

Voice of the People

Why the Child Labor Amendment should be defeated—an address broadcast from the national broadcasting station WEAF, New York, at 6:45 p.m., Friday, Feb. 2, 1934 by Dr. Nicholas Murray Butler, President Columbia University:

There is grave and growing danger that, under cover of all the vitally important happenings that are taking place day by day and almost hour by hour, a new and most serious situation will be forced upon the people of the United States against their will and almost without their knowledge.

Ten years ago there was submitted by the Congress of the United States a proposal farther to amend the Constitution by giving to the Congress the power to limit, regulate and prohibit the labor of persons under eighteen years of age. With the example of the Eighteenth Amendment still fresh, this new proposal to multiply the activities of the federal government, to invade once again the just authority of the states, and to bring the life of the family and the work of the school under the supervision and inspection of federal officers, was so offensive to public opinion that both houses of the legislatures of twenty-six states promptly voted that this proposed amendment should not be ratified. In addition, during the years 1924 and 1925 at least one house of the legislature in twelve other states also voted not to ratify this proposal. Public opinion assumed, and justly assumed, that this proposed amendment was certainly and finally defeated, and it passed wholly from the public mind.

During the year 1933, however, those who were concerned with drafting and bringing forward this proposal, and those who sympathized with them, saw opportunity to take advantage of the wide-spread depression and of the universal interest in the care and protection of children, quietly and systematically to urge this amendment once more upon the attention of the various state legislatures, including indeed those which had definitely voted in the negative several years ago. This movement is still going on, but it has now been brought so clearly to public attention that it can no longer go forward without observation and debate.

Let there be no misunderstanding about this matter. In this discussion there is no question of child labor involved in any way whether directly or indirectly. There is no movement in any part of this country, or could there be, to defend child labor or to protect those who would use the labor of children to their own profit and advantage. That which public opinion must be brought to understand is the effect of this proposal not upon child labor, for that would be quite negligible, but upon our American form of government, upon the home, the family, the school and the church. It is no use to tell us that the purpose of this amendment is merely to give a certain grant of power to the Congress and that the Congress would never dream of authorizing any of these objectionable practices. Experience has taught us otherwise.

There is no reason why the people of the United States should take any chance in this matter, for there is nothing to be gained and everything to be lost thereby. The people have themselves found ways and means to get rid of child labor without undermining their form of government, as it can only be gotten rid of, through the force of public opinion and by the action of local authorities, and without putting our federal government in a position toward the family, the school and the church which even the most advanced Communists might well admire. "Child labor is abolished," said President Franklin Roosevelt in his Message to the Congress on January 3 last. What more can be asked than that assurance. Since we have the assurance of the President that child labor no longer exists and since no one desires to reestablish it in any wise, the proposed amendment can have no effect whatever upon the problem of unemployment or of child welfare.

Let one who wishes to understand the full meaning of this amendment read the history of its origin. This was not in the Congress of the United States at all, but in an

eager group of active propagandists for larger direct social control over individual life and action. Let him read also the arguments which were advanced in its support and then the debates and the votes which followed in the Senate and the House of Representatives when it was under consideration in 1924. Those who first conceived this proposal a quarter-century ago made no concealment of their aims. They intended to take over the control of the Country's children and, under the guise of protecting the child from labor, to supervise every aspect of his education and his discipline. Government controlled homes, government controlled schools and government inspected churches would rejoice their hearts. Do not forget that there are about forty-five million persons in the United States under eighteen years of age, and, were this amendment to be adopted, each one of this vast number might quickly be brought under the inspection and administrative control of a federal bureau.

The record of the debate in the Congress clearly indicates the extreme purposes of those who supported this proposal. In the House of Representatives, fifteen different

and distinct amendments clarifying the language and limiting the scope of the amendment were offered and rejected. In addition, eight similar clarifying and limiting amendments were offered and rejected in the Senate. The supporters of this so-called child labor amendment were unwilling to have it submitted for ratification by conventions, as has just been done in the case of the repeal of the Eighteenth Amendment because, as they frankly stated, they could never get it ratified in that way. They were more hopeful of their power to control legislative majorities by the familiar group pressure. They would not permit amendments which expressly prohibited the control of the child in the home and on the farm. They would not permit the reduction of the age limit from eighteen to sixteen. Indeed, they would not permit—and they then had the power to enforce their demands—any limitation whatever upon the sweeping powers to be conferred upon the Congress.

This proposed child labor amendment differs from the Eighteenth Amendment in one respect only. It does not write a police power directly into the Constitution, but it

does confer a new and most objectionable authority upon the Congress. Therefore, while the fundamental constitutional objection to the Eighteenth Amendment does not apply to the so-called child labor amendment, it should, nevertheless, be rejected, and promptly and finally so, on its merits or rather demerits.

A generation ago, when child labor was, unhappily, too wide-spread in this land, some argument for its repeal of this kind might have found a reasonable basis. Now, however, when child labor has disappeared, there is no reason whatever for it and every possible reason against it. The states themselves usually forbid the employment of children under fourteen, except in agricultural and domestic service, and under sixteen in any occupation which is deemed hazardous. Public opinion everywhere is unanimously against child labor.

It must be borne in mind that government has no possible jurisdiction over a child merely because it is a child, and it is social revolution of the most extreme sort for any government to attempt to exercise such power. The parent is responsible for the child and, unless this responsibility be broken down

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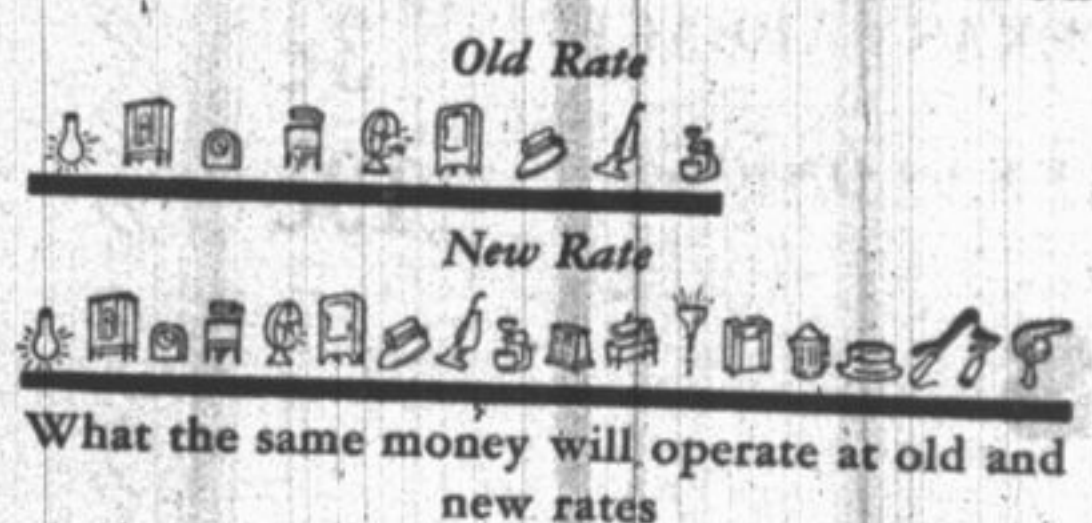
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