THE CHILD AND THE STATE

Volume I

LEGAL STATUS IN THE FAMILY
APPRENTICESHIP AND CHILD LABOR

Select Documents, with Introductory Notes

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and no oyster and shrimp canneries. Surely it is the height of optimism to believe that the ten and eleven hour cotton-mill day—for boys and girls between fourteen and sixteen in the South—will be shortened because of any law in the District of Columbia. Many mill-owners told me that it was necessary to get "mill-workers while they're young." Otherwise these children might learn of a world, more bright and cheerful, beyond the horizon of the mill town.

The fact of the matter is that I haven't much faith in the States. I don't think they are entitled to their "rights" when they fail to exercise them. So I hope the Twentieth Amendment passes and that the *World* loses. "If this be treason"—

HENRY F. PRINGLE

New York, January 27, 1925

18. The "Eighteen Years" Clause in the Proposed Child Labor Amendment

NATIONAL LEAGUE OF WOMEN VOTERS, THE CHILD LABOR AMENDMENT, FACT SHEET NO. IV

The following Senators and Representatives introduced resolutions proposing a child labor amendment to the Constitution, without request or suggestion from any of the organizations supporting an amendment, and fixed the age limit at 18 years of age or higher:

	Years		Years
Mr. Rogers (Mass.)	21	Senator Wheeler (Mont.)	18
Mr. Fitzgerald (Ohio)	18	Senator Lodge (Mass.)	18
Senator Johnson (Calif.)	18	Mr. Johnson (Wash.)	18
Mr. Perlman (N.Y.C.)	18	Mr. Hayden (Ariz.)	18
Mr. Nolan (Calif.)	18	Mr. Raker (Calif.)	18
Mr. Tague (Mass.)	18	Mr. Cooper (Wis.)	18
Mr. Voight (Wis.)	18	Mr. Green (Mass.)	18
Mr. Moore (Ohio)	18	Mr. Lineberger (Calif.)	18
Mr. Thompson (Ohio)	18	Mr. Lozier (Mo.)	18
Senator Townsend (Mich.)	18	Mr. Taylor (Colo.)	18
Mr. Frothingham (Mass.)	18	Mr. Connery (Mass.)	18
Senator Shortridge (Calif.)	18		

Mr. Dallinger of Massachusetts introduced a joint resolution which reads as follows:

"The Congress shall have power to establish uniform hours and conditions of labor for women and minors throughout the United

States, and to prohibit the employment of children *under such ages as Congress may from time to time determine.*"

In framing the proposed Constitutional amendment, there was much discussion by the proponents as to the language to be used in defining the extent of the authority of Congress. A number of advocates of the measure wished to use the word "child," feeling that this was a term general in scope which would allow Congress discretion to define it in whatever way might suit the future developing needs. But it was feared that since the amendment itself was to be the only source of the Federal power, the Supreme Court, in interpreting laws enacted under that power, would confine its terms to their generally accepted legal definitions rather than allow Congress itself to define them. A study of the definitions of the word "child" as given in the various decisions of State courts of last resort indicated that the word, when occurring in a statute without definition was so variously interpreted as to make very uncertain just what power Congress actually possessed.

No legal precedents were available in regard to the interpretation of child-labor laws, since they nearly always state definitely the ages at which the regulation is to take effect, but in dealing with other statutes, for example those concerning assault,[1] sex offenses,[2] and employer's liability for injury of employee,[3] the courts have applied the common law definition of the word child, construing the period of childhood to end with the age of puberty—12 for a girl and 14 for a boy.

In *Collins* v. *State*,[4] in interpreting a statute making it a misdemeanor to cruelly beat or ill-treat a child, the court said: "It is manifest that the statute was intended for the protection only of those of tender years, who, by reasons of their physical immaturity are unable to protect themselves. . . . . As used in the present instance we think it means children of the period between early infancy and youth."[5]

[1] *McGregor* v. *State*, 4 Tex. Cr. Rep. 599.

[2] *Blackburn* v. *State*, 22 Ohio St. 102.

[3] *London Guarantee and Accident Company (Ltd.)* v. *Morris*, 156 Ill. App. 533.

[4] 97 Ga. 501.

[5] A more detailed analysis of these cases can be found on pages 117–19 and 123–24 of the hearings before the subcommittee of the Senate Judiciary Committee, 67th Cong., 4th sess., Part 3, January 18, 1923.

A definite limitation upon the power of Congress had, therefore, to be specified, and 18 was chosen because the amendment contemplated not only prohibition but regulation. A large number of States have found it necessary in the interests both of the public and of the children to regulate the employment of boys and girls between 16 and 18 in occupations which are extra hazardous physically or morally, or to protect them from employment for over-long hours or at night, and it was felt that public opinion might demand legislation from Congress along these lines.

NATIONAL LEAGUE OF WOMEN VOTERS

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MANUFACTURERS' JOURNALS DENOUNCE THE AMENDMENT

19. It Is Russian in Origin

"WHAT THE CHILD LABOR AMENDMENT MEANS," MANUFACTURERS' RECORD (BALTIMORE, MD.), SEPTEMBER 4, 1924

Because the Child Labor Amendment in reality is not legislation in the interest of children but legislation which would mean the destruction of manhood and womanhood through the destruction of the boys and girls of the country, the *Manufacturers' Record* has been giving much attention to the discussion of the subject, and will continue to do so. . . . .

This proposed amendment is fathered by Socialists, Communists and Bolshevists. They are the active workers in its favor. They look forward to its adoption as giving them the power to nationalize the children of the land and bring about in this country the exact conditions which prevail in Russia. These people are the active workers back of this undertaking, but many patriotic men and women without at all realizing the seriousness of this proposition, thinking only of it as an effort to lessen child labor in factories, are giving countenance to it.

If adopted, this amendment would be the greatest thing ever done in America in behalf of the activities of Hell. It would make millions of young people under 18 years of age idlers in brain and body, and