

TO PREVENT INTERSTATE COMMERCE IN THE PRODUCTS
OF CHILD LABOR.

JANUARY 17, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. KEATING, from the Committee on Labor, submitted the
following

REPORT.

[To accompany H. R. 8234.]

The Committee on Labor, to whom was referred the bill (H. R. 8234) to prevent interstate commerce in the products of child labor, and for other purposes, reports the bill favorably with the following amendments, with the recommendation that the bill as amended do pass, and hereby submits a report setting forth the reasons moving the committee to its recommendation:

Page 2, line 5, of printed bill, insert at the beginning of the paragraph the words "Section 2," strike out in the same line the word "presence" and insert in lieu thereof the word "employment," and number all succeeding sections sequentially.

Page 2, line 24, after the word "factories" before the word "manufacturing," strike out the word "and."

Page 3, line 3, after the word "by" before the word "law," insert the words "appropriation or other."

Page 3, line 16, after the word "section" before the word "of," strike out the word "three" and insert in lieu thereof the word "four."

The bill as amended reads as follows:

A BILL To prevent interstate commerce in the products of child labor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine or quarry situated in the United States which has been produced, in whole or in part, by the labor of children under the age of sixteen years, or the product of any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States which has been produced, in whole or in part, by the labor of children under the age of fourteen years or by the labor of children between the ages of fourteen years and sixteen years who work more than eight hours in any one day, or more than six days in any one week, or after the hour of seven o'clock postmeridian, or before the hour of seven o'clock antemeridian.

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II. IS THE POLICY OF THE LEGISLATION MERITORIOUS?

The committee believes that the standards of ages and hours as to child labor recognized by this bill are just and reasonable, and that Congress should deny the instrumentalities of commerce to enterprises which seek to disregard them to the detriment of the public welfare.

Representatives of the Southern Cotton Manufacturers and of the National Association of Manufacturers and others opposed the bill on the ground that it is unnecessary and contravenes sound public policy.

Miss Mary S. Garrett, of Philadelphia, and Mrs. Helen P. Birney, of Washington, connected with the National Congress of Mothers, also appeared in opposition to the bill, suggesting its postponement for a year "in order that the citizens and Representatives of each State could investigate their own conditions thoroughly and then take up the question whether Federal legislation is advisable." They argued that children under 14 years of age should be employed whenever permitted by the health authorities and the school authorities of the locality. The Southern Cotton Manufacturers, on the other hand, seem to have had no objection to prohibiting the employment of children under 14 years of age, but contended that this should be done under State laws. One witness from Alabama expressed himself as opposed to the provision in the bill relating to the age limitation of 14 years, but stated that an Alabama statute prescribing 14 as the minimum age for employment in factories would go into effect on the 1st of September next. The manufacturers from South Carolina announced themselves as in favor of the 14-year age limit, and during the progress of the hearings the South Carolina Legislature passed a law raising the age limit from 12 to 14.

Of the two manufacturers from North Carolina who appeared in opposition to the bill, one of them stated that he had only two children employed under 14 years of age; and while there seems to be some ambiguity in the North Carolina law, it was generally agreed that 13 is already the age limit for employment in factories. With the passage of the South Carolina law, only three States—North Carolina, New Mexico, and Wyoming—remain with an age limit for the employment of children less than 14 years, though some of the States allow children as young as 12 to be employed for reasons of poverty, or during the vacation season, or in canneries. It would be difficult to fix any other age limit than 14 years for the employment of children which has received so wide an indorsement by the people of the United States acting through State legislation.

With regard to the exemptions from this age limit which still obtain in some of the States, it may be said that these are being rapidly repealed, it being almost universally claimed that such exemptions are against the best interest of the child, where the welfare of the child alone is considered.

No denial was made from any quarter that the prohibition of night work in factories and of work underground in mines and quarries by children under 16 are desirable.

The main objection was to the eight-hour day for children under 16, and this came solely from certain cotton manufacturers, five of whom appeared before the committee, contending that this would really

(c) No 8-hour day under 16 in factories:

Alabama.	Michigan.	South Dakota.
Connecticut.	New Hampshire.	Tennessee.
Delaware.	New Mexico.	Texas.
Florida.	North Carolina.	Utah.
Georgia.	Oregon.	Vermont.
Idaho.	Pennsylvania.	Virginia.
Louisiana.	Rhode Island.	West Virginia.
Maine.	South Carolina.	Wyoming.
Maryland.		

(d) No 16-year limit in mines or quarries:

Delaware.	Massachusetts. ¹	North Carolina.
District of Columbia.	Michigan. ¹	North Dakota.
Florida. ¹	Minnesota. ¹	Oregon.
Georgia. ¹	Mississippi.	Rhode Island.
Indiana. ¹	Missouri. ¹	South Carolina.
Idaho. ¹	Nebraska.	South Dakota.
Kansas. ¹	New Hampshire.	Utah. ¹
Louisiana. ¹	New Jersey. ¹	Virginia. ¹
Maine.	New Mexico. ¹	Wyoming. ¹

Taking the population figures of the country for 1910, it may be said that 89,242,314 out of 91,972,000 have declared for the 14-year age limit by State legislation; 86,496,694 have declared for the prohibition of night work for children under 16 years of age. In the States recognized as mining States 41,837,431 out of 53,565,917 have enacted the 16-year age limit as a standard for children employed in mines, while 52,551,796 people, a clear majority of all, have prescribed an eight-hour day for the employment of children under 16 years of age in factories, while several States, which have not yet reached the eight-hour day for children under 16, have a shorter working day for such children than for older workers.

NECESSITY FOR FEDERAL REGULATION.

It may be agreed, again, that there are a great many legislative measures which should vary in their terms according to local conditions. But laws relating to the protection of children deal with the very subject matter of civilization itself. When we are dealing with such a subject as the protection of children from the known consequences of child labor, we are dealing with a helpless class of our population whose neglect defeats the very success of democracy itself. The evidence is overwhelming that unregulated child labor does not promote a healthy citizenship; that it tends to the deterioration of the race physically; to the dwarfing of the children mentally through the denial of a full opportunity for education; and to criminality, since the statistics of our juvenile courts show that by far the largest percentage of juvenile delinquents are the children who are put to work too soon rather than the children who are trained in the schools. Federal regulation, therefore, not only will serve to raise the legislative standards of child protection, so far as the employment of children in mines and factories is concerned, in those States which have not yet adopted the standards is this bill in one or more particulars, but the Federal authorities will be able to cooperate with State authorities in the enforcement of the child-labor legislation.

From the testimony before the committee it appears that out of 28 cotton mills investigated during the past six months in a State

Reported by the Census of 1910 as having mine products valued at \$2,500,000 a year or more

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with an age limit of 13, only four of the mills were found not to have employed children in violation of the law; that 118 children were found who, according to the testimony of their parents, the same testimony upon which the mill owners relied, were or had been previously illegally employed. And if these 28 mills presented average conditions, 1,298 such children would be then illegally employed in one industry in one State.

Child labor is a national evil. Children are the future citizens of the Nation as well as of the States; and the enforcement of the laws varies from State to State and varies in the same State from time to time according to the character of the administration of the laws. In some of the States there is only a slight pretense of enforcement; the power of factory inspection is denied the proper officials and the appropriations for the enforcement of the law are also withheld. The interposition of a Federal law will not prevent, but will rather serve to stimulate, proper enforcement by State authorities.

NUMBERS OF CHILDREN DIRECTLY CONCERNED.

According to the census of 1910 there were 2,266 children under 14 years of age employed in mines and 15,401 between 14 and 16 years of age. There were 22,000 children under 14 years of age employed in manufacturing and mechanical occupations specified, and 176,137 between 14 and 16 years of age who would be affected by the provision relating to the eight-hour day and to the prohibition of night work. These children are distributed by States and industries in the tables below:

The latest official figures on child labor.

[Compiled from United States Census of Occupations, 1910.]

	Manufacturing and mechanical (specified occupations).		Extraction of minerals (specified occupations).			Manufacturing and mechanical (specified occupations).		Extraction of minerals (specified occupations).	
	10-13 years.	14-15 years.	10-13 years.	14-15 years.		10-13 years.	14-15 years.	10-13 years.	14-15 years.
Total.....	27,065	176,137	2,266	15,401					
Alabama.....	2,003	3,141	486	933	Montana.....	8	78	.....	9
Arizona.....	5	45	3	28	Nebraska.....	31	313	1	9
Arkansas.....	224	654	11	73	Nevada.....	.....	2	3	4
California.....	81	1,581	4	43	New Hampshire.....	83	2,067	.....	0
Colorado.....	29	380	33	178	New Jersey.....	259	10,020	3	26
Connecticut.....	43	4,240	.....	7	New Mexico.....	29	90	10	42
Delaware.....	34	373	.....	1	New York.....	518	18,502	3	47
Dist. Columbia.....	3	102	.....	.....	North Carolina.....	6,344	8,476	15	27
Florida.....	608	1,520	63	69	North Dakota.....	11	53	.....	.....
Georgia.....	2,784	4,338	35	78	Ohio.....	370	8,763	47	793
Idaho.....	10	74	.....	.....	Oklahoma.....	70	359	9	47
Illinois.....	398	9,092	26	215	Oregon.....	20	256	.....	1
Indiana.....	280	4,743	28	557	Pennsylvania.....	1,272	30,683	329	7,095
Iowa.....	128	1,473	20	311	Rhode Island.....	81	4,712	.....	4
Kansas.....	66	572	17	167	South Carolina.....	4,154	5,503	.....	.....
Kentucky.....	488	2,433	168	522	South Dakota.....	1	73	.....	0
Louisiana.....	449	1,736	2	1	Tennessee.....	1,029	2,299	188	663
Maine.....	154	1,096	2	9	Texas.....	734	2,204	20	87
Maryland.....	849	4,028	45	242	Utah.....	.....	94	3	18
Massachusetts.....	279	18,275	.....	25	Vermont.....	18	250	2	30
Michigan.....	103	3,258	.....	76	Virginia.....	1,337	3,568	152	469
Minnesota.....	85	843	3	19	Washington.....	51	590	1	31
Mississippi.....	558	1,009	West Virginia.....	208	1,317	318	1,521
Missouri.....	389	5,255	14	243	Wisconsin.....	81	3,070	2	16
					Wyoming.....	17	1	39

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INDUSTRIES AFFECTED.

The census of 1910 shows a distribution of the children of the several States among the industries that will be more or less affected by the operation of this bill if enacted into law, according to the following table:

Industry.	Children reported:			Industry.	Children reported.		
	10 to 13.	14 to 15.	Total.		10 to 13.	14 to 15.	Total.
Quarries.....	224	1,120	1,344	Food and kindred industries.....	672	10,245	11,217
Liquor and beverage industries.....	115	1,327	1,442	Leather industries.....	406	11,592	11,998
Chemical and allied industries.....	187	3,132	3,319	Printing and bookbinding.....	622	11,482	12,104
Paper and pulp industries.....	154	4,652	4,806	Mines.....	2,241	14,877	17,118
Metal industries (except iron and steel).....	262	6,071	7,223	Iron and steel industries.....	951	19,518	20,469
Clay, glass, and stone industries.....	1,234	9,161	10,395	Lumber and furniture industries.....	4,367	17,418	21,785
Clear and tobacco factories.....	1,843	8,723	10,566	Clothing industries.....	1,113	22,158	23,271
				Miscellaneous industries.....	2,004	28,093	30,157
				Textile industries.....	14,642	65,888	80,530

It may be noted that among the industries employing children, canneries, as such, are omitted. This is due to the fact that the census takers did their work in the month of April, in which the oyster and shrimp canneries of the south Atlantic and Gulf coasts have ceased to work and in which the fruit and vegetable canneries have not opened. A few of the States still exempt canneries from laws prohibiting the labor of children under 14. It has been found, however, that there are great abuses in many of these fruit and vegetable canneries, where the children although in the country are not engaged in a rural occupation.

CHILDREN EMPLOYED IN COTTON MILLS.

As practically the only employers of children who personally appeared before the committee in opposition to the bill were certain cotton manufacturers, it is perhaps advisable to set forth the general facts concerning the employment of children in this industry, as shown by an investigation conducted by the Federal Bureau of Labor in 1908 and by the figures from the United States census. It will be seen in a preceding table that the textile industry generally, including cotton, woolen, and silk mills, is the largest employer of children under 16 years of age, 80,530 children being employed according to the census of 1910, of whom 14,642 were under 14 years of age. In the cotton mills, according to the same census, 41,070 children under 16 were employed, of whom 11,811 were under 14 years of age. In the New England cotton mills 10,670 children under 16 were found employed, of whom 211 were under 14. In the Southern States 24,516 children under 16 were employed, 11,600 of these being under 14 and 10,706 under 14 being employed in Alabama, Georgia, and the two Carolinas, these children being employed 60 hours per week, meaning usually 11 hours a day for the first five working days of the week with 5 hours on Saturday.

The duties of a spinner in the cotton mills, most of the spinners being girls, is thus described in the Report on the Condition of

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and December, 1915, one child of 15, one of 14, one of 13, one of 12, and two of 11 working at night in three of the mills investigated.

EDUCATION.

Much of the testimony given by the cotton manufacturers who appeared before the committee shows a praiseworthy effort at betterment work on the part of the mills. The testimony from Mr. W. H. Swift, however, shows from figures taken from the State reports on education for North Carolina that the percentage of school enrollment and school attendance in the cotton-mill villages, as compared with the school census, is considerably below that for the white rural school population in the State at large and in several counties enumerated, some of them mountain counties.

With regard to the humanitarian work being done, the only relevancy of the testimony on this point to the bill in question is shown by the statement of Mr. Samuel F. Patterson, on page 69 of the hearings, which indicated the probability of abandonment of such betterment work in case this bill were enacted into law. The testimony is as follows:

The CHAIRMAN. I understand; but suppose you may be handicapped now by a rule of this kind as applied to your industry. You would then doubtless be obliged to abandon certain expenditures that you make now purely from a humanitarian point of view.

Mr. PATTERSON. Yes, sir.

But that such betterment work is not universal or even general in the mills is shown by the following figures from the Bureau of Labor report before mentioned:

Number of cotton mills in six Southern States engaged in welfare work.

State.	Number of establishments investigated.	Number of establishments supporting or partly supporting—			Number of establishments having—	
		Day schools.	Night schools.	Kindergartens.	A paid welfare worker.	A trained nurse.
Virginia.....	4	2	3	2		8
North Carolina.....	59	27	7	2	2	2
South Carolina.....	30	20	15	5	3	2
Georgia.....	31	13	3	4	2	2
Alabama.....	13	7	2	2	1	1
Mississippi.....	9	3	3	2		

Among the 152 establishments investigated, 8 maintained paid welfare workers, 10 had a trained nurse, 78 supported or partly supported day schools, 33 night schools, and 17 kindergartens.

While through State legislation and the corrective influence of public opinion the percentage of children under 16 employed in the southern cotton mills had decreased from 30 per cent of the total number of employees in 1900 to 20 per cent in 1908, the cotton mill is still, in the language of the report on the census of 1900, "to a greater extent than any other mechanical or manufacturing occupation the employer of children." It was also disclosed by the testimony that these cotton manufacturers have been, with a few exceptions, in opposition to State legislation looking toward the restriction

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JANUARY 24, 1916.—Referred to the House Calendar and ordered to be printed.

Mr. WATSON, from the Committee on Labor, submitted the following

VIEWS OF THE MINORITY.

[To accompany H. R. 8234.]

The undersigned members of the Committee on Labor feel impelled by a strong sense of official duty to dissent very earnestly from the report of that committee recently made upon H. R. 8234, commonly known as the "child-labor bill," the text of which is as follows:

A BILL To prevent interstate commerce in the products of child labor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate commerce the product of any mine or quarry situated in the United States which has been produced, in whole or in part, by the labor of children under the age of sixteen years, or the product of any mill, cannery, workshop, factory, or manufacturing establishment situated in the United States which has been produced, in whole or in part, by the labor of children under the age of fourteen years or by the labor of children between the ages of fourteen years and sixteen years who work more than eight hours in any one day, or more than six days in any one week, or after the hour of seven o'clock postmeridian, or before the hour of seven o'clock antemeridian.

SEC. 2. Proof of the employment within sixty days prior to the shipment of such product therefrom (first) in a mine or quarry of a child under the age of sixteen years, or (second) in a mill, cannery, workshop, factory, or manufacturing establishment (a) of a child under the age of fourteen years, or (b) of a child between the ages of fourteen years and sixteen years for more than eight hours in any one day or more than six days in any one week, or after the hour of seven o'clock postmeridian, or before the hour of seven o'clock antemeridian shall be prima facie evidence that such product has been produced, in whole or in part, by the labor of such a child.

SEC. 3. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

SEC. 4. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

age, according to the last census, were employed in manufacturing and mechanical occupations.

The bulk of those, therefore, affected by the age and night-work provisions of the bill are engaged in the textile industries of the Southern States.

The eight-hour clause of the bill would embrace, of course, a much larger number scattered throughout the land; but however desirable this may be thought to be as an ultimate standard, it can not yet claim the sanction of more than half the States of the Union; and it is believed to be true that far more than half of all those engaged in gainful occupations in our country have to work more than eight hours per day.

It will thus be seen that the labor of children of tender years and at night—the subject which has attracted public attention and excited the solicitude of goodly men and women in all parts of the country—has to-day legal existence in but few American Commonwealths. With the rapid progress being made in labor laws in all the States, it is confidently hoped and believed that in a short period the child labor aimed at here will have ceased entirely. The fact is child labor does not pay; and far-sighted business men, even when moved by no higher motive than gain, are in many communities seeking to get rid of it. The hearings before the committee disclose that in not a few instances employers only consent to admit such children to work from motives of humanity to them or their dependent families.

It is not believed that the products of child labor are of such a character or sufficient in volume to make such labor a serious factor in the economic and commercial life of the country.

That conditions in some sections, just now emerging from the social and economic wreck of the great Civil War and entering upon a new industrial life, leave yet much to be desired in the way of educational and vocational uplift is undoubtedly and lamentably true; but, considering the means at their disposal, those communities have made great and increasing progress; and many good men and pious women in their midst are daily devoting themselves with absorbing interest to the the very problem under review.

These general observations are submitted not for the purpose of justifying the existence of wrong or injustice in any portion of the country, much less to defend those, if there be such, who would sacrifice the citizenship of the time to come upon the altar of financial greed, but for the purpose of placing before the Congress our own sense of the extent and character of what your committee has described as “a great nation-wide evil.”

NO DIFFERENCE IN AIM BUT ONLY AS TO METHOD SOUGHT TO BE
EMPLOYED.

Admitting, with the qualifications stated above, the existence of the evil, the undersigned are at one with the committee in the sincere and earnest desire to find a suitable and adequate remedy. This the committee thinks it has found in the power of Congress to regulate interstate commerce and proposes in the measure under discussion to avail itself of this power to exclude from such commerce the products manufactured by child labor. In other words, they would reach the evil through the Federal Government and extend its power,

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1st Session. }

SENATE.

} REPORT
No. 358.

TO PREVENT INTERSTATE COMMERCE IN THE PRODUCTS OF CHILD LABOR.

APRIL 19, 1916.—Ordered to be printed.

Mr. ROBINSON, from the Committee on Interstate Commerce, submitted the following

REPORT.

[To accompany H. R. 8234.]

The Committee on Interstate Commerce, to whom was referred the bill (H. R. 8234) to prevent interstate commerce in the product of child labor, and for other purposes, recommend that the following amendment be agreed to:

Strike out all after the enacting clause and insert the following:

That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within thirty days prior to the time of the removal of such product therefrom children under the age of sixteen years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within thirty days prior to the removal of such product therefrom children under the age of fourteen years have been employed or permitted to work, or children between the ages of fourteen years and sixteen years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of seven o'clock postmeridian, or before the hour of six o'clock antemeridian: *Provided*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

Sec. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

Sec. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

Sec. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining

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The CHAIRMAN. And not even then, unless they violated the right of an individual to life, liberty, and property.

Mr. PARKINSON. That is what I mean, Mr. Chairman. The fifth amendment to the Constitution would prevent any action on the part of Congress, even under the interstate commerce clause, which was arbitrary, confiscatory, and not demanded by those in the community. It is exactly the same test that is applied constantly in the State supreme courts and in the United States Supreme Court in the application of police power.

The CHAIRMAN. Doctor, is it not finally a legislative test and a sociological test, rather than a juridical test?

Mr. PARKINSON. It is, sir. Our courts have in the past exercised, and probably will in the future exercise, the power to determine whether or not the action of the legislative body be reasonable.

PROTECTION FOR CONSUMER.

In the statement submitted by A. J. McKelway, secretary of the National Child Labor Committee, he suggested that the consumer should be protected from partnership with the exploiters of child labor through the unwitting purchase of goods manufactured by child labor. He said:

It is because no microscope will tell whether a piece of cotton cloth has been manufactured by adult labor or by child labor that I have all the more right to demand that the Federal Government protect me from partnership with the exploiters of childhood through purchasing child-made goods. If over 95 per cent of the people of the Nation have said, through State legislation, that they do not want to have goods manufactured by the labor of children under 14 years of age, have they not just as much a right to be protected against buying goods manufactured by children? Why should the manufacturers of North Carolina and South Carolina, alone of all the manufacturing States, be allowed to mingle their child-made goods, manufactured by the labor of children under 14 years of age, in the general commerce of the United States so cleverly that you can not tell one piece from another, and say "We compel you to buy our goods"? Why has Congress the right to say that in this District of Columbia, controlled by Congress, no child under 14 years of age shall work in a factory, nor any child under 16 years of age at night, nor any child under 18 for more than 8 hours in any one day, in the production of goods, and yet say it is powerless to protect the people of the District from purchasing child-made goods manufactured in the Carolinas?

CONCLUSION.

The committee append to this report a selection from statements made before the committee, or from other material submitted to it, covering the more important points discussed in committee in relation to the bill. To those who are especially interested in the measure, however, the committee recommend a perusal of the reports of the several hearings held before the committee.

In conclusion, your committee has been convinced that a national evil of appalling extent has been shown to exist; that Federal relief only is competent to cure it; that it is in the power of Congress to administer this relief; and that the bill now submitted is admirably adapted to accomplish the beneficent end for which it is designed—the wiping out of a national disgrace.

Respectfully submitted.

DAVID J. LEWIS, Maryland, *Chairman.*

JAMES P. MAHER, New York.

EDWARD E. BROWNE, Wisconsin.

EDWARD KEATING, Colorado.

JOHN I. NOLAN, California.

CARL C. VAN DYKE, Minnesota.

JOHN G. COOPER, Ohio.

J. M. SMITH, Michigan.

EDWARD E. DENNISON, Illinois.

MEYER LONDON, New York

Committee on Labor.

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work in children than are diseases of men. In either sex the bad results have been those of nervous and physical exhaustion—not, probably, those of localized disease."

Frederick Fraley, M. D.: "Having for more than 10 years been working in dispensaries devoted to children and to diseases and disorders of the nervous system, I am very strongly convinced that a 10-hour working day for children of factory age is distinctly injurious in its effects. Not only do we see the bad physical results in such overstrain, but with increasing frequency we meet with the nervous and physiological changes following impairment of the body system. I emphatically condemn the 10-hour day, and think an eight-hour day may be too long in certain occupations and individual cases."

Francis W. Sinkler, M. D.: "I can not mention any specific case of illness resulting from overwork among children, but I have frequently observed with regret the poor physique and the diminished strength and resistance to disease that these children working in factories exhibit. I have seen many such examples in my hospital service at the Episcopal Hospital, where the greater number of patients admitted are working in factories."

M. H. Bochroch, M. D.: "In my experience, which has been very large in the neurological branch of our science, a large number of the cures have been effected through rest. I want to impress upon you the fact that rest is the most potent factor, and if the hours were shortened, whilst the working time would be cut down two hours a day, it is the hour early in the morning when the child is not thoroughly satisfied with rest and the hour at night when the nervous system is at its lowest ebb that more damage is done than in the intervening hours. Now, while the percentage of the working hours may be but one-fifth less, the benefits accruing to the child are very large, and I emphatically approve of any measure or movement that will reduce the working hours of the child."

J. Morton Boice, M. D.: "Observations, as gynecologist of the out-patient department of St. Joseph's Hospital, force me to see the mischief that comes to children under 16, who are overworked, not only at this critical period of their lives, when their sexual existence is starting, but also at many times in their adult lives, when the serious displacement, and other conditions which render life miserable, are directly traceable to overexertion and long hours in the factory at a tender age. If children between 14 and 16 years of age must be employed in factories, I most heartily indorse the eight-hour limit."

Edward P. Davis, M. D.: "A 10-hour working-day for the average child between 14 and 16 years of age is entirely too long. This is exactly the period of life where continued stress and strain should be avoided. Nothing could be worse for a child than the continued strain of factory work, with a brief interval for midday and the constant noise and disturbance of machinery."

R. Tait McKenzie, M. D.: "I am strongly of the opinion that every hour that can be taken from the length of the working-day in growing children is a distinct gain for their health and efficiency in later life."

H. Howard Fussel, M. D.: "I have seen much of factory children in the Manayunk district. I know from this experience, and having worked among them for years as physician, that the long hours of labor at such a tender age are distinctly detrimental to their health. They are easy prey to infection; they become prematurely old; and the average child's health who has thus to work is distinctly interfered with. I do approve of an eight-hour limit for the employment of such children; even this is all too long."

Lawrence F. Flick, M. D.: "Many adults who go under with tuberculosis might have been saved if in their younger years they had been spared some of the hardships which they had been compelled to undergo."

Henry M. Fisher, M. D.: "Some years ago, while I was attending physician to the Episcopal Hospital, I was very much struck by the great frequency of heart disease among young girls who were employed in factories in Kensington, and was led to believe that overwork had much to do with the prevalence of this disease among growing children. I have also been struck with the frequency of tuberculosis among young girls employed in tobacco and cigar factories."

Swithin Chandler, M. D.: "The man who employs them is the loser because of the inferior and indifferent work performed. The State and Nation is retarded in its economics, growth, development, and general enlightened progress."

L. T. Ashcraft, M. D.: "As humanitarians, our attitude toward the subject of child labor should be unmistakably plain. It should be the sense of the community that they indorse the principles of the Palmer-Owen child-labor bill now pending before Congress, which, in brief, asks the Federal powers to prohibit children under 16 years of age from working more than eight hours a day, at night, or at hazardous and dangerous occupations, and, moreover, to demand sanitary conditions under which they may follow their several occupations."

64th Congress, 1st session, Senate, Report no. 358

Excerpt from page 31

64TH CONGRESS,
1ST SESSION.

H. R. 8234.

AN ACT

To prevent interstate commerce in the products of child labor, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That no producer, manufacturer, or dealer shall ship or de-
4 liver for shipment in interstate commerce the product of any
5 mine or quarry situated in the United States which has been
6 produced, in whole or in part, by the labor of children under
7 the age of sixteen years, or the product of any mill, cannery,
8 workshop, factory, or manufacturing establishment situated
9 in the United States which has been produced, in whole or in
10 part, by the labor of children under the age of fourteen years
11 or by the labor of children between the ages of fourteen years
12 and sixteen years who work more than eight hours in any
13 one day, or more than six days in any one week, or after the

H.R. 8234, A Bill for an Act to Prevent Interstate Commerce in the Products of Child Labor, January 17, 1916

Records of the U.S. House of Representatives, National Archives and Records Administration

Transcript of Keating-Owen Child Labor Act of 1916 (1916)

Sixty-fourth Congress of the United States of America; At the First Session,

Begun and held at the City of Washington on Monday, the sixth day of December, one thousand nine hundred and fifteen.

AN ACT To prevent interstate commerce in the products of child labor, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce, any article or commodity the product of any mine or quarry situated in the United States, in which within thirty days prior to the time of the removal of such product therefrom children under the age of sixteen years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within thirty days prior to the removal of such product therefrom children under the age of fourteen years have been employed or permitted to work, or children between the ages of fourteen years and sixteen years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of seven o'clock postmeridian, or before the hour of six o'clock antemeridian: Provided, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

SEC. 2. That the Attorney General, the Secretary of Commerce and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this Act.

SEC. 3. That for the purpose of securing proper enforcement of this Act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ such assistance for the purposes of this Act as may from time to time be authorized by appropriation or other law.

SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this Act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalties in such cases herein provided: Provided, That nothing in this Act shall be construed to apply to bona fide boys' and girls' canning clubs recognized by the Agricultural Department of the several States and of the United States.

SEC. 5. That any person who violates any of the provisions of section one of this Act, or who refuses or obstructs entry or inspection authorized by section three of this Act, shall for each offense prior to the first conviction of such person under the provisions of this Act, be punished by a fine of not more than \$200, and shall for each offense subsequent to such conviction be punished by a fine of not more than \$1,000, nor less than \$100, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court:

H.R. 8234, A Bill for an Act to Prevent Interstate Commerce in the Products of Child Labor, January 17, 1916

Provided, That no dealer shall be prosecuted under the provisions of this Act for a shipment, delivery for shipment, or transportation who establishes a guaranty issued by the person by whom the goods shipped or delivered for shipment or transportation were manufactured or produced, resident in the United States, to the effect that such goods were produced or manufactured in a mine or quarry in which within thirty days prior to their removal therefrom no children under the age of sixteen years were employed or permitted to work, or in a mill, cannery, workshop, factory, or manufacturing establishment in which within thirty days prior to the removal of such goods therefrom no children under the ages of fourteen years were employed or permitted to work, nor children between the ages of fourteen years and sixteen years employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of seven o'clock postmeridian or before the hour of six o'clock antemeridian; and in such event, if the guaranty contains any false statement or a material fact the guarantor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violation of the provisions of this Act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same: And provided further, That no producer, manufacturer, or dealer shall be prosecuted under this Act for the shipment, delivery for shipment, or transportation of a product of any mine, quarry, mill, cannery, workshop, factory, or manufacturing establishment, if the only employment therein within thirty days prior to the removal of such product therefrom, of a child under the age of sixteen years has been that of a child as to whom the producer, or manufacturer has in good faith procured, at the time of employing such child, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions, any by such persons as may be prescribed by the board, showing the child to be of such an age that the shipment, delivery for shipment, or transportation was not prohibited by this Act. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violations of this Act. In any State designated by the board, an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and not inconsistent with the provisions of this Act, shall have the same force and effect as a certificate herein provided for.

SEC. 6. That the word "person" as used in this Act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term "ship or deliver for shipment in interstate or foreign commerce" as used in this Act means to transport or to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia or to any foreign country; and in the case of a dealer means only to transport or to ship or deliver for shipment from the State, Territory or district of manufacture or production.

SEC. 7. That this Act shall take effect from and after one year from the date of its passage.

Approved, September 1, 1916.

H.R. 8234, A Bill for an Act to Prevent Interstate Commerce in the Products of Child Labor, January 17, 1916



Photographer Lewis Hine documented child labor to urge passage of legislation protecting children from abuse.

National Archives



Garment Workers, New York, NY

January 25, 1908

National Archives



Girl Working in Box Factory, Tampa, FL

January 28, 1909

National Archives



Workers Stringing Beans, Baltimore, MD

June 7, 1909

National Archives