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CHILD LABOR—

The 22nd Amendment Is Pressed Anew

AS ON any issue on which there is a fundamental division of opinion, child labor presents a two-sided picture.

One picture may portray a grimy, tattered youngster standing on a street corner of a large city. In his chapped, reddened hands is a bundle of newspapers. In a cracked, prematurely-hoarse voice, he is crying his wares.

The other picture is of a neat, clean youth cheerfully pedaling a bicycle as he tosses newspapers on the doorsteps of substantial small-town citizens.

Or the picture can be of sweating, toil-bent children in the beet sugar fields of Colorado or Nebraska, as opposed to one of healthy lads doing a few odd chores on their fathers' farms.

Articulate groups which, for 30 years, have fought for or against Federal laws to control the labor of children call attention to each of these pictures. One group asks why children should not have the privilege to earn pocket money or a living if necessary. This group points to noted figures who have risen to high positions from humble beginnings. The other insists that the losses to society are greater than any few gains. This group points to broken men whose health was ruined by too arduous work as boys, to men who have picked up their first lessons in crime from the city streets.

So far those who would maintain a Federal hands-off policy have been successful. But their opponents declare that that day is past and that within another six months a 22nd amendment will be added to the United States Constitution.

Toward this end, backers of the amendment—which include the American Federation of Labor and the National Child Labor Committee—have designated this month as the starting point of a new drive which they hope will end with the approval of the necessary 36 States.

To date, 24 State Legislatures have approved the act which states that "The Congress shall have power to limit, regulate and prohibit the labor of persons under eighteen years of age."

Ratification by 12 more States is required to make the amendment a part of the Constitution. Supporters expect that they will be able to garner the necessary approvals from these 19 State Legislatures that meet this month: Nevada, New Mexico, South Dakota, Nebraska, Kansas, Texas, Missouri, Tennessee, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Maryland, Delaware, North and South Carolina, Georgia and Florida.

The Newsboy Is One Type of Child Worker

Five other States that have not ratified—Alabama, Kentucky, Louisiana, Mississippi and Virginia—may hold special sessions this year to consider the measure.

THE "AYES": In Texas, a typical State that is due to act, a newspaper observer reporting on aroused sentiment said last week that "it is going to take the kind of a man who would walk right up to a wildcat and spit in his eye to vote against ratification . . ." Among the groups he cites as ready to apply the utmost pressure to any legislator who so much as hesitates momentarily before voicing "aye" are churches, labor unions, political organizations, women's clubs and school teachers.

The position of President Roosevelt was expressed in a note written by him in 1934 to Dorothy Kirchwey Brown, former child welfare chairman of the Massachusetts League of Women Voters. He said:

"Of course, I am in favor of the child labor amendment. A step in the right direction was achieved by demonstrating the simplicity of its application to industry under NRA . . . It is my opinion that the matter hardly requires further academic discussion."

THE "NAYS": On the other hand, there is strong opposition to adoption of the amendment. There are at least three bases of attack: (1) that regulation of child labor should be left to the States to handle; (2) that such an amendment would be an unwarranted

Another Type Can Be Found In Factories

interference with the rights of parents; and (3) that, after an interval of more than 12 years, the amendment is dead and cannot be adopted without being submitted anew to the States by Congress.

Some of the units of the Farm Bureau Federation have gone on record as being opposed to the amendment, as have the Daughters of the American Revolution and other patriotic organizations.

The American Bar Association, in 1933, adopted a resolution opposing the amendment and offered for consideration in its place a uniform State Child Labor Act.

William Cardinal O'Connell, head of the Roman Catholic See of Boston, has declared the amendment would tend to "weaken the rights of the States and, what is worse still, the right of parents over their children."

Dr. Nicholas Murray Butler, president of Columbia University, long one of the leaders in the fight against the proposed amendment and also one of those who strove for repeal of the 18th amendment, has placed Federal prohibition of liquor and regulation of child labor in the same class. On more than one occasion, he has described the latter as being an "equally serious attack upon the fundamental principles of our government and social order."

On the question of the period of time allowed for ratification after submission to the States by Congress, the answer is uncertain. The belief among many informed jurists is that once Congress has proposed an amendment, it has no power to withdraw it, although it may, at the time of submission, set a time limit. The Supreme Court has ruled that an amendment must be ratified within a "reasonable time" but no determination has been made as what constitutes a "reasonable time."

THE PAST: The amendment was approved by the House of Representatives by a vote of 297 to 69 on April 26, 1924, and by the Senate, 61 to 23, on June 2 of that year.

Then, from 1924 to 1932, only six States ratified the amendment. By the end of 1932, the measure was generally regarded as lost, for during that eight-year period, it was rejected by one or both houses of the legislatures of 32 States. By 1933, however, the situation was changed as the amendment was ratified by 14 States, all but two of which had previously taken adverse action.

Previous attempts to control child labor through Federal statutes have invariably met their nemesis in the Supreme Court, which would have no jurisdiction over an Amendment. Regulatory laws were passed in 1916 and 1919, one based upon the power of Congress to regulate interstate commerce and the other upon the taxing power, but both were declared unconstitutional by the high court.

Notice of still another attempt at some control legislation was given last week by Democratic Senator Joseph C. O'Mahoney of Wyoming. He said he would introduce into Congress a revised national incorporation bill which will prohibit the transportation of goods made by child labor into States having anti-child-labor laws.

Until the Supreme Court invalidated NRA, great strides had been made under the codes toward the abolition of labor among children under 16. This, coupled with the depression which forced adults to take jobs formerly held by children, combined to take hundreds of thousands of youngsters out of industry.

BACK TO WORK: With the death of the Blue Eagle, however, and the general upward trend in business, children are flocking back to mines, mills, clothing shops, and laundries. The Children's Bureau of the Department of Labor in a recent report pointed to an increase of more than 150 per cent in the number of children, 14 and 15 years old, certified for employment as compared to a corresponding period under the NRA.

Latest census figures show child labor most heavily concentrated in the South. The lowest percentage of child labor is found in the Pacific states. Most of the children between 10 and 15 years who work are employed in agriculture. Then, in order, follow manufacturing and mechanical industries and trade.

The present status of State laws governing child labor is an uncertain one, lacking uniformity. The usual minimum age for entering industries is 14, with a higher minimum required for dangerous work. There are but few age limits placed on entrance into agriculture and domestic service. The hours of labor are usually regulated by the states until children have reached 16; indirect regulation of their labor is provided through school attendance laws which require children, except for cause, to attend until the age of 16, 17, or 18.

These scattered provisions, contend advocates of the 22nd amendment, are not nearly enough. As long as children are subjected to the gloom of sweatshops or the exhausting work of beet sugar or cotton fields, they say there is need for Federal action to correct abuses.

They know that the last stretch of road is no less beset with difficulties than the uphill battle so far. Powerful lobbies of vested interests are going to apply their own pressure to maintain their sources of cheap labor. Others, sincere in the belief that a constitutional amendment is not the proper medium to eradicate evils, will find themselves fighting shoulder to shoulder with self-seekers.

Nevertheless, the backers of the amendment feel their goal is now in sight. They view the prospect of ousting child labor via the Constitution with more optimism than at any time in the last dozen years.