



1 and to limit the employment of such persons sixteen years  
2 of age and under eighteen years of age in dangerous and  
3 hazardous occupations.

4 "SEC. 2. The power of the several States is unimpaired  
5 by this article except that the operation of State laws shall  
6 be suspended to the extent necessary to give effect to legisla-  
7 tion enacted by the Congress."

75TH CONGRESS }  
1ST SESSION }

**H. J. RES. 354**

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## **JOINT RESOLUTION**

Proposing an amendment to the Constitution  
of the United States prohibiting employers  
from hiring child labor.

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By Mr. BARRY

MAY 4, 1937

Referred to the Committee on the Judiciary and  
ordered to be printed

# Congress of the United States

## House of Representatives

Washington, D. C.

March 24, 1958.

DEAR COLLEAGUE  
RE: H. J. RES. 354  
TO: COMMITTEE ON LABOR  
BY: W. B. BARRY

Hon. Emanuel Celler  
House of Representatives  
Washington, D. C.

Dear Colleague:

In considering my proposed Child Labor Amendment H.J. Res. 354, on which a hearing was held before your subcommittee recently, I would like to have you incorporate in the proposed amendment a clause to the effect that if it is not adopted within three years it will be legally dead. As you probably know, today there are two proposed amendments that have been pending for 145 years; another proposed amendment has been pending 124 years; another 73 years and the present so called Child Labor Amendment has been pending for 14 years.

It is my conviction that three years is ample time for the states to accept or reject a proposed amendment. If 36 states ratify an amendment it is promulgated as a part of the Constitution. By the same token if 36 states reject an amendment why should it not be considered as defeated? The so called Child Labor Amendment pending since June 2, 1924 has been rejected by legislatures of 38 states.

I, therefore, urge you to take into consideration the wide spread objection to that amendment, and not to postpone action on it until the Supreme Court has decided whether or not the pending amendment is alive. If the Supreme Court decides that it is alive, the same bitter fight will go on over the language contained in that amendment.


The contention of the majority of those who appeared before your Committee in opposition to my amendment, that you should defer action so that they can, if permitted by the Supreme Court, carry on their agitation for the pending amendment, has no bearing on the situation.

Regardless of the Supreme Court's decision, the opponents of the pending Child Labor Amendment insist on a new one that will abolish child labor, but will contain specific language that cannot be susceptible to several interpretations.

May I remind you that 12 of the New York State legislators who recently voted against the pending Child Labor Amendment sent telegrams to your Committee supporting my proposal.

Yours very truly,

S.



Member of Congress.

HBS

Wednesday, March 9, 1938

HOUSE OF REPRESENTATIVES

mb

SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY

Washington, D. C.

The subcommittee met at 10:00 o'clock a. m., Honorable Emanuel Celler presiding.

Mr. Celler. The committee will come to order. The committee will be glad to hear first this morning our distinguished colleague, Mr. Barry of New York, on House Joint Resolution 354, which proposes an amendment to the Constitution of the United States, prohibiting employers from hiring child labor.

Mr. Barry, before you address the committee I should like to put into the record, and will put into the record, some ten or twelve telegrams which I have received in support of your measure from members of the Legislature of the state of New York, and I should like at this juncture also to put into the record a letter received from Katharine F. Lenroot, Chief of the Children's Bureau, United States Department of Labor.

Mr. Michener. Is she for or against the resolution?

Mr. Celler. I will read the letter. (Reading:)

February 19, 1938

Honorable Hatton W. Summers,  
Chairman, House Judiciary Committee,  
House of Representatives,  
Washington, D.C.

My dear Congressman Summers:

I understand that H.J.Res.345, proposing an amendment to the Constitution of the United States prohibiting employers from hiring child labor, has been scheduled for hearing on March 9th by either the entire Judiciary Committee or one of the subcommittees of the Judiciary Committee. In view of the fact that a petition has been filed this week in the United States Supreme Court asking the Court to review the decision of the Supreme Court of Kansas with reference to the action of the Kansas Legislature in ratifying the pending Child Labor Amendment to the Constitution, I would like to suggest that consideration be given to the desirability of postponing a hearing on proposed new child labor amendments until the question of possible action by the Supreme Court of the United States with reference to the pending amendment has been clarified.

In my opinion postponement would, in the long run, facilitate consideration of the best ways open to the people of the United States for dealing with the problems of child labor.

Sincerely yours,

Katharine F. Lenroot  
Chief.

KFL-ngc

(Mr. Celler submitted the following communications:)

STATEMENT OF HON. WILLIAM B. BARRY, A  
REPRESENTATIVE IN CONGRESS FROM THE  
STATE OF NEW YORK.

Mr. Barry. Mr. Chairman, I should like to insert in the record two communications, one a letter from Assemblyman Kirwan of New York, and the other a telegram from Assemblyman Delany of New York, in support of the amendment.

Mr. Celler. Without objection they may be inserted.

(The communications referred to follow:)

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*WILLIAM B. BARRY* MEMBER OF CONGRESS,  
 WASHINGTON, D. C.

*Thanks very much for your telegram. I regret my inability to attend leaving just Wednesday morning. However, I wish you to know that I, and all my friends wholeheartedly and fully endorse CHILD LABOR AMENDMENT H. J. RES. 354*

*Respectfully yours,*

*T. J. Kirwan*

*Copy*

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HON WM B BARRY

HOUSE OF REP WASHN DC

REGRET THAT LEGISLATIVE SESSION IN ALBANY PREVENTS ATTENDANCE AT  
HEARING WEDNESDAY ON CHILD LABOR AMENDMENT TO GIVE MY MOST  
EMPHATIC APPROVAL OF THE FITZPATRICK RESOLUTION  
EDMUND J DELANY MEMBER OF ASSEMBLY NEWYORKCITY.

Mr. Barry. Mr. Chairman and members of the committee, on June 4, 1924, nearly 14 years ago, Congress submitted a Constitutional amendment to the states which read as follows:

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

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

This proposed amendment is now commonly known as the "Child Labor Amendment."

From 1924 to 1927 it was rejected by 35 states and ratified by six. In 1933 when child labor was abolished in industry through the N.R.A., the movement for the ratification of this amendment seemed to gain a new impetus and since that time 23 more states have ratified it. On the other hand, since 1933, there has been a total of at least 42 rejections.

In my state of New York where we are as advanced in social legislation as any state in the country, it was rejected three times in the last four years. The vote in our Assembly taken at the present session was 107 to 40.

The opponents of the amendment object to the wording of section 1, as in the words of Governor Hurley of Massachusetts, they consider it a "staggering grant of power." They hold that the word labor is a generic term and in a constitution would have to be given its broadest possible meaning, which includes mental as well as physical effort. It is for this reason that religious groups fear that the Federal Government might meddle with educa-

tion.

They also question the advisability of giving Congress the power to limit, regulate and prohibit the activities of all persons under 18 years of age of whom there are 45 million. It is also felt that this broad grant of power might bring about Congressional interference with parental control.

The advocates of the amendment claim that these objections are unsound. They claim that Congress is to be trusted; that people who point to the extension of the power granted are alarmists. The proponents consider absurd the fears of the opposition that the word "labor" can be construed as anything else than physical toil. They deny having any other intention than to abolish child labor under the broad powers granted.

In rebuttal, the opponents point out that both the dictionary and law cases hold that labor is either "mental or physical effort" and that no cases hold that labor is solely physical effort. They also point out instances where Congress was not to be trusted such as in the case of the "mild" Volstead Act, and the "humane" Jones Act with its famous five and ten year mandatory sentences. Some also point to the tragic reconstruction era after the Civil War when those in power in Congress treated the Confederate states in brutal fashion.

They also claim that they have foundation and also precedent for their fear that the term later might be construed to mean mental as well as physical efforts, and point out that in 1865, when the Fourteenth Amendment was adopted prohibiting any state from depriving any person of life, liberty or property without due process of law, no one could have foreseen that the United States Supreme Court would interpret the word "person," which the

legislature meant to be a human being, to include a corporation, which is a creature of the state.

Mr. Michener. But your resolution here gives to Congress the power, rather than the states.

Mr. Barry. Well, so do both of these resolutions do that, Mr. Michener.

Mr. Michener. Yes. Therefore, anything that you have said to the detriment of the outstanding amendment, so far as Congress is concerned would be likewise applicable to your resolution.

Mr. Barry. It would not, sir, in this respect: that my amendment approaches the problem from a different angle. It does not touch the children at all. It does not attempt to regulate the children. It prohibits the employer from hiring children, which is a different approach.

Mr. Michener. No, it does not prohibit the employer but it gives to Congress the right to pass legislation. In other words, your resolution takes away from the states any power to legislate on the matter. It places the whole thing in the lap of Congress.

Mr. Barry. Both resolutions do that.

Mr. Celler. But yours limits -- at least, you put a ceiling by two restrictions. In one you include the word "physical" before labor, and you also put the age at 16 years instead of 18 years.

Mr. Barry. Yes. And beyond that, my resolution is aimed directly at the employer, whom I regard as the real exploiter of children, and not the child itself -- the same as was done under the N.R.A. It is a different approach to the public entirely.

Mr. Michener. It would be possible, then --

Mr. Barry. (interposing) I will reach that very shortly, Mr. Michener.

Mr. Michener. Right there, it would be possible, then, for Congress to enact a law under this resolution prohibiting the employment of children in a given industry, and making it possible for children to be employed in another industry?

Mr. Barry. If it would be constitutional, that is, if it would not be class legislation. I mean they could do that under my amendment or the other amendment. In one way they would regulate the children; in the other way they regulate the employer.

Mr. Michener. The outstanding resolution settles the matter. It just makes it unconstitutional to do the thing.

Mr. Barry. The pending resolution?

Mr. Michener. Yes.

Mr. Barry. I think it is just a constitutional amendment conveying a grant of power to Congress, and then you have to legislate under that.

Mr. Celler. I might read into the record at this juncture the amendment that is pending. It reads as follows:

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

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

Why do you leave out the word "regulate" in yours?

Mr. Barry. That is one of the objectionable words. If the purpose of the amendment is to abolish child labor, and that is the sole purpose of it, then the word is not necessary. You prohibit the employer, and Congress can legislate under this amendment to prohibit employers from hiring children, and you do not need the word "regulate." That is one of the chief objections of those who oppose the amendment, the present amendment.

Mr. Michener. I do not want to be understood as opposing a child labor amendment. I was here and helped report out the original one. I want to do that which I believe will prevent the employment of children in labor, in industry.

Mr. Barry. If I may proceed, I may be able to amplify a bit on this, clarify my position somewhat.

Some opponents also object to Congress being given power over 45,000,000 persons under 18 years of age when the 1930 Federal Census showed that the total gainfully employed between the ages of 10 and 16 as 667,118. The highest figures submitted by proponents are two million, most of whom they say are on farms. The situations in Germany, Italy and Russia are pointed out where youth has been "regimented" by selfish dictators with rubber stamp Congresses.

Mr. Michener. That has no reference to the present rubber stamp Congress in the United States?

Mr. Barry. No, no reference at all. It is merely a coincidence.

Mr. Celler. The present Congress is not rubber stamp. I want the record to show that. (Laughter.)

Mr. Barry. The words of the Right Rev. Warren A. Cand-

ler, Bishop of the Methodist Episcopal Church of America reflects the attitude of many people, to wit:

"But this 'Child Labor' amendment tends to discredit and dethrone parents and subvert family government substituting for parenthood a paternalistic government at Washington and empowering the Federal Government to stand in loco parentis to all the children of the country under 18 years of age.

"This is nothing less than a monstrous proposal. It proceeds on the absurd assumption that Congress will be more tenderly concerned for children than their own parents, and that from the distant capital congressional tenderness and wisdom will do better for them than their affectionate fathers and mothers, watching over them in their homes. This assumption appraises congressional government far above its worth and puts home government far below its value."

But the proponents of the amendment strive to assure us that there is no danger of Congress abusing the practically unlimited power "to limit, regulate and prohibit the labor of persons under 18 years of age" by passing any laws that would interfere with the legitimate rights of parents, or would intrude into the field of education which is the province of the family and the state.

We admire their childlike trust in their fellowmen in the halls of legislation, but common prudence and experience and the contentions of legal authorities of the highest order, such as the late Hon. William D. Guthrie, forbid us to indulge in any such confidence.

It is undeniable that this amendment would give such

tremendous power to Congress. Whether it will be used with restraint and benefit, or with ruthlessness and for destruction, no living man can tell. "Legislative history shows that Congress generally exercises its authority to the limit." "Congress is quite given to exercising all the power it enjoys," said Thomas R. Marshall, who presided over the Senate for eight years. "The issue here, and the sole pertinent issue, is not what Congress may do; only God knows that; but what Congress can do; and everyone knows that who is capable of reading the text of the amendment."

Mr. Celler. Is he in favor of your amendment?

Mr. Barry. I do not know, sir. I never met him. I am just quoting that.

Mr. Michener. What was the date of the quotation?

Mr. Barry. That I can not tell you. It was taken from a printed text. I can ascertain that, though.

Mr. Michener. Was it recently?

Mr. Barry. Yes, it is recent, comparatively recent. Mr. Guthrie just died a couple of years ago.

Mr. Celler. It might be well to submit your amendment to the same gentleman and see what his reaction is.

Mr. Barry. Well, I am merely putting his opinion in the record to reflect the opinion and the objection of some of the people opposed to the present amendment.

The debate pro and con has gone on for years with increasing bitterness. In New York state both sides accuse each other of improper motives. It is conceded by most people, even by the newspapers who ardently supported the pending amendment, that it will never pass in its present form. In the meantime,

with the bitter fight that is being waged, the welfare of the children, whom this amendment is supposed to help is being forgotten. It must be conceded that a new and specific amendment would be ratified immediately by the 27 states who have already voted favorably on the pending amendment. There is no doubt in my mind that New York state and at least eight others would very quickly approve a clear-cut amendment that would abolish child labor.

Permit me to quote from an editorial in the Brooklyn Daily Eagle, one of our large metropolitan papers that has steadfastly supported the pending amendment.

"Realism on Child-Labor Issue.

"Refusal of the New York State Assembly to ratify the Federal child-labor amendment was a foregone conclusion. The lineup -- 107 to 40 -- may not be an accurate representation of public sentiment here, but there is no doubt about the widespread opposition to the terminology of the amendment and the fear that it would be misused because of the provision for regulation, especially when the age limit is as high as 18.

"Regardless of how well founded are these apprehensions -- and we have not shared them -- the fact that they exist must be recognized. It is for this reason that we have questioned the wisdom of insisting obstinately that this amendment represents the only means of achieving the desired results.

"Apart from the situation in this state, it must be borne in mind that the prospect which seemed bright a year or two ago that ratification would be voted by the needed nine additional states has now become so slim as to be near the vanishing point. It is nearly 14 years since Congress acted favorably and passed the measure on to the states for ratification.

"The time has now arrived that advocates of the principle involved should face the facts with realism. The main thing is to put an end as soon as possible to the evils of child labor. Yet it is stated that the number of children gainfully employed has increased in the last year, although no exact figures have been presented. Meanwhile the fight over the present amendment goes on. If there is another formula at hand which gives promise of bringing the desired results by methods that would satisfy a large proportion of those hostile to the amendment now under consideration, why not shift the attack?"

And I might say, to be fair about this editorial, that they ended up by endorsing Senator Vandenberg's amendment, which takes out the word "regulate" and puts in the words "for hire," which makes the amendment more specific.

I would also like to quote from the Syracuse Herald. The caption is "Must it go on forever?" This editorial was written shortly after the vote in New York state:

"For the third time in four years and by a vote of 107 to 40 the Assembly of New York State has voted against ratification of the proposed constitutional amendment to regulate the lives and control the activities of the youth of the nation up to 18 years of age.

"The result was not unexpected because of the actions in past years and particularly since Governor Lehman, heretofore an advocate of the misnamed proposal, did not recommend favorable action at this time.

"In the Governor's behalf it should be stated that he still believes with every other right-thinking citizen, regardless of his political beliefs, that there should be no ex-

ploitation of child labor and that adequate steps should be taken to eliminate it.

"But the Governor realizes apparently that the proposal which has been before the legislatures of the several states for more than 13 years has no chance of approval by 36 of them, although 28 are on record in favor, and inclines to adequate legislation under existing constitutional provisions to carry out the intent and purpose of preventing hardship to boys and girls of tender years.

"It seems ridiculous that the time of legislators should be taken up year after year with the same old arguments for and against the proposal. Kansas may have shown a way by asking the Supreme Court to rule whether the 1924 amendment is still alive. A decision that it is dead would be welcome."

These editorial opinions reflect the attitude of the average New Yorker.

Mr. Celler. When is an amendment dead? Have you gone into that at all?

Mr. Barry. I understand there is no ruling; that some amendments have been pending for a long time, and the present amendment, the pending amendment, is being attacked, I believe, on the ground -- though I am not certain -- that it has been rejected by more than a fourth of the states at different times, and is therefore dead. But I am not positive about that. But it has been going on for 14 years and it looks to me as though it is gone forever.

Mr. Michener. That whole situation is chaotic, is it not?

~~XXXXXXXXXX~~ AS I recall, when an amendment is ratified by a state, the state immediately sends a certified copy of the ratification to the Secretary of State, and then under the law,

when a sufficient number of ratifications has been received by the Secretary of State, he has no function or no option other than to proclaim the amendment ratified. I think there are two amendments that are out now that have been out more than 100 years. The question is: if they should be ratified, would they be amendments to the Constitution? The Kansas case, to which Miss Lenroot referred, will clarify the atmosphere, so far as that particular thing is concerned.

Mr. Barry. You understand my position is that I am concerned to this extent as to what decision the Supreme Court renders, because if it declares the amendment dead, then, of course, the new amendment will have to be proposed, but if it declares the amendment still alive, my position is the same, that the fight still goes on over this particular amendment, and the general opinion, as I gather from these editorials, is that the thing may go on forever and child labor is still existing. So that, in view of Miss Lenroot's position that we postpone the thing, it is really beside the point so far as I am concerned.

Mr. Massingale. Have you read Congressman Wadsworth's statement of the effect of the states having once refused to ratify a proposal to amend the constitution, that subsequently they can not take further action on it and then ratify it?

Mr. Barry. No, sir; but if that is true, this amendment has been rejected.

Mr. Michener. That is the Kansas case.

Mr. Barry. This amendment has been rejected over and over again by several states, and it comes back every year.

That is  
Mr. Michener. /the gist of this whole thing. When

Senator Wadsworth was in the Senate, the Wadsworth-Garrett amend-

ment was before this committee for many years to remedy this situation, but it never received consideration. Of course, if a state were compelled to report its action to the Secretary of State when it voted in the negative, then it might be bound and tied up by its action, but there is nothing on record in Washington ever excepting affirmative action, and that is where the difficulty all comes in.

Mr. Barry. Since 1933, as I have heretofore stated, this amendment has been rejected at least 42 times.

Mr. Celler. But there is good authority for the statement that once a state legislature or state constitutional convention ratifies, that action is final; whereas, if they reject they still have other opportunities to change their minds.

Mr. Michener. Just like Congress turned down Woman Suffrage for years, but because they turned it down once that does not stop a new Congress from voting on it again.

Mr. Barry. I am not arguing that point at all. I mean, I say that if the Supreme Court decides this amendment is still alive, that all this opposition will still exist. You can find constitutional lawyers on both sides, just as you get split decisions in the Supreme Court, and you will never change the mind of either side. So why not have a clear-cut amendment, whether it is mine or someone else's, that will accomplish the same purpose and eliminate all this objection and fear, whether it is justified or not? That is the position I am taking in this thing, and I think that my amendment is a good one.

Mr. Massingale. Can you tell me the essential difference between your amendment and the amendment that has been on the go now for 14 years?

Mr. Barry. The essential difference, Mr. Massingale, is that my amendment approaches the problem by prohibiting the employer from hiring children. It does not regulate the children at all. It says, for example, Congress shall have the power to say, as they did under the N.R.A.

Mr. Massingale. Yes, I get that.

Mr. Michener. This would legalize the child labor provisions of the N.R.A.

Mr. Barry. Practically.

Now, I finished reading the editorial from the Syracuse Herald. These editorial opinions reflect the attitude of the average New Yorker. He desires an end to this controversy and an end to child labor. Therefore, if the advocates of the pending amendment are only interested in the abolition of child labor they should be willing to support any amendment that would accomplish that objective in the quickest possible time.

I introduced last year House Joint Resolution 354, which was conceived and drafted by Assemblyman Daniel E. Fitzpatrick of Queens County, New York, who has given the subject considerable study. I might say that Mr. Fitzpatrick participated very actively in the debates concerning this amendment at Albany in the last two years.

This proposed amendment ~~amendment~~ attacks the problem in the way it was done under the N.R.A. It is aimed to control the employer who is the real exploiter and not the child. It would accomplish exactly what the advocates of the pending amendment claim they want to do, to wit: keep children under 16 from being exploited and limit the activities of children 16 and under 18 in dangerous and hazardous occupations. At the same time it

would remove all the objections of those who honestly -- and I say "honestly" because there are certain groups of people who oppose any child labor amendment, who honestly wish to abolish child labor but who fear the broad powers they believe the pending amendment to contain.

I know from conversations with New York State legislators -- and I believe you have some telegrams from members today who voted against the pending amendment -- that my amendment would have no difficulty in passing the legislature. The majority of legislators who have opposed the pending amendment are anxious to go on record in favor of a clear cut and unambiguous child labor amendment. Some of the New York State legislators have communicated with me and with the committee in favor of this amendment. I am going to request that their names be noted on the record of this hearing.

I earnestly request this committee to study the language of my amendment carefully. It is worded against the employer who is the real offender. It leaves the child free from control. At the same time it gives Congress the power to prohibit and abolish child labor.

It is my firm conviction that the pending amendment will never be ratified by the necessary number of states, even if the Supreme Court should decide that it is still alive. Hence the objection of the Children's Bureau that we should postpone action on this amendment until the Supreme Court hands down its decision has no bearing on the situation.

I also wish to call the committee's attention to the provision in my proposed amendment which calls for its ratification through the convention method. May I remind the committee that

the 21st amendment to the Constitution was proposed by Congress and adopted in a little more than nine months.

I urge you therefore, to report out this amendment at this time for consideration by the House.

Mr. Michener. You believe in majority rule in the country, do you not?

Mr. Barry. Yes, sir.

Mr. Michener. And in constitutional matters you believe that two-thirds or three-fourths, whichever it is, should rule?

Mr. Barry. That is right.

Mr. Michener. That being true, and more of the majority of the states having ratified the outstanding amendment and feeling that it is right, you then sort of appear for the minority of the state of New York, which wants its own way?

Mr. Barry. Now, I left myself open to that, but I want to say this, that I believe that a constitutional amendment, which is a fundamental, basic law, is of so much importance that it should be given consideration, and at least two-thirds or three-quarters of the people of the country, or their duly elected representatives, should pass on it. I believe in majority rule as applies to ordinary law and ordinary legislation, but I also believe in the Constitution of the United States, which calls for a three-quarters vote by the states. Whether I believe it or not does not change the situation.

Mr. Michener. And the regular procedure has been followed.

Mr. Barry. I might say to you in return, sir, that you would then advocate that if a majority wanted an amendment, it should have it?

Mr. Michener. Yes, I started with majority and led up a little further.

Mr. Barry. Yes, sir.

Mr. Michener. A majority and so much more. If three-fourths, more than a majority, and not two-thirds, have approved the outstanding amendment, I was wondering if the requirements of our democracy in this particular were not being adhered to, and that the few states holding out are what might be called the "recalcitrant minority" that must rule or ruin.

Mr. Barry. You brought out a point before, that once an amendment is ratified there can be no change, but if it is rejected they can keep on going on forever and it can be brought up year after year, as is being done in New York.

Mr. Celler. You said you did not know, you were not certain whether those outstanding amendments that were out for 100 years are still pending.

Mr. Barry. But I understood Mr. Michener to say, though, that an amendment once ratified, that was the end of it.

Mr. Celler. No, I think I said that there was eminent authority for it. I do not know if Mr. Michener said that or not, but I do not think he did.

7-4  
Mr. Michener. I think that is the accepted decision, because under the conditions as they exist, which I outlined, the Secretary of State has no discretion. He simply receives the ratification. He does not receive rejection, and when he receives enough ratifications he must proclaim the adoption of the amendment. It is unthinkable to imagine that the legislatures of the several states would today ratify those old amendments that have been out for a hundred years, because they would not be

accomplishable. But supposing they did, what could the Secretary of State do but perform his ministerial duty and proclaim?

That is all. I have finished my statement, Mr. Chairman.

Mr. Celler. Are there any other proponents of the measure present?

Mr. W. D. Johnson. Mr. Chairman, I would like to be heard.

Mr. Celler. We will be very glad to hear you, Mr. Johnson.

STATEMENT OF W. D. JOHNSON, VICE PRESIDENT  
AND NATIONAL LEGISLATIVE REPRESENTATIVE,  
ORDER OF RAILWAY CONDUCTORS.

Mr. Johnson. Mr. Chairman and members of the committee, I will not take but just a moment of your time. My name is W. D. Johnson. I am Vice President and National Legislative Representative of the Order of Railway Conductors. I reside in Washington, D. C., and my office is at 10 Independence Avenue.

While the child labor question is not involved in the railroad industry, because they do not employ anyone under 21 years of age, the conductors are deeply concerned regarding this amendment, and we welcome the day when it will be absolutely prohibited for the young boys and girls of our country to be forced into industry to the extent that they will be deprived of their schooling and equipping in order to qualify them to take their places as men and women of tomorrow.

We have been on record for the past 14 years in favor of the constitutional amendment that is now in process of handling. Likewise we went on record as favoring the Wheeler-Johnson bill, which passed the Senate during this Session of Congress, and we welcome the day when a constitutional amendment of this kind will be adopted. But in view of the fact, Mr. Chairman and members of the committee, that we now have an amendment of this kind in the process of handling, the constitutionality of which is being tested

in some of the state courts, and if I understand correctly the lower court in one state, or perhaps two, have declared this amendment unconstitutional and no longer effective; however, it is my further understanding that an appeal will be made to the Supreme Court of the United States. In view of these facts I think it would be wisdom on the part of this committee to withhold action on this until the matter is decided in the courts, and in the event that the courts do reverse the decisions of the lower court, it will eliminate the possibility of a conflict in two pieces of legislation before the Congress of the United States and before the state legislatures, having the same thought in mind.

Therefore, as the representative of our organization, Mr. Chairman, I plead with you that we just hold this matter in abeyance for the time being, at least until the matter is decided in the courts.

And if I may at this time I would like to place in the record the sentiments of Mr. Arthur J. Lovell, who is vice president and National Legislative representative of the Brotherhood of Locomotive Firemen and Enginemen, who was detained by press of other matters, but he desires to place his organization on record as opposing the further handling of this amendment at this time.

Mr. Celler. Thank you very much, Mr. Johnson.

Mr. Michener. Just one question. Assuming that the committee should take a different attitude toward this matter than you have suggested, would you insist on the age being placed at 18?

Mr. Johnson. I think, Congressman, it should be 18.

Mr. Michener. Of course that, as a matter of fact, is what has held it up. I was for it just as much as anybody with the age at 16 years, and with that age we could have gotten it by and the amendment would have been adopted a long time ago if it had not been for that 18 year limit, and organized labor was responsible for the 18 year limit. I wondered if they had changed their attitude on that point?

Mr. Johnson. Well, perhaps some have, but I think that others who have followed this particular legislation more closely than those representing the railroad groups should answer that question. However, if we could limit it to 16 years I think that would be a most outstanding step in the right direction and would be for the protection of the young boys and girls of our country.

I am satisfied the good Congressman from New York is absolutely sincere in what he is trying to do and I admire him for the step he has taken, and I would not want to throw a stone in his way if he can bring about the results desired. However, as stated before, there may be a possibility of a conflict by trying to handle the two matters at the same time.

I thank you, Mr. Chairman.

Mr. Celler. We will now hear Mr. Paul Sharnberg, National Legislative Representative and General Organizer of the American Federation of Labor.

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STATEMENT OF PAUL SHARNBERG, NATIONAL LEGISLATIVE REPRESENTATIVE AND GENERAL ORGANIZER, AMERICAN FEDERATION OF LABOR.

Mr. Sharnberg. Mr. Chairman and gentlemen of the committee, on behalf of the American Federation of Labor I want to say that we concur in the sentiments expressed by Miss Lenroot. As you gentlemen know, the American Federation of Labor has carried the banner for the pending amendment and we feel strongly that if the Supreme Court should render a favorable decision we still have an excellent opportunity to carry a sufficient number of states for ratification.

Personally I quite agree with Mr. Barry that there is no hope in the state of New York, but after all New York only comes as one state. It does not count any more than the great state of Nevada for this purpose. So we do trust that you gentlemen will give us time until the Supreme Court renders its decision. If the Supreme Court's decision should be unfavorable, then all of us, including all the dear ladies who are here, can get together and decide upon a policy for the future. We then may take Mr. Barry's amendment or some other, but until the Supreme Court decides whether we have a clear path or not, we do hope and trust that you will postpone action.

We also beg Mr. Barry to be reasonable and give us the opportunity of waiting or biding our time perhaps for just a few days, because we have been informed that the Supreme Court is likely to render a decision very shortly. I thank you, gentlemen.

Mr. Celler. Now, is there a leader here for further opposition that can probably orient the plan of presentation?

Mr. H. G. Torbert, Executive Secretary, Sentinels of

... N° page 25

*Mr. Celler has developed a hope that  
Congress will take up the Child Labor  
Amendment. It is a hope that is  
not shared by the Sentinels of  
Justice. The Child Labor Amendment  
is a measure that is largely  
the same as the other, which we have  
consistently opposed. It is nearly  
14 years since the so-called Child Labor  
Amendment was submitted on June 2,  
1924 to the states for ratification,  
and despite all the powerful political  
support and pressure of successive  
federal administrations it has failed  
to secure ratification. Massachusetts  
has rejected it each year -- in  
November of 1924 by a popular  
referendum of the people, which resulted*

Save for a decrease in the age limit, the ratification by Convention and some minor changes, this measure is largely the same as the other, which we have consistently opposed.

It is nearly 14 years since the so-called Child Labor Amendment was submitted on June 2, 1924 to the states for ratification, and despite all the powerful political support and pressure of successive federal administrations it has failed to secure ratification.

Massachusetts has rejected it each year -- in November of 1924 by a popular referendum of the people, which resulted

Mr. Celler. Now, is there a leader here for further opposition that can probably orient the plan of presentation?

Mr. H. G. Torbert, Executive Secretary, Sentinels of the Republic. There is one lady here from Boston, Mr. Chairman, who desires to leave, and if she could be heard now it would be an accommodation to her. She is Mrs. Leatherbee, representing the Massachusetts Women's Constitutional League.

The Sentinels of the Republic have consistently opposed ~~this~~ Federal amendment.

Mr. Celler. We will be glad to hear Mrs. Leatherbee.

STATEMENT OF MRS. ALBERT T. LEATHERBEE,  
BOSTON, MASSACHUSETTS, REPRESENTING THE  
MASSACHUSETTS WOMEN'S CONSTITUTIONAL LEAGUE.

Mrs. Leatherbee. Mr. Chairman, I will be very brief. I represent the Massachusetts Women's Constitutional League. We object to Joint Resolution 354 for the same reasons that we oppose the pending so-called Child Labor Amendment, because it places the youth of the country under government control. We believe that child labor is a problem to be solved by each state according to its own desires and conditions.

Save for a decrease in the age limit, the ratification by Convention and some minor changes, this measure is largely the same as the other, which we have consistently opposed.

It is nearly 14 years since the so-called Child Labor Amendment was submitted on June 2, 1924 to the states for ratification, and despite all the powerful political support and pressure of successive federal administrations it has failed to secure ratification.

Massachusetts has rejected it each year -- in November of 1924 by a popular referendum of the people, which resulted

in a 3 to 1 vote against it, but it continues to arise annually, and on the coming March 30th there will be another hearing before the Joint Committee on Constitutional law, when it will again be rejected.

For no matter what the political affiliations of the voters of Massachusetts, the majority are opposed to federal control of youth, and know that we have already adequate statutes to protect our children from exploitation.

In Massachusetts we still believe that child labor is a local problem which should not be controlled by Congress; and that if power to control it be once granted it can never be recovered.

In Massachusetts we still believe that the states have the right to settle their own domestic problems according to their needs and desires, and have not as yet become mere provinces of the federal government.

In Massachusetts we still believe that the family and the home are social institutions in which parental control should not be discarded for government domination. We still believe in the right of an individual to work when he so desires without government interference.

Massachusetts feels that she has a right to legislate for herself regarding such matters as are affected by this proposed amendment and she feels that other states have the same right.

We do not want any further invasion of our domestic fields by the federal government, and we do not want any further extension of federal authority over our affairs in matters pertaining to the life and welfare of our families. I thank you.

Mr. Celler. Mrs. Leatherbee, how many members are there in the Constitutional League that you represent?

Mrs. Leatherbee. Our Constitutional League is composed of the officers of various organizations of women in Massachusetts who were opposed to everything that we consider socialistic or bureaucratic. For instance, there is the Daughters of 1912, the Woman's Branch of the Constitutional Liberty League -- not the American Liberty League, you understand,--this is an all-Massachusetts organization of members from the D.A.R.; the League of Catholic Women, and many others.

Mr. Celler. Are we to gather that the D.A.R. is opposed to a child labor amendment in any form?

Mrs. Leatherbee. Well, some of the members of our committee are from that organization. I think that the D.A.R. has gone on record as being opposed to anything of a bureaucratic nature.

Mr. Celler. I asked you simply are they opposed to the Child Labor Amendment in any form?

Mrs. Leatherbee. I think so.

Mr. Celler. Are you sure of that?

Mrs. Leatherbee. I am not positive, no, sir.

Mr. Celler. Did your organization oppose the Women's Suffrage Amendment?

Mrs. Leatherbee. It was not in existence then.

Mr. Celler. That would not leave to the state, would it, its control over the suffrage of women?

Mrs. Leatherbee. Well, of course, Massachusetts fought woman suffrage, you know, and it only came in through a federal amendment. They had a referendum there in 1915, when they de-

feated it something like between 2 and 3 to 1.

Mr. Celler. From what you say by way of indicating the governing principles of your organization, you<sup>would</sup> have to be opposed to female suffrage, would you not, by national constitutional amendment?

Mrs. Leatherbee. Of course, that is past. There is nothing more to be said about it.

Y-6 Mr. Michener. I am very much interested in your statement, Mrs. Leatherbee. It is very well prepared. Of course, you are opposed to wage and hour legislation or any similar legislation advocated in the Federal Congress?

Mrs. Leatherbee. Yes, sir. We are supporters of states rights.

Mr. Michener. You seem to be vastly in the minority, much as I dislike to say it, today, so far as states rights are concerned.

Mrs. Leatherbee. Of course, we are unfortunate, the same as the other states are, in having so much taken away from us, but still Massachusetts, I think, is a very strong states rights commonwealth, regardless of party affiliations. Of course, once that was the slogan of the Democratic party, but today in Massachusetts we have a large number of prominent men in the Republican party that are just as strong for states rights as their Democratic opponents used to be.

Mr. Massingale. Let me ask you a question. What has been the effect of the nullification of the NRA on the increase in employment of children in factories in Massachusetts, if you know?

Mrs. Leatherbee. Well, so far as I know, I do not think

it makes much if any difference. You see, today in our factories in Massachusetts so much machinery is used that it would be economically disadvantageous to use young people there because it requires considerable skill to operate the machines. That is true particularly in the textile industry.

Mr. Massingale. Has the number of child employees increased or decreased since then? Do you know?

Mrs. Leatherbee. That I could not say, because our laws are very strict, you know, about certificates for those under 14 years of age, and schooling. In fact, we have so many laws in regard to children that I am not lawyer enough to say.

Mr. Michener. I think I can answer your question by saying that federal legislation like the child labor amendment will have little or no effect on Massachusetts or on Michigan, the state from which I come, because we have already taken care of this matter by our state laws, but it will have an effect on many other states in the Union.

Mr. Barry. May I ask one question? I should like to point out to the lady that in distinguishing my amendment from the pending one, the fundamental difference has escaped her. This amendment does not control children. This amendment controls the employer, and that is the fundamental change or difference between my amendment and the pending one.

Mrs. Leatherbee. Well, I do not gather from the reading of your amendment that it controls the employer any more than the other one does. Maybe I am a bit dumb, but that is the way I see it.

Mr. Barry. My amendment provides that "The Congress shall have the power to limit and prohibit persons from employing."

It does not affect children at all.

Mrs. Leatherbee. Well, it is a little different wording but the same idea. The result would be the same, in my opinion. Maybe I am wrong, of course.

Mr. Michener. The original amendment makes it unlawful and places upon Congress the duty of passing laws to carry out the terms of the Constitution. This amendment ~~is~~ <sup>gives</sup> the Congress the discretion to determine the type of legislation that shall be enacted.

Mrs. Leatherbee. Well, is not the result the same?

Mr. Barry. No, I think the purpose of this is to limit, up to 16 years, to limit the manner in which children may be employed.

Mr. Celler. 18 for hazardous employment.

Mr. Barry. Yes. While the other amendment says "thou shalt not." In other words, you can not employ them, and this says you can within certain limits, if the Congress thinks it advisable.

Mr. Barry. I think there is a difference, if I may say so. Under the pending amendment laws will be enacted to say that a child of 16 years or 18 years, whatever Congress should see fit to set, can not work, and if it does work, whatever penalty goes with it would attach itself to the law. But under the power given the Congress by my amendment you would have to direct your entire legislation at the employer and say "you can not hire a child 16 years or 14 years," or whatever Congress shall decide to legislate. It is a fundamentally different approach under the grant of power by my amendment. No child can be penalized at all. There would not be any interference with parental

control except indirectly through the employer refusing to hire children. That is the difference.

Mr. Celler. Who is the next witness in opposition? I think we ought to have somebody to give the committee some names so that we can call them in order. Is there anybody to take the lead here?

STATEMENT OF COURTENAY DINWIDDI, GENERAL SECRETARY, NATIONAL CHILD LABOR COMMITTEE.

Mr. Dinwiddi. Mr. Chairman, I am speaking for the National Child Labor Committee. We appear in opposition to an immediate consideration of the Barry amendment. The National Child Labor Committee believes that action upon this resolution introduced by Congressman Barry, proposing a new amendment to the Constitution dealing with child labor, should be postponed for the following reasons:

1. Action by Congress upon a new child labor amendment is unwise, before the United States Supreme Court has announced whether it will accept for review the cases involving the validity of ratification of the pending Child Labor Amendment by Kansas and Kentucky.

A petition for a writ of certiorari has already been filed with reference to the decision of the Supreme Court of Kansas on the pending Child Labor Amendment. The United States Supreme Court will probably announce quite soon whether it will review this decision. If the Court accepts the Kansas or Kentucky case, or both, for review, and declares the action of the respective states in ratifying the pending amendment valid, one of the chief arguments used by opponents of the present amendment will be removed and the way will be cleared for completing the ratification of this amendment which has already been acted upon favorably by 28 states.

There is a further reason why it is unwise that there

should be precipitate action upon a proposed new amendment pending an announcement by the United States Supreme Court on whether it will review the cases referred to above. To the extent that suggestion for such haste is based upon the belief that a new amendment when submitted to the states for ratification would not meet as great opposition as the pending amendment such a suggestion would seem to have taken insufficient account of the origin of much of this opposition. You have just had testimony from the Sentinels of the Republic. Alexander Lincoln, former president and active leader of the Sentinels of the Republic has recently announced his opposition to any child labor amendment. It was the Sentinels of the Republic which created the National Committee for the Protection of Child, Family, School and Church, for the purpose of opposing the pending amendment. Much of the opposition to the pending amendment is based upon economic reasons and that type of opposition will be found arrayed against any amendment which really makes possible adequate protection by Congress of child laborers who otherwise would not be protected.

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The second point I would like to make is this: If by virtue of a decision of the United/<sup>States</sup> Supreme Court, or for any other reason, a new amendment is desirable, the greatest possible care should be taken in determining its phraseology. It is wiser to risk some delay in the enactment of such an amendment by Congress than to plunge into enactment of a new amendment, without proper consideration of the wording and find that, due to faulty phraseology, its ratification by the states can not be secured.

It should be noted that at the time the resolution sub-

mitting the pending Child Labor Amendment to the states was passed by Congress -- and Congressman Michener is well familiar with that -- there were 40 different proposals before Congress, and the wording of these proposals was sifted out through a process of public hearings and long deliberations and discussions on the floor of Congress. Even this process, participated in by some exceptionally able members of Congress, did not serve to eliminate criticisms and misinterpretation of the wording finally agreed upon.

Without making any specific comments at this time upon the wording of the Barry amendment it is highly probable that it would be subject to the same sort of violent criticism as has been leveled at the present amendment. It would be claimed that it would give Congress power to prohibit parents from permitting sons and daughters to engage in such occupations as milking the cow and washing the dishes, arguments which have been advanced against the pending amendment with all the appearance of seriousness.

If, by virtue of a decision by the United States Supreme Court, or for any other reason, it should seem desirable to enact a new Federal Child Labor Amendment, the possibility of any such claims against it, no matter how absurd, should be avoided in so far as possible.

Every consideration, therefore, points to the great importance of an unhurried and thoughtful study of the wording of any new amendment, if and when a decision of the Supreme Court, or other circumstances should indicate the need for one. At present, while the Supreme Court has the pending amendment under consideration it would seem unwise and unfortunate to confuse the issues by the proposal of a substitute.

Mr. Celler. It might be well to get into the record just exactly what the question is before the Supreme Court concerning Kansas and Kentucky. Will you state that?

Mr. Dinwiddi. The opponents of ratification in Kansas and in Kentucky brought proceedings to declare the action of the legislatures invalid. In Kansas they appealed to the highest state court. The Kansas Supreme Court ruled that the action of the Legislature was valid and the amendment was alive.

There were three issues involved in Kansas. One was that the delay in ratification of the amendment had ruled it out, in that it was not sufficiently contemporaneous;

2. That a state once having failed to ratify an amendment, could not reverse itself and then ratify.

Mr. Celler. By failure to ratify, you mean it actually rejected?

Mr. Dinwiddi. Well, the opponents claim it is rejection. The proponents of the amendment, and a great many constitutional lawyers have claimed that the state can not reject.

Mr. Celler. Was there actual rejection in Kansas?

Mr. Dinwiddi. No, there was failure to ratify.

Mr. Massingale. Within what time?

Mr. Michener. Fourteen years.

Mr. Dinwiddi. The amendment was proposed, you know, in 1924, and was ratified<sup>by</sup> the first state in 1925.

Mr. Massingale. This case has now reached the Supreme Court of the United States?

Mr. Dinwiddi. The opponents of the amendment in Kansas have filed a request for a writ of certiorari with the Supreme Court, which is now before the Court, on which they will soon

make a decision, I presume.

Kentucky, I understand -- the Attorney General is taking the opposite side in Kentucky, and is about to file a similar request for a review of the Kentucky case, so I am informed.

Mr. Celler. What were the conditions in Kentucky?

Mr. Dinwiddi. The conditions in Kentucky were that the opponents of the amendment there brought the same type of proceedings, and the Supreme Court, which is called the Court of Errors and Appeals in that state, ruled that the action of the legislature was invalid.

Mr. Celler. On what ground?

Mr. Dinwiddi. On the ground that -- there were three grounds. Two dealt with national issues, that the time limit had been too long and that a state could not reverse itself. And one dealt with the local issue as to whether the Governor properly included the amendment in his message.

Mr. Celler. Had Kentucky actually rejected, or was it limited to failure to act?

Mr. Dinwiddi. I am not sure that I can answer that positively. I think it is conceivable that Kentucky may have rejected. I think Kentucky did reject.

Mr. Michener. Is it not always a confirming resolution that is presented to the Legislature, and when the vote comes it is yes or no?

Mr. Celler. That may not have been the manner of presentation.

Mr. Dinwiddi. Yes, it was.

Mr. Celler. Then there was rejection?

Mr. Dinwiddi. It depends, of course, in what way we

are using the word "rejection."

Mr. Celler. Pursuant to your interpretation it would be rejection? That is, it comes up and they either fail to act upon it or actually reject it.

Mr. Michener. There is a difference. There is a difference whether on the floor, for instance, you say "The amendment of the gentleman from New York has been rejected," or "The amendment of the gentleman from New York is not concurred in."

Mr. Celler. The difference is if we postpone consideration of this resolution or if we actually reject it. Would the postponement mean rejection? Suppose the legislature postpones?

Mr. Michener. They never vote on postponement. It is just the question shall the resolution be ratified? They vote on that yes or no.

Mr. Celler. It may have gone to a committee of the legislature, and the committee may not have returned the matter with any recommendation to the legislature itself.

Mr. Dinwiddi. The point is this, Mr. Chairman, if I may say --

Mr. Massingale. (interposing) May I interrupt you just a moment there? Did the legislature of Kentucky take a vote on it?

Mr. Dinwiddi. It took a vote.

Mr. Massingale. And the vote was in the negative?

Mr. Dinwiddi. It was unfavorable.

Mr. Michener. So was the vote in Kansas.

Mr. Dinwiddi. The point is, Mr. Chairman, whether a

1-8 state can reject, legally speaking, and it is the contention which was upheld by the Kansas court that they can not reject, legally speaking. They certainly voted against the amendment. That is perfectly clear.

That is all the statement I have to submit, Mr. Chairman. I would like to file with the committee some memoranda on some of the legal points involved, in case you wish to go into those further.

Mr. Celler. .There will be no objection.

STATEMENT OF MRS. HARRIS T. BALDWIN,  
VICE PRESIDENT, NATIONAL LEAGUE OF WOMEN  
VOTERS.

Mrs. Baldwin. Mr. Chairman, I have a statement from the National League of Women Voters, which, with your permission, I will file, since it follows so closely along the lines of the presentation that Mr. Dinwiddi has just made to the committee.

Mr. Celler. That is the previous speaker, you mean?

Mrs. Baldwin. The previous speaker, yes. On behalf of the National League of Women Voters, may I suggest that this committee defer action for the present on the proposed child labor amendment, House Joint Resolution 354, introduced by Representative Barry.

The members of this committee are well aware, I know, of the present status of the Child Labor Amendment which the Congress submitted to the states for ratification in 1924. Up to this time 28 state legislatures have ratified that amendment and favorable action by only eight more states is necessary. The National League of Women Voters supported this amendment when the question of its submission was before the Congress and we have through our state organizations worked since that time for its ratification. I need not point out to you the sincere desire of the members of our organization to eliminate child labor in this country.

Those of us who have worked for the present amendment are awaiting with great interest the outcome of the pending legal issue regarding the status of its ratification. The members of the committee are familiar with the Kansas and Kentucky Court cases in which the validity of the amendment's ratifica-

tion by the state legislatures of Kansas and Kentucky was questioned. Since the Kansas case has now been appealed to the Supreme Court of the United States, certainly it is to the interest of the whole public that the Court take jurisdiction and settle any doubts regarding the legality of the ratification of the present amendment. Until the Court does decide to take jurisdiction and if it takes jurisdiction, until it renders its decision, it seems to members of the League of Women voters unnecessary and inadvisable for the Congress to submit a new amendment to the states.

It would be confusing to the country to have two proposed amendments dealing with the same subject before the states at the same time. May we ask the committee to postpone action on the proposed Barry amendment until the Supreme Court has spoken regarding the present amendment.

In the case of an adverse Supreme Court decision regarding the pending amendment, it may be necessary for the Congress to submit a new child labor amendment to the country. In this event the committee well knows the time and careful consideration which would be needed to decide on the best possible phrasing for a new proposal. The committee would no doubt wish to consult many organizations and individuals who are interested in eliminating child labor in order to have the benefit of their opinions in deciding on any new wording as well as assurance of support for the new amendment.

May we, therefore, respectfully request that the committee avoid hasty action regarding any new amendment.

And, Mr. Chairman, there are present here today representatives of a number of national organizations who have brought

statements with them. May I file their statements?

Mr. Celler. You may.

Mrs. Baldwin. They are as follows:

Statement of the American Home Economics Association,  
filed by Miss Helen W. Atwater;

Statement by the National Council of Jewish Women. Filed  
by Mrs. Hortense B. Lansburgh;

A statement by the National Federation of Business and  
Professional Women's Clubs, signed by Mrs. Mary T. Denman, Na-  
tional Legislation Chairman;

A statement of the Council of Women for Home Missions,  
signed by Dorothy D. Marsh;

A statement by the National Consumers' League, signed  
by Margy C. Wing, Legislative Secretary;

Statement of the National Board of Young Women's Chris-  
tian Associations, signed by Josephine S. Emerson, Chairman, Pub-  
lic Affairs Committee;

Statement by the National Women's Trade Union League  
of America, signed by Elisabeth Christman, Secretary-Treasurer;

Lastly, a statement by the National Congress of Parents  
and Teachers, signed by Mrs. Mary T. Bannerman, National Chair-  
man of the Committee on Legislation.

I thank you, Mr. Chairman.

(Mrs. Baldwin submitted the following communications:)

Statement regarding  
Mr. Barry's Amendment to the U. S. Constitution  
made on March 9, 1938, before a subcommittee of the  
House Judiciary Committee  
in behalf of the American Home Economics Association  
by  
Helen W. Atwater, Editor of the Journal of Home Economics  
official magazine of the American Home Economics Association

The American Home Economics Association is a professional organization with affiliated associations in 47 states, Hawaii, and Puerto Rico. Its 11,000 or more members include teachers; home economics workers in the co-operative agricultural extension service of the U. S. Department of Agriculture and the state colleges of agriculture and in the employ of business firms, hospitals, and other institutions, social welfare and public health organizations; and also home makers in their own homes. Its program of work and its legislative program are adopted after careful and open consideration at the annual meeting of the Association. For many years, they have included work for the protection of child workers and support of the Child Labor Amendment to the Constitution.

The Association hopes that action on the amendment proposed by Mr. Barry will not be rushed at present. One reason for this is that it seems futile to consider this or any other amendment until the Supreme Court has rendered its decision as to whether or not the amendment already adopted by 23 states is still to be considered as before the legislatures of other states. If the decision is favorable, the American Home Economics Association sees no need for introducing any other amendment. If the decision is adverse, the Association feels strongly that before any other amendment is submitted to the states, plenty of time should be allowed for those interested to study its meaning thoroughly and to avoid the possibility of unexpected implications. The American Home Economics Association, therefore, respectfully requests this subcommittee of the House Judiciary Committee to delay action on the Barry amendment.

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NATIONAL COUNCIL OF JEWISH WOMEN

INCORPORATED

1819 BROADWAY  
 NEW YORK

TELEPHONE · CIRCLE 6-3175

CABLE ADDRESS · COUNJEW · N. Y.

41-5

March 9, 1938

To the members of the subcommittee  
 of the House Judiciary Committee.

Gentlemen:

The National Council of Jewish Women has for the past 18 years been on record in favor of Federal legislation to regulate child labor and has worked for and supported the present Child Labor Amendment which has been to date ratified by the legislatures of 28 States.

Technical constitutional questions, dealing with ratification in two of these States have been ~~resolved~~ recently by decisions handed down by the highest courts of these two States. It is hoped that these questions will soon be presented for final determination by the Supreme Court of the United States.

Meanwhile the National Council of Jewish Women respectfully urges that no further action on newly proposed child labor amendments be taken by the Congress of the United States until such determination by the Supreme Court of the United States.

The National Council of Jewish Women wishes further to point out that the wording of the present Child Labor Amendment has been the result of careful and painstaking study over a long period of time and hopes that similar care and attention will be given any other proposed amendment dealing with the serious problems presented by the employment of child labor in the United States.

THE NATIONAL COUNCIL OF JEWISH WOMEN

By Hortense B. Lansburgh  
Director

FIFTEENTH TRIENNIAL CONVENTION, PITTSBURGH, PA., JANUARY 23-28, 1938

Mrs.                      President

Mrs. MAURICE L. GOLDMAN,

Mrs. HANNAH G. SOLOMON, Hon. President

and Vice-President

41-6



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The National Council of Jewish Women has for the past 18 years been on record in favor of Federal legislation to regulate child labor and has worked for and supported the present Child Labor Amendment which has been to date ratified by the legislatures of 28 States.

Technical constitutional questions dealing with ratification in two of these States have been ~~received~~ recently by decisions handed down by the highest courts of these two States. It is hoped that these questions will soon be presented for final determination by the Supreme Court of the United States.

Meanwhile the National Council of Jewish Women respectfully urges that no further action on newly proposed child labor amendments be taken by the Congress of the United States until such determination by the Supreme Court of the United States.

The National Council of Jewish Women wishes further to point out that the wording of the present Child Labor Amendment has been the result of careful and painstaking study over a long period of time and hopes that similar care and attention will be given any other proposed amendment dealing with the serious problems presented by the employment of child labor in the United States.

THE NATIONAL COUNCIL OF JEWISH WOMEN

By Hortense B. Langbein  
Director

FIFTEENTH TRIENNIAL CONVENTION, PITTSBURGH, PA., JANUARY 23-28, 1938

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41-C

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WHEELING, WEST VIRGINIA

**The NATIONAL FEDERATION of BUSINESS  
and PROFESSIONAL WOMEN'S CLUBS, INC.**  
1819 BROADWAY • NEW YORK, N. Y. • COLUMBUS 5-5934 & 5-5935

March 1, 1941.

To the Members of the Sub-Committee  
of the House of Representatives  
Washington, D. C.

Gentlemen:

The National Federation of Business and Professional Women's Clubs, Inc. has recently reaffirmed its long-standing conviction that any law which permits the ratification of the National Child Labor Amendment is the most effective method by constitutional amendment to reduce and control the incidence of child labor. Most respectfully we urge your committee, therefore, to postpone action on Sump HJ 504 until the Supreme Court decides the constitutionality of the State of New York that it review the contested legality of ratification proceedings in that state.

The Federation is composed of more than 8,000 representative business and professional women organized in over 1000 committees and in each of the forty-eight states.

Our State Federations have long worked for ratification in the several states and believe that such ratification pending so much effort has been expended should be completed.

Respectfully yours,

*Mary T. Denman*

Mary T. Denman  
National Legislation Chairman

mt/i-1

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**EDITOR, "INDEPENDENT WOMAN"**  
**WINIFRED WILLSON**

41-d

To the Members of the Sub-committee  
of the House Judiciary Committee

The Council of Women for Home Missions urges the sub-committee of the House Judiciary Committee to postpone action on H.J.R. 354 until after the Supreme Court decision on the present Child Labor Amendment, as it seems to them unwise to vote on any substitute Amendment, until the Justices of the Supreme Court have handed down a decision.

The Council feels also that there is great necessity for ample time and thought to be given to the consideration of the wording and phraseology in any new Amendment.

(Mrs Harold N. Marsh)

Dorothy D. Marsh  
Representing the Council of Women for  
Home Missions  
297 - Fourth Ave.  
New York City - N.Y.

March 9<sup>th</sup> 1938

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Statement by the NATIONAL CONSUMERS' LEAGUE  
to be filed at the hearing in Washington,  
March 9, 1938, on the Barry Child Labor  
Amendment.

The National Consumers' League has always supported the pending Child Labor Amendment. Until the Supreme Court has decided whether it will take jurisdiction in the Kansas and Kentucky cases, and until its decision on the cases, if it considers them, is known; we do not think that discussion of other proposed amendments at this time is profitable. If the Court should uphold the present Child Labor Amendment there would be no need for another. If a new amendment should become necessary as a result of a decision of the Court, its form can be better determined then than now.

In regard to the Barry amendment we think that ample time should be given to consideration of its wording if and when a new amendment becomes necessary. Time spent in hearing those organizations and individuals who know the problems involved will be time saved, if, eventually, an amendment should result that would be effective in preventing all abuses of child labor and yet that would disarm in advance the opponents of satisfactory regulation.

MARY C. WING  
Legislative Secretary

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**National Board  
Young Women's Christian Associations  
of the United States of America**

600 Lexington Avenue  
New York, N. Y.

Cable Address: Emissarius, New York  
Telephone: Plaza 3-4700

March 7, 1938

To: Honorable Emanuel Celler, Chairman  
House Judiciary Committee

*Sub-Committee*

On behalf of the National Board of the Young Women's Christian Associations, I wish to present the request that your committee take no action on the proposed Barry Child Labor Amendment pending the decision of the Supreme Court regarding the Kansas appeal case.

This decision will materially affect the situation and in our judgment no new legislative proposal should be considered until that decision is made.

In addition, may we emphasize the importance of giving long and careful consideration to proposals for new wording of an amendment on child labor.

*Josephine S. Emerson*

Mrs. Kendall Emerson  
Chairman  
Public Affairs Committee

# National Women's Trade Union League of America

ENDORSED BY THE AMERICAN FEDERATION OF LABOR AND THE TRADES AND LABOR CONGRESS OF CANADA

ROSE SCHNEIDERMAN, PRESIDENT  
UNITED HATTERS, CAP & MILLINERY WORKERS' UNION  
ELISABETH CHRISTMAN, SECRETARY-TREASURER  
GLOVE WORKERS' UNION

MARY E. DREIER, VICE-PRESIDENT  
NEW YORK WOMEN'S TRADE UNION LEAGUE

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CHICAGO WOMEN'S TRADE UNION LEAGUE  
WASHINGTON NATIONAL COMMITTEE



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WORCESTER, MASS.

307 MACHINISTS BUILDING  
WASHINGTON, D. C.

CABLE ADDRESS: "LIFELABOR"

March 8,  
1938

The Committee on the Judiciary  
House of Representatives  
Washington, D. C.

Gentlemen:

The National Women's Trade Union League of America has stood always for the abolition of child labor. We have lent our best efforts to attempt to obtain effective and just legislation for the protection of children from the dangers of long hours and improper working conditions. The Child Labor Amendment now before the states for ratification has been supported and fostered by organized working women.

At this time we wish to ask the Committee on the Judiciary to defer action on a new amendment to the Constitution until the status of the present Child Labor Amendment has been tested by the Supreme Courts of Kansas and Kentucky. Should the decisions of the Courts be such that a new amendment is necessary, time for study should be allowed for the framing of a more acceptable amendment.

Respectfully yours,

*Elisabeth Christman*  
Elisabeth Christman  
Secretary-Treasurer

ec.fb

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# National Congress of Parents and Teachers

1201 SIXTEENTH STREET, NORTHWEST  
WASHINGTON, D. C.

March 8, 1938

Hon. Emanuel Celler, Chairman  
Subcommittee #1  
Committee on the Judiciary  
United States House of Representatives  
Washington, D. C.

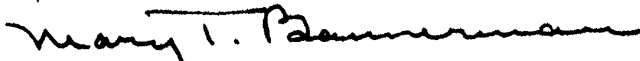
My dear Mr. Celler:

Referring to the proposed Barry Child Labor Amendment now before your subcommittee for consideration, may I submit the following resolution adopted repeatedly for many years by the National Congress of Parents and Teachers:

"We reaffirm our stand in favor of the ratification by the states of the Child Labor Amendment and the enactment of such Federal legislation as will give the necessary protection to child workers and we urge that state branches work constantly for the improvement of state child labor standards and state enforcement machinery, with special emphasis on the establishment of (1) a basic minimum age of 16 for employment; (2) a higher minimum age for the employment in hazardous occupations; and (3) minimum wage provisions for minors."

Pending the decision of the Supreme Court of the United States on the ratification of the Child Labor Amendment by the Kansas and Kentucky Legislatures, we believe that no action should be taken on the Barry Amendment.

Very truly yours,



Mrs. Mary T. Bannerman  
National Chairman  
Committee on Legislation

MTB:fs

Mr. Massingale. Let me ask you a question, Mrs. Baldwin. In those letters that you have offered in evidence, is there any suggestion of an improved phraseology over that used by Mr. Barry?

Mrs. Baldwin. The League of Women Voters has supported the present amendment. We have not considered any different phraseology, therefore, when this question comes up we would like very much to see the decision made by the Supreme Court before any new phraseology is considered, if it is necessary.

Mr. Celler. Are there any further witnesses?

STATEMENT OF A. F. STOUT, NATIONAL LEGISLATIVE REPRESENTATIVE, RAILWAY LABOR EXECUTIVE ASSOCIATION, 10 INDEPENDENCE AVENUE, WASHINGTON, D. C.

Mr. Stout. Mr. Chairman and gentlemen, my name is A. F. Stout, National Legislative Representative, Railway Labor Executive Association, 10 Independence Avenue, Washington, D.C.

I just want to subscribe to the testimony of the previous witnesses in opposition to any change that might be made at this time.

The Railway Labor Executive Association is composed of the Presidents of the 21 standard Railway Labor Brotherhoods. They have gone on record at different times in favor of the present Child Labor Amendment. No action has been taken on Mr. Barry's proposed amendment. I do not want to be misunderstood as representing that any one of these organizations is opposed to child labor legislation, but we feel that, due to the status of the present amendment, no further action should be taken.

That is all I have to say, gentlemen.

*Southampton, N.Y.*

STATEMENT OF MISS MARY G. KILBRETH, CHAIRMAN,  
BOARD OF DIRECTORS, THE WOMAN PATRIOT COR-  
PORATION, ~~SOUTHAMPTON, LONG ISLAND.~~

*Adg's Office, 710 Jackson  
Place, S.C.*

Miss Kilbreth. Mr. Chairman, I am not a lawyer but I

~~want to say that~~ I am very much interested in this matter. I  
oppose the pending amendment. I am speaking for a small group  
of women who have no numerical strength at all ~~at all~~.

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*(10/10/1911)*  
*Our strength* *we may have*

is chiefly in Massachusetts. Here is a letterhead  
showing our Board of Governors, if you wish to see them.

(The paper referred to follows:)

**BOARD OF DIRECTORS**

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**The Woman Patriot Corporation**

710 JACKSON PLACE, N. W.  
WASHINGTON, D. C.

FOR THE CONSTITUTION  
AGAINST PATERNALISM AND SOCIALISM

**OFFICERS**

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*President*  
56 Sargent Crossway, Brookline, Mass.
- MRS. JAMES CUNNINGHAM GRAY  
*Secretary-Treasurer*  
261 Beacon St., Boston, Mass.

I want to take up a few questions, chiefly in regard to the mechanics of amending the Constitution, which, of course, are obvious to you, but they have not been made very clear at this hearing.

The Vandenberg amendment, which is a companion to this amendment, has been very much more discussed, of course, and the Vandenberg amendment is generally alluded to as a substitute amendment, and I want to emphasize, if you please -- of course, there is no necessity to emphasize to you -- that there is no such thing as a substitute amendment. This amendment can not be withdrawn, and if you will allow me I would like to say, ~~being that~~ my home state <sup>being</sup> ~~is~~ New York, that that <sup>error</sup> ~~opinion~~ is very widespread, even in ~~present~~ editorials of prominent newspapers. For instance, in the last struggle in the legislature in New York, one of the chief speakers there, Representative Moran, speaks of Senator Vandenberg's amendment now pending in Congress as being substituted for the mis-called child labor amendment. Then I want to show how widespread this idea of the substitute is.

~~All the New York papers that was in the New York Sun.~~  
Here is ~~another~~ article from the New York Sun talking of the Vandenberg substitute amendment.

Here is an editorial from a Baltimore Evening Sun saying:

"If the proponents of the same were honestly anxious to abolish child labor they would withdraw the present monstrosity and have Congress submit a genuine child labor amendment."

Of course, it is impossible to withdraw this amendment. It can not be withdrawn. It can be defeated in the courts, and

that is the only place it can be defeated.

Here is an editorial from the Washington Post where they talk about preference for the Vandenberg amendment over the 1924 resolution. I have these if the committee cares to see them.

*then Michigan*  
Then here are two ~~amendments~~. They want submitted a constitutional amendment shorn of the objectionable features of the pending amendment passed in 1924. ~~They~~ <sup>they</sup> say the requisite number of states would speedily ratify a substitute amendment such as that sponsored by the Senator from Michigan, <sup>adding</sup> "Certainly there is no harm in trying."

I have a number of other editorials. They do not seem to interest the committee, but they are important just the same. Here is one from the Herald-Tribune about this idea of substituting an amendment. Now, it is very <sup>important</sup> ~~serious~~ that the people should get it into their heads that <sup>S.J. Res. 144 or H.J. Res. 35</sup> ~~there~~ <sup>is</sup> not be a substitute amendment; that if ~~they~~ <sup>it</sup> goes through there will be two amendments before the country.

One great objection to this proposal is that there is no time limit on it, no pendency. Senator Vandenberg has had no pendency clause in his, but the Senate Judiciary Committee forced one in. They held no public hearings, which I think was an amazing omission on the part of the Judiciary Committee of the Senate, but they did put in a pendency clause.

Mr. Celler. You would not favor the amendment with a pendency clause, would you?

*Old Van amendment*  
Miss Kilbreth. No, I would not. <sup>we often say</sup> ~~I do not want a pendency clause.~~

Mr. Celler. The pendency clause does not make any dif-

ference to you at all.

Miss Kilbreth. *It amazes me the least greatly, of course -*  
I ~~am not trying~~ <sup>I am not trying</sup> to be personal, ~~at all.~~  
~~directly~~ I ~~simply~~ gave my status in the beginning, as you seem to be  
curious about people that come here.

Mr. Celler. Now let us get that straight. We are curious  
because we want to know whether or not the person who appears  
here speaks for himself or herself, or whether she represents  
organizations. If she represents organizations, we want to know  
what those organizations are, what their strength is.

Miss Kilbreth. Obviously. We have <sup>numerical</sup> strength ~~at all,~~  
~~except that~~ ~~we~~ are not feminists; we are simply a cross section  
of ordinary women, and there are a great many of them in the  
country. *And for the American citizens.* ~~That is the only thing.~~ We are not organized women,  
~~we~~. Whatever I say has to stand on its own feet.

I would like to get across that idea <sup>about</sup> ~~that~~ the "substitute"  
that it is not a substitute amendment, because that misunder-  
standing is very widespread.

Now, as to the political effect of this amendment, the  
backing of it, and so forth, I contend that ~~this amendment,~~ this  
Barry amendment, if passed, ~~this Barry amendment~~ or the Vanden-  
berg amendment, if passed ~~submitted~~ would simply be a herring  
across the trail of the opposition. It would not affect the <sup>national campaign</sup> ~~the~~ ad-  
vocates of ~~the old amendment,~~ the pending amendment. They would  
go right ahead with their campaign.

Mr. Dinwiddi, for instance, said at the <sup>Senate</sup> hearing on the  
Wheeler bill ~~in reply to this question by~~ ~~the~~ Senator Lonergan; ~~said:~~

"Has there been any thought given to the  
resubmission of this amendment with changes?"

*of course* Congress can not change an amendment that has been sub-

mitted. It can not withdraw it and it can not change it when  
it has once gone to the states. ~~I~~ <sup>this question to Sen. Lodge</sup> ~~show~~ <sup>show</sup> how

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widespread that misunderstanding is. Mr. Dinwiddi ~~is~~ <sup>is</sup> ~~referred~~ :

"We believe that the amendment is wholly desirable, and with 28 states having ratified and only eight more needed, we do not quite see why we should turn back and start at the beginning."

~~Mr. Celler.~~

Mr. Celler. I think it might be well if you would just out those editorials in the record without taking the time of the committee to read them.

Miss Kilbreth. No, I was not going to read them. I have not attempted to read the editorials. I just wanted to make my point that they are talking about a substitute amendment.

Mr. Celler. We will be glad to put them in the record, if you wish, but please confine yourself to the question of whether it should be postponed. We are very much interested in that point.

Miss Kilbreth. ~~We~~ <sup>We</sup> would like it postponed permanently. ~~We~~ <sup>We</sup> do not want it at all. We do not want the federal power coming into the states regulating children. ~~That~~ <sup>That</sup> is a police power of the states.

In New York state we have excellent laws, ~~and we feel~~ <sup>and we feel</sup> that our power is quite adequate and we do not feel that it is our function to go into other states and coerce them. In the first place, there has been a great recession of child labor in late years. There is plenty of proof of that. I can submit

tables on that if you wish. But I contend that any amendment now submitted without a pendency clause is nothing short of an outrage. There is no other way to stop an amendment, and you

have before you now, ~~right in the shadow of the Capital~~, this terrific <sup>According</sup> ~~child labor~~ amendment campaign that has been <sup>for many years</sup> ~~going on~~ <sup>bedeviling the</sup> ~~in the states~~. There is no way in the world to stop <sup>it presently</sup> ~~that~~.

~~out~~ I ~~have~~ <sup>to take</sup> the honor of being on Mr. Guthrie's committee, New York Committee, ~~the~~ <sup>A + I understand it</sup> ~~legislation~~ <sup>he was</sup> under the impression that there was <sup>no</sup> ~~not really any~~ way to ~~stretch~~ <sup>bring</sup> this in the courts until it was ratified. Then these various questions would come up, but there is <sup>no</sup> ~~no~~ way of killing it.

~~the~~ the two clauses on which the amendment <sup>is</sup> based are <sup>Article V, Sec. 160 of the Federal Code</sup> ~~Article V of the Constitution~~. Both ~~that and the~~ ~~section in the Federal Code you may call~~ "one-way" provisions. I mean they only provide for ratification. They do not provide for rejection. Article V says: "shall be valid to all intents and purposes as part of this Constitution when ratified by the legislatures of three-fourths of the states, or by convention." ~~It~~ It does not say "or rejected." ~~If it said "or rejected"~~ -- in fact, there was an amendment <sup>introduced</sup> some years ago ~~by Mr. Cawthrel~~ <sup>amend</sup> for an amendment to the amending clause, to have the words inserted "or rejected" ~~instead of "or ratified."~~

There is a point which you raised, or maybe Mr. Michener -- I am not sure which -- about Title 5, section 160 of the Federal Code, that has to do with the proclamation. This is even more <sup>stipulation</sup> positive. An amendment has no validity at all until it is listed with the Secretary of State, and once listed <sup>the Secretary</sup> ~~there is~~ does not go behind it.

~~A very serious case was raised~~ by Tennessee to try to

19th Amendment  
get a ratification withdrawn which was obviously faulty, ~~but~~

~~I forget the Secretary of State was at that time,~~ but <sup>the Secretary of State</sup>

A took the ~~perfectly reasonable~~ position that he could not go behind the certificate of the state; ~~he could not go back into the~~  
~~action of the state;~~ he could only take the certificate and he had the certificate. That is the position of the State Department.

And the Secretary of State can not proclaim a rejection. <sup>There were more than enough</sup> ~~We have plenty of~~ strength <sup>against the pleading of our Government</sup> ~~to have rejection proclaimed,~~  
~~if we could have gotten it.~~ <sup>but it was impossible.</sup>

There was something said about ~~one or two~~ <sup>about the</sup>  
~~action in one or two states.~~ ~~There has been what we call~~ "full rejection," <sup>acted by a State</sup> that is, rejected by both Houses. I make a distinction

between a full rejection or affirmative rejection, and a mere failure <sup>by a State</sup> ~~blocking~~ <sup>action</sup> rejection, which is failure; ~~re-~~  
~~ferred to as such.~~ Up to 1927 there had been 24 full rejections,

that is, rejection by 24 legislatures in both Houses, duly certified to the Secretary of State. But <sup>the amendment to the Constitution</sup> ~~you~~ could not ~~have~~ it rejected. There was no provision for the Secretary of State to proclaim a rejection.

Have I made clear what I am trying to say?

Mr. Celler. Yes, I think so.

Miss Kilbreth. ~~You can not do anything about it.~~ That is why I say that I think any amendment without a pendency clause now is an outrage.

Mr. Massingale. Your position, as I understand you, as you have outlined conversations had with certain lawyers in New York state, is that any question now raised about the constitutionality of the amendment which is floating would be a moot question because it has never been adopted; we do not know whether it ever will be adopted.

Miss Kilbreth. Of course, I do not know.

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Mr. Massingale. I say, that is the position of those lawyers.

Miss Kilbreth. That is their position, as I understand it. ~~Now~~, Mr. Guthrie died <sup>two</sup> years ago. Whether he would have modified his position in any way I do not know, ~~but he was one of the greatest constitutional lawyers in the country, and he gave up practically everything to work on this amendment.~~

A great deal has been said -- Senator Vandenberg has spoken a number of times lately about the very strong <sup>of</sup> position in New York State <sup>-to the preceding amendment</sup>. I am a New Yorker. I do not think the <sup>of</sup> position in New York State has been strong at all. I think it has been a <sup>important</sup> ~~taxistic~~ fight ~~right~~. The position of New York State has been nothing like <sup>so strong as</sup> that of ~~a lot of~~ other states, like Maryland, <sup>particular</sup> right here at your door. Maryland has rejected it, I think, seven times, every time it comes up. And they are full rejections. It is certified. New York has never acted adversely in both Houses and certified it to the Secretary of State. We are not on the Secretary of State's list.

Mr. Celler. Madam, the House is in session. We have no right to continue our session here now.

Miss Kilbreth. I beg pardon, Mr. Chairman.

Mr. Celler. You might proceed for five minutes more, and then we will have to terminate the hearing.

Miss Kilbreth. I am sorry to have taken so much time, but I wanted to make those points clear because I think they are very important.

Mr. Celler. You have made them very clear.

Miss Kilbreth. I have this Kansas brief here if you

care to see it.

Mr. Celler. We will be very happy to have it. You do not need to put it in the record, but the members will be glad to see it. But perhaps you had better hold onto it if you want it back.

Miss Kilbreth. I do not know whether you want to go at length into this report of the American Bar Association.

Mr. Celler. We have copies of the American Bar Association Reports, but I think you had better take your brief back if you want it, because it might pass through many hands and get lost in the shuffle.

Miss Kilbreth. If you care to read it and then give it back to me, I will be glad to leave it.

Mr. Barry. May I say just a word, in view of the testimony of the lady? I would be perfectly willing to put in a clause that would <sup>require</sup> ~~refer~~ this amendment to be passed on within, say, three years, and I think the result of that would clear up this situation.

Miss Kilbreth. It would immensely.

Mr. Celler. But the lady would still oppose the amendment.

Mr. Barry. I suppose so. I do not want to speak for her, but I think three years is a reasonable length of time. The prohibition amendment was adopted in a little over nine months, and if there is public sentiment for an amendment, if it is not really controversial and is clear-cut it should pass in three years or die, in my opinion. So that if this amendment were voted out and ratified by a convention in the same manner in which the 21st Amendment was acted upon, I believe this

would be ratified just as quickly as the prohibition amendment, because we already have 27 states on record, and judging by the telegrams you have received from opponents in New York to the pending amendment, New York State would immediately go on record. I guarantee that you would get enough states and that the effect of the adoption of my amendment would be to take away the cause of the pending amendment, which would die a natural death even though it could not be recalled by Congress, and it is my understanding that now there are a few amendments floating around, that have been floating around for almost 100 years, that are dead to all intents and purposes.

Miss Kilbreth. Would the committee care to have this list of the pendency of amendments?

Mr. Celler. We will be glad to have that in the record.

Miss Kilbreth. I do not have it with me, but I will get it for you.

Mr. Celler. Are there any other witnesses?

STATEMENT OF MISS IZORA SCOTT, REPRESENTING  
THE NATIONAL WOMAN'S CHRISTIAN TEMPERANCE  
UNION.

Miss Scott. Mr. Chairman and gentlemen, I represent the National Woman's Christian Temperance Union. I would like merely to go on record as taking the same position in regard to this matter as was presented by Mrs. Baldwin for the League of Women Voters, and have our organization so recorded.

Mr. Celler. Thank you, Miss Scott.

If there are no other witnesses the hearing is now closed.

(Whereupon, at 11:50 o'clock a. m., the subcommittee adjourned.)

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