. cit. p. 38
high school graduate."  

The rate of delinquency found among girls entering domestic services indicates that there has been a great increase of children in the employ of the non-regulated occupations and those exempt from legal regulation.

The social problem may also be magnified by the adolescent feeling of adulthood, which in turn is fostered by the independent spirit gained as a wage-earner. The resulting spirit of bravado and braggadocio leads the child to demand freedom from parental care. Therefore, the age-old argument which maintained that the child should work because it is the parent's right to demand such labor is weakening because the child actually exerts his freedom and becomes a child dictator rather than a quiet, obedient, and submissive family mainstay. This is truer of boys than of girls. Parents are often quoted as denying free-time privileges to girls but granting them to boys.

Both girls and boys may secure independent action because the financial relief that work offers to the family gives them a 'bargaining power' which they use to assert their freedom.  

Relief from economic want is the basic reason why children seek work. This outranks the desire for clothes, dissatisfaction with school, inability to get on with the

17. Some Light on Facts Pertaining to Public Education in Delaware (1934) p. 23
18. Lumpkin and Douglas. op. cit. p. 149-153
teacher, divorce in the home, poor health, and inability to do school work. It is not even an attempt to improve their social position, but merely an effort to maintain a hand-to-mouth existence. It is such economic want that forces families to bind themselves out as sharecroppers and tenant farmers in the South, for mothers with three or four children to migrate to the agricultural fields and canning industries during the peak of the season, and to follow these seasons from South to North. The home is insecure, rarely are savings sufficient to make both ends meet. If the family has invested in any insurance or savings it is used up very rapidly and before long the family is 'on relief'.

The crisis which demands the use of all available funds comes very suddenly in the present state of economic instability. Dismissal, layoff, wage cuts, demotion, short time, and unemployment precipitate the entrance of the child into wage-earning occupations. In fact, the working class spends practically all its time in struggling against economic distress and insecurity. A prosperity period (minimum destitution) for the members of this group rarely lasts for two or three years. When a working class enlarges due to population increases, or depression periods forcing the lower middle class down to their level, the supply of workers is large, their bargaining power is
lessened, and the conditions of their homes forces children to go to work.19

Other factors which force children to seek employment are when illness, accident or death occur to the breadwinner.

"Lumping together the instances of death, accident, illness, or separation chief wage earners occurring at or about the time the child became 14 or 15, we found that these conditions were a factor in sending no less than 30% of our Massachusetts and Alabama boys and girls to work. If we add those instances, amounting to an additional 18%, where the family had been hard pressed economically because of a home broken for some years, our total number of children affected by these circumstances is very close to 50%."20

And from the viewpoint of the employer this means cheap labor. By hiring a family and paying one wage to the parent, which includes the child's wage, child labor is unrecognized as labor and is cheap at any price. The problem of demand and supply is ever present. The farmers of the South and West need labor at the harvest time. This is proved when the N.R.A. program ceased in order that the people on relief could go to the fields and help with the crops.

If the farm laborers restricted their supply and the demand remained constant the adult who was willing to work should find a higher wage and there should be a higher percentage of employed. At the same time the producer, to offset higher wages, might be induced to raise the price of the

19. Lumpkin and Douglas. op. cit. p. 180
20. Lumpkin and Douglas. op. cit. p. 169
products. Would this not be a saner basis for increasing the price level than one computed and forced to function on a price-fixing scale? Child labor is not confined to a typical activity but is engaged in not only by small, ignorant or poverty-stricken employers but also by large-scale employers, and here as in agriculture the child receives a low wage and little consideration.

The newspapers, telegraph companies, plantations, and large-scale textile manufacturing concerns are only samples of large industries employing child labor.

"The tendency of employers is to pay the lowest wage that the worker will accept under conditions which permit children to supplement the family income—industrial child labor is not only a subsidy to industry but an inducement to the payment of low wages and the entrance of children in the labor market."21

On the other hand the production cost of industry is apt to be increased by the high labor turnover. The mobility of child labor is very high. All surveys reveal that practically all children that leave school to go to work shift jobs before the end of their first year. From then on they keep moving, trying to find out where they belong. This is the adjustment which it is hoped the broader vocational program and guidance will counteract. Until that time, labor turnover is an industrial cost which may or may not be figured by employer and child. It is probably being considered more today with the decline of

child labor.22

Finally, the employment of children in an era when adult unemployment and low wages are everywhere prevalent is a blot upon a country so richly endowed with vast resources. Secretary of Labor, Frances Perkins, sys that child labor is exploited, especially when child labor is in competition with adult labor.23 Again she is quoted as saying, "There is no need for children in industry with the great numbers of unemployed."

Would it not be better, if the government is to continue its expenditure, to supplement the earnings of the low wage earner so that his children will not be forced to go to work, thereby taking a job away from some unemployed adult member of society rather than to put the breadwinner on relief? We are given many illustrations of young children at work during the last depression, supporting the family while the parent remained in idleness.24

"Whether children should be excused from school attendance because of poverty is a question that legislators in enacting compulsory attendance laws must face. Nineteen of the States have under certain conditions provided for exemption from school attendance for poverty reasons, but these exemptions do not as a rule apply where financial relief to enable them to attend school is publicly or privately granted. These States are Arkansas, Colorado, Connecticut, Florida, Idaho, Louisiana, Michigan, Montana, Nebraska, Nevada, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and West Virginia. In

22. The National Industrial Conference Board. op. cit. p. 47
23. Boston Transcript (February 3, 194)
Colorado, Michigan, Montana, and Nevada a child must be 14 years of age to be excused on account of poverty of parents; in Idaho and Washington, 15; in Vermont, 15 and completion of rural school course; in South Carolina, 12 years of age; in Texas, the completion of the seventh grade is required. It is noted that 33 States have mandatory laws which provide under certain conditions relief for dependent or neglected children.

"Fourteen States have laws of a permissive type which authorize public educational relief for dependent or neglected children.

"In view of the fact that there is little opportunity for children under 16 years of age to obtain employment, it is obvious that they cannot do much to help earn a living for their families. In rural districts, they can still help by working on the farm, but any farm tenant or farmer who needs financial aid should not have to keep his child out of school to earn a few dollars. There should be some other form of relief."

Any sweeping reorganization or readjustment in a country as large as ours involves many financial problems. Yet it would seem that some adjustment should be made. "If parents of children of compulsory school age need assistance it is evident that it is not the duty of the children but of the State to give such assistance. It is just as necessary for children in poverty to attend school as for children of wealth."26

"Says Professor Counts: 'At the present time the public High School is attended quite largely by the children of the more well-to-do classes. This affords us the spectacle of a privilege being extended at public expense to those very classes that already occupy the privileged positions in modern society. The poor are contributing to provide secondary education for the children of the rich.....'"27

25. Compulsory School Attendance Laws. op. cit. p. 19-20
26. Lumpkin and Douglas. op. cit. p. 12
27. Ibid. p. 148
Public relief is justified because the benefits arising from the labor of children of compulsory school age is short-lived, their present earning capacity is small, and their future earning capacity is limited. Such an expenditure to supplement the low wages of needy parents is made in some states in the form of scholarships. Is it not a good idea to offer scholarships to very poor high school children even as the colleges have offered them to deserving college material?

The National Youth Administration has been very helpful in aiding many children of high school age during the past few years. Another method of aiding the children of indigent parents has been the Widow's or Mother's Pensions. The mothers of dependent children of compulsory school age receive a small sum of money for the support of the child. At present they are limited by state regulation and frequently the payments are not sufficient to keep the child in school. The usual sum has been $15 a month, or just enough for text books and clothes. Rarely does it provide for the full support of the child.

The children's bureau reports that there has been a slight increase in mothers' aid (3.7% for 103 areas). This is a somewhat larger average monthly grant per case for 1935 in comparison with the 1934 grants.

"The Social Security board reports that from February 1 to June 30, 1936 approximately 147,097 children in 19 states were brought under the Federal-aid provision of the
Social Security Act for aid to needy dependent children in their own homes or with relatives.  

The political side should not be disregarded entirely. We expect our children in schools today to assume the responsibility of the franchise. Therefore they should remain in school long enough to understand the social and economic problem of their class, so that they can more wisely determine the leaders they wish to elect. The need for federal control is apparent because the child frequently does not remain in one state until maturity and the ultimate political, social and economic implications are national rather than local.

The opponents who fear the burden of federal enforcement and taxation need not be alarmed. The federal administration of the first and second Child Labor Laws was not a financial burden. We have already indicated that the allocation of funds to education and scholarships in order to enable children to receive an education might be a fair exchange for the tremendous relief expenditure. At the same time it would enable adults to take over the work of the child, thereby increasing the general wage standards and incidentally reducing production costs resulting from child labor turnover and accidents.

28. Twenty-Fourth Annual Report of the Secretary of Labor op. cit. p. 113
The children that come from these homes and are maintained in school until they graduate will eventually have to be assimilated in industry. With the ideal standard of living they may not be satisfied to find employment on a lower level. These children will have been trained in the manual labor of fields and industry, and if these types of vocations will hire on a credential basis as does the commercial field, the work may not appear as uninteresting as formerly. To be sure, they may have the same jobs they would have had if they had left school at 8, 10, 12, or 14, but now they have reached a physical and emotional stability which will enable them to be better members of society.

As child labor decreases we will come to appreciate the child for his own sake. Will it be possible to change the economic standing of those facing unemployment, job insecurity and poverty so that these children may remain in school? Yet the danger always remains that if we restrict the supply, the demand for child labor may become so great that it will induce children to seek employment regardless of federal or state regulations.\textsuperscript{29}

\textsuperscript{29}. See appendix
Chapter VI
Conclusions.

We have mentioned incidentally the advantages that accrue when a person begins work early. He is able to relieve the financial burden in the home. He learns to be considerate of the needs of others, not expecting that all things should be done for him; he obtains that invaluable asset experience, which is sometime hard to get in later years; he learns the habit of work and thrift; the ability to handle his own money; he tastes an independent spirit which may make him shun 'relief'; he develops initiative, determination, and self-reliance; and frequently he becomes a matured and exemplary citizen. The employer reaps the benefit of a cheap and large labor supply and can develop a skilled labor supply for later years. A society unconcerned with the welfare of its citizenry saves money for its taxable members. The rights of the individual states are not interfered with, nor shall that state in turn interfere with the rights of an individual to learn, work, and live his life as he desires.

On the other hand, the child may become a hardened and cynical member of society, defying the world in which he has been at a disadvantage. He is apt to become a delinquent or problem case. The employer finds his production costs increased by multiplied accidents and high rate of labor turn-over. The society which attempts to maintain a democ-
racy may suffer from an illiterate but voting populace. The actual expense to the state would not be much greater than that of caring for undesirable members of society. The national government was given the right to protect all those forced to serve involuntarily and children are frequently employed in this way, at least they are too young to fully understand their future handicap if they sell their bargaining power too soon. Finally, the national government does not intend to unsurp or presuppose the right of the states to protect their individual members, but merely to supplement and cooperate in maintaining such protection.

We must concede to the manufacturers and others opposing further child labor legislation that child labor has decreased in the United States during the last three decades in spite of an increased population in this age group. To be fair we must also state that child labor still exists and that if we are going to try to offer each individual equal rights and opportunities, some legislation is needed to protect and regulate the employment of our children. This legislation should be direct if possible, either in the individual states or in the national government. It should set up minimum standards which will protect the child, do away with inter-state competition and migrating social problems, and which will permit us to obtain standards equal to those found in other countries. These standards
should be simplified and made more inclusive. They should set a vertical standard for all occupations, which means that they should broaden horizontally to include the non-regulated and exempt vocations. The result of such legislation would mean that financial assistance must be given to the indigent parents of the children who ordinarily seek work, because poverty and job-insecurity are the chief reasons why children enter the labor market. We cannot remedy the effect without first correcting the cause! Such remedy would be offered in the form of mothers' pensions, scholarships, N. Y. A. and social security assistance. These latter contribute to some of the character-forming advantages of employment plus the advantage of regulation and controlled environment. On the other hand, to meet the major objectives of education we should prepare and support a diversified vocational program in our schools in order that the needs, abilities, and interests of these children may be met and better to prepare them for the type of work which they will perform when they finally enter employment.

The general interest in social reform has been running high during the past five years and it has included in its program consideration and ratification, so long delayed by many of the States of the Twentieth Amendment, newer and more modified proposals for national legislation,
and improved regulation and standards for the individual states. The greatest improvement in state legislation was made while the National Recovery Act was in force which was likewise accompanied by the greatest decrease in child labor. Since its invalidation the states have rejected many proposals for improvement in their several legislatures and child labor has increased, indicating a tendency to follow the periodic cycles of economic prosperity and depression with their resulting increases and decreases in employment.

Although its advocates look forward to legislative progress during 1938, the increasing opposition to the government's social policies might find national child labor legislation shelved. Furthermore, in the event that state ratification of the Twentieth Amendment is completed within the next five years there remains the possibility that it will be found unconstitutional due to the long interim before final ratification was completed. Therefore it behooves all states to realize their own status as well as their relationship to national and international standards, and to make state legislative progress in accordance with these standards.
null
Appendix

The hazardous occupations vary from state to state. However, the following list from Ohio\(^1\) represents a fair illustration of machine occupations that should be denied minors under eighteen.

"No child under the age of sixteen years shall be employed, permitted or suffered to work at any of the following occupations or any of the following positions:

(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) laundry machines; 
(x) calendar rolls in paper and rubber manufacturing; 
(y) burring machinery; 
(5) or in proximity to any hazardous or unguarded belts, machinery or gearing; 
(c) or upon any railroad, whether steam, electric or hydraulic; 
(7) or upon any vessel or boat engaged in navigation or commerce within the jurisdiction of this state.

No child under the age of sixteen years shall be employed, permitted or suffered to work in any capacity in

(1) 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 use of compositions of lye in which the quantity thereof is injurious to health; 
(7) nor in the manufacture or preparation of compositions with dangerous or poisonous gases; 
(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, coalbreaker, 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 or limb, or injurious to the health or morals of such child.

No child under the age of eighteen years shall be employed, permitted or suffered to work at

1. gate tending;
2. track repairing;
3. as brakemen, firemen, engineers, motormen or conductors upon railroads;
4. or as railroad telegraph operators;
5. as pilots, firemen or engineers upon boats and vessels;
6. or in or about establishments wherein nitroglycerine, dynamite, dualin, guncotton, gunpowder, or other high or dangerous explosives are manufactured, compounded or stored;
7. or in the manufacture of white or yellow phosphorus or phosphorus matches;
8. or in any distillery, brewery, or any other establishment where malt or alcoholic liquors are manufactured, packed, wrapped or bottled;
9. or in any hotel, theater, concert hall, place of amusement, or any other establishment where intoxicating liquors are sold;
10. nor any boy under sixteen or girl under eighteen in any theater or other place of amusement, except on the stage thereof when not otherwise prohibited by law.

States which have most child workers 10-15 years (inclusive):

In the whole United States 4.7% of the children 10-15 years of age, inclusive, are workers. The States having higher percentages of their children of these ages at work are:

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>24.9%</td>
</tr>
<tr>
<td>South Carolina</td>
<td>18.3%</td>
</tr>
<tr>
<td>Alabama</td>
<td>17.5%</td>
</tr>
<tr>
<td>Georgia</td>
<td>14.7%</td>
</tr>
<tr>
<td>Arkansas</td>
<td>12.2%</td>
</tr>
<tr>
<td>North Carolina</td>
<td>11.2%</td>
</tr>
<tr>
<td>Louisiana</td>
<td>10.1%</td>
</tr>
<tr>
<td>Tennessee</td>
<td>7.9%</td>
</tr>
<tr>
<td>Texas</td>
<td>7.3%</td>
</tr>
<tr>
<td>Florida</td>
<td>7.0%</td>
</tr>
<tr>
<td>Kentucky</td>
<td>5.5%</td>
</tr>
</tbody>
</table>
Limiting the figures to occupations other than agriculture 1.4% of all the children of these ages (11-15) in the United States as a whole are found in such occupations. The States having higher percentages of their children of these ages at work are:

- South Carolina 3.2%
- Rhode Island 2.9%
- Georgia 2.9%
- Connecticut 2.8%
- Maryland 2.7%

In the whole United States 31.7% of the boys and girls 16 and 17 years of age are workers.

<table>
<thead>
<tr>
<th>State</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhode Island</td>
<td>54.4</td>
</tr>
<tr>
<td>South Carolina</td>
<td>50.6</td>
</tr>
<tr>
<td>Mississippi</td>
<td>47.3</td>
</tr>
<tr>
<td>Georgia</td>
<td>45.4</td>
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<tr>
<td>New Jersey</td>
<td>44.2</td>
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<tr>
<td>Connecticut</td>
<td>43.9</td>
</tr>
<tr>
<td>Alabama</td>
<td>43.1</td>
</tr>
<tr>
<td>Maryland</td>
<td>41.1</td>
</tr>
<tr>
<td>North Carolina</td>
<td>41.0</td>
</tr>
<tr>
<td>Louisiana</td>
<td>36.8</td>
</tr>
<tr>
<td>New York</td>
<td>36.6</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>35.5</td>
</tr>
<tr>
<td>Delaware</td>
<td>34.4</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>34.3</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>33.1</td>
</tr>
<tr>
<td>Missouri</td>
<td>32.7</td>
</tr>
<tr>
<td>Tennessee</td>
<td>32.4</td>
</tr>
<tr>
<td>Virginia</td>
<td>32.3</td>
</tr>
<tr>
<td>Arkansas</td>
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</tr>
<tr>
<td>Illinois</td>
<td>26.2</td>
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<tr>
<td>Delaware</td>
<td>25.8</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>24.1</td>
</tr>
<tr>
<td>Missouri</td>
<td>21.7</td>
</tr>
</tbody>
</table>

Legal Minimum Standards for Child Employment

(Recommended by International Association of Governmental Labor Officials, October 1935)

The minimum age should be sixteen years for factory work and for all employment during school hours; 14 years for nonfactory work outside school hours; Employment certificates should be required for minors under 18 years, based on proof of age; Minors under 18 should be prohibited from work in a comprehensive list of hazardous occupations, and a State agency should be authorized to
extend the list; the maximum daily hours should be eight-hour day for minors under 18 years; the maximum weekly hours should be forty-hour week for minors under 18 years. (This was the basic week for adults and minors alike under the N. R. A. codes); and night work should be prohibited for 13 night hours for children under 16 years, and should be prohibited for 8 night hours for minors between 16 and 18 years.


2. Lumpkin and Douglas. op. cit. p. 187-190
core-
Paper bag factories: machine tender.
Box factories—woodworking: closing boxes by hand.
Footstool factories: server.
Leather goods factories: handwork, pasting, gluing, packing.
Machine shop: helper.
Cosmetics factories: labeling perfumes, putting stoppers in bottles, filling bottles.
Laboratory supplies and chemicals: assembling, packing bottles.
Eraser factories: 'general helper' (perhaps other).
Basket and crate factories: staple machine helper, stapling and wire stitching machine operators.
Lumber: pole peeling, logging.
Turpentine: chipping, pulling, dipping.
Paper box factories: turning, lidding up, bending, covering, shaping, packing, gluing off, wrapping.
False teeth: trimming and finishing.
Bookkeeping together hooks and eyes; separating buttons; labeling cigar boxes; packing and inspecting in publishing houses; putting buttons in pencil boxes; packing twine; cutting and folding chamois.
Coal mining: breaker boys, sometimes other tasks.
Street trades: selling newspapers, delivering newspapers, shoe-shining, peddling.
Industrial homework: children help in work on men's, women's, and children's clothing, neckwear, artificial flowers, feathers, trimming novelties, stationery, lamp shades, jewelry, lace, dolls, toys, folding and pasting cellophane envelopes, sorting waste and rags (sometimes before they are washed).
Clerical work: unskilled, in stores, banks, telephone and telegraph companies, offices of factories, and other offices of all sorts and kinds. Occasionally bill clerks, helpers in shipping departments, filers, bookkeepers, etc.
Grocery stores: delivery boy and clerk, driver of delivery wagon, selling clerk.
Bakeries retail: baker's helper, general helper, delivery boy, helper sales.
Meat and fish markets: bundle boy, fish cutter, butcher's helper.
Fruits: assistant to pedler, selling clerk, cashier.
Stores: bankrupt stock store—clerk; 5-and-10—clerk, stock boy; hardware store—general clerk; jewelry store—errand boy; tailor-shop—errand boy and helper; candy store—sales clerk; stationery store—sales clerk; department store—stock boy, bundle wrapper, salesgirl.
Communications and trade: helper on wagon for junk dealer; messenger for taxi company; laborer, hauling on truck; messenger for printing company; messenger for telegraph company; helper on milkman's truck; helper on moving company truck.

Apprentices to trades: Chiefly: boy 'helpers' to carpenters, electricians, tinsmiths, plumbers, blacksmiths, boilermakers, machinists, printers, bookbinders; occasionally girl apprentices to dressmaker and millinery trades.

Laborers: in manufacturing industries. (In 1930 many boys and girls of 14 and 15, and a few under 14, were listed as 'laborers' in all different industries. Many thousands aged 17-16 were so listed.)

Domestic service: mother's helper, housework.

Laundries: folder, shaker, wrapper.

Drugstores: delivery boy, table boy, soda boy.

Tea-rooms, restaurants, etc: curb boy, waitress, preparing fruits, cashier, selling clerk.

Hotels: bellboy

Other personal service: kitchen helper in clinic; hospital—waitress, seamstress, cleaning; apprentice in beauty parlor; apprentice in barbershop; usher in movie theater; general helper in pottery works; auto polisher in garage; printing machine worker.

Canneries: can boys, can girls, peeling tomatoes, snipping beans, shucking and cleaning corn, 'inspecting' vegetables and berries on tables or at moving belts, 'shucking' oysters, 'peeling' or 'picking' shrimp, and other processes of a miscellaneous kind.

Tobacco culture: weeding, hand transplanting, hoeing, topping; suckering, worming, and picking, also 'bulking' and 'stripping' and occasional other processes.

Cotton culture: planting, plowing, harrowing, chopping, hoeing, picking.

Sugar beets: thinning, hoeing, pulling, topping, and occasional other processes.

Grain regions: hoeing, picking up potatoes, picking and husking corn, shocking grain, hauling of all kinds; herding cattle, helping to butcher, cleaning seeds, clearing fields of stones and thistles, preparing manure for fuel, helping with sheep shearing, plowing.

Truck farms: plowing, harrowing, planting, transplanting, thinning, weeding, hoeting, spraying, gathering of small fruits and vegetables (cucumbers, peppers, radishes, eggplants, cantaloupes, watermelons, kale, spinach, cabbage, lettuce, picking strawberries, peas, beans, tomatoes, gathering potatoes, cutting asparagus).

Onion culture: weeding (sometimes four or five weedings a season,) harvesting (pulling up and twisting or cutting off tops).
Orchards and hopyards of the Pacific Coast: picking cherries, prunes, raspberries and other berries; less often, apples, peaches, pears, and hops. Some hoeing and weeding, and by older boys harrowing and cultivating. Cranberry bogs: picking.

The following organizations are in favor of National Child Labor legislation:


The following organizations are not in favor of National legislation.


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