

THE RISE AND DEMISE OF THE 1924 CHILD LABOR AMENDMENT

An Undergraduate Research Scholars Thesis

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JANNAH CATHLEEN BURGESS

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Dr. Katherine Unterman

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ABSTRACT

The Rise and Demise of the 1924 Child Labor Amendment

Jannah Cathleen Burgess
Department of History
Texas A&M University

Research Faculty Advisor: Dr. Katherine Unterman
Department of History
Texas A&M University

The Rise and Demise of the 1924 Child Labor Amendment provides a summary of the creation and lifespan of the proposed Child Labor Amendment to the Constitution. The proposed amendment would have given Congress the power to regulate the labor of all persons under eighteen. The thesis is divided into three parts. Part one explains why lawmakers thought the best way to pass national legislation was by way of a constitutional amendment. Part two pertains to how the amendment succeeded in Congress, focusing on the involvement which major social welfare groups had on the passing of the amendment and to the anti-child labor movement. Part three of the thesis covers the timeline of the amendment from its passing until its expiration in 1937 due to unsuccessful ratification, as well as child labor legislation in the 1930s. The section will cover major opposition to the amendment from lawmakers at the local, state and federal levels, factory owners, and other individuals and interest groups. This answers the question - Why did the amendment fail to get enough state ratification? Overall, the thesis documents

motivations for the amendment's creation, how the amendment was able to pass, and why the amendment was ultimately not ratified.

DEDICATION

Special thanks to my friends at KANM Student Radio, The College Station of College Station, for encouraging me throughout this project and for making my junior year at Texas A&M so memorable.

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INTRODUCTION

In the years between the Second Industrial Revolution and the Progressive Era, the United States underwent a period of massive economic and social transformation. A multitude of new social ills resulted from the rapid industrialization and urbanization throughout the country. As a reaction to the issues caused by industrialization, the Progressive Era, commonly understood as the period between 1890-1920, saw the birth of campaigns for major social reforms, activist groups, and pushes for more socially conscious legislation.

One of the most outrageous social issues during this time was child labor. Child labor had been common throughout America's history, but its conditions had worsened, and its frequency increased under this period of rapid industrialization. The conditions of child workers had been documented since the late 19th century. In 1890, Jacob Riis published *How the Other Half Lives*, one of the best-known books on the extreme poverty which families and children in New York City experienced. Many of Riis's photographs in this book pictured child workers. Statewide laws regulating child labor had appeared as early as the 1830s. There were massive and concrete campaigns for federal child labor laws in the 1910s, which resulted in some temporary successes.

From the beginning of anti-child labor activism in the United States, women were at the forefront of the movement. Female-led activism was expressed through protests, the publication of anti-child labor articles and propaganda, and participation in labor strikes. Prominent female activists such as Florence Kelley and Mary Harris Jones demonstrated that women had a major vested interest in the anti-child labor movement. After two failed attempts at passing a national child labor law, these progressive child labor reformers sought to enact reform by way of a

constitutional amendment. The campaign for a constitutional amendment began after two national child labor laws passed by Congress were struck down as unconstitutional by the Supreme Court. It was also inspired by the successful ratification of two new constitutional amendments, the 18th and 19th Amendments, in 1919 and 1920. These amendments both reflected the social concerns of progressive reformers. The 18th Amendment pertained to temperance, largely seen as a cure to domestic violence, and the 19th Amendment marked the culmination of the women's suffrage movement. These recently passed amendments showed reformers that it was possible for laws aimed at reforming or correcting social issues to be added to the Constitution.

Individual female activists and women's activist groups also played a major role in advocating for the Child Labor Amendment, or the proposed 20th Amendment. Prominent children's rights activist Florence Kelley was instrumental in the founding of the National Child Labor Committee (NCLC), whose representatives most frequently appeared in Congressional hearings for the Amendment. The NCLC also established a subcommittee, the Women's Committee for the Child Labor Amendment, made up of sixteen different women's organizations.

The Child Labor Amendment was successfully passed by Congress in 1924, after two years of Congressional hearings, but was ultimately not ratified by three-quarters of the states by the necessary period ending in 1937. State rejection of the Amendment was surprisingly swift, with almost all states that rejected the Amendment doing so within the first two years after its passing in Congress.

What role did the NCLC, the Women's Committee for the Child Labor Amendment, and other female activists play in the passing of the Amendment in 1924? What was their agenda?

Which arguments were most effective to the Amendment's passing? In addition to this, what events transpired after the Amendment's passing that led to its failure to be ratified by the states? And why did this rejection happen so suddenly? Who were the major voices in opposition to the NCLC? This thesis seeks to create an understanding in three parts of the circumstances which inspired the Child Labor Amendment, the major arguments and activist groups most instrumental to the Amendment's passing, and the opposition campaigns that transpired after 1924 to successfully dismantle the arguments of pro-Amendment progressive reformers. Finally, the thesis will trace how federal anti-child labor legislation progressed into the 1930s.

1. WHY AN AMENDMENT?

1.1 Child Labor in the Early 20th Century

Anti-child labor advocacy saw a rise in popularity around the time of the Second Industrial Revolution (1870-1914) and is typically associated with children working in factories and living in the urban slums of New York and Chicago. However, during the 1920s, the largest percentage of underage workers was still in agriculture, often with the youngest age group of children working on family farms. This could be seen in states like New Jersey, which found that in 1910 most cranberry pickers were between eight and ten years old, and were also directly responsible for over one-third of the entire harvest of cranberries¹.

While child labor was a larger problem in agricultural settings, it is true that many of the increasing numbers between the 1870s and early 1900s were directly related to the urbanization of major cities. Child labor was relevant to the growth of factories and new industries. During the early period of the Second Industrial Revolution, the 1870 census found that “1 out of every 8 children was employed,²” and the 1890 census projected that “over 1.5 million children between the ages of ten and fifteen were employed.³” As industrialization progressed into a new century,

¹ History of child labor in the United States—part 1: little children working, Monthly Labor Review, U.S Bureau of Labor Statistics, 2017.

² History of child labor in the United States—part 1: little children working, Monthly Labor Review, U.S Bureau of Labor Statistics, 2017.

³ History of child labor in the United States—part 1: little children working, Monthly Labor Review, U.S Bureau of Labor Statistics, 2017.

the rate rose to one in five children employed, with a total number of 1.75 million children between ten and fifteen working in the year 1900⁴.

The southern United States also had one of the highest dependencies on child laborers. Southern textile mills had a chokehold on children, as employers understood both the cheaper costs of employing children compared to adult workers and the lack of a threat of unionization. One Baltimore magazine, the *Niles' Register*, described this rationale, calculating that if a mill were to employ 200 children from the age of 7 to 16 “that [previously] produced nothing towards their [own] maintenance . . . it would make an immediate difference of \$13,500 a year to the value produced in the town!”⁵ One union leader, John Golden, President of the United Textile Workers of America, further described the dilemmas unique to the Southern textile mill industry. Golden’s 1910 article “Children in the Textile Industry” outlined how in areas like Georgia, parents often had to make the choice between their children working on farms or in mills. Unsanitary farm conditions and practices, which could lead to the spread of diseases such as hookworm, was enough motivation for parents to put their “ten year old daughter in the mill.”⁶

Oftentimes textile mills targeted families in poverty and did little towards improving their economic status, even with all members of the family working. Golden described how the father of one Georgia family essentially worked himself to death in the card room of a cotton mill, just five years after his initial start at work⁷. Despite this death, which the man’s wife attributed to a

⁴ National Child Labor Committee (NCLC): Founded April 25, 1904. Paul, Catherine. Virginia Commonwealth University Libraries: Social Welfare History Project, 2017.

⁵ History of child labor in the United States—part 1: little children working, Monthly Labor Review, U.S Bureau of Labor Statistics, 2017.

⁶ Golden, John “Children in the Textile Industry” United Textile Workers of America, 1 March 1910. (2).

⁷ Golden, John “Children in the Textile Industry” United Textile Workers of America, 1 March 1910. (2).

“lack of fresh air and sunshine,⁸” both of the couple’s children, aged 13 and 11, still worked at the mill. As Golden outlined, for families suffering under this level of poverty in the South, this was often the only way to survive. Golden’s article came shortly after the relocation of textile mills from New England to the South in the 1880s and 1890s, in large part to take advantage of cheap child labor. By 1900, a quarter of all southern textile workers were under the age of 16⁹. When the National Child Labor Committee — the first major non-profit with the specific purpose of advocating against child labor — was established in 1904, 20,000 children under the age of 12 were employed¹⁰.

The northern United States had some similar statistics, with “one analysis of Philadelphia families (showing that) for native-born two-parent families, children contributed between 28 and 33 percent of the household income.¹¹” However, another reason for the worse child labor conditions in the South, and the South’s future opposition to the Child Labor Amendment, had to do with the region’s lack of any statewide child labor law until 1903. This was in contrast with states like Pennsylvania, which had laws regulating the minimum age of factory workers since 1848¹². Southern states’ dependency on child labor and lack of sufficient child labor laws would inspire the anti-child labor propaganda campaigns in publications such as the *Southern Textile Bulletin*, and would account for most southern states’ failure to ratify the Child Labor Amendment after its passage in Congress in 1924.

⁸ Golden, John “Children in the Textile Industry” United Textile Workers of America, 1 March 1910. (2).

⁹ History of child labor in the United States—part 1: little children working, Monthly Labor Review, U.S Bureau of Labor Statistics, 2017.

¹⁰ History of child labor in the United States—part 1: little children working, Monthly Labor Review, U.S Bureau of Labor Statistics, 2017.

¹¹ History of child labor in the United States—part 1: little children working, Monthly Labor Review, U.S Bureau of Labor Statistics, 2017.

¹² What State Was First to Pass Laws Forbidding Child Labor? Streissguth, Tom. Houston Chronicle.

1.2 Early Activism Against Child Labor

Workers' rights organizations and other social welfare groups campaigned to create awareness for child labor decades before lawmakers attempted to pass the first federal child labor law in 1906. As the Industrial Revolution began to drastically alter the type of work done by children, conditions of these urban industrial workspaces and living situations led to heavy media coverage and activism by social welfare programs and unions. There was hope that this increased awareness of the conditions and consequences of industrialization could result in real and tangible responses from the federal government. This can most famously be seen by the effects of *The Jungle*, by Upton Sinclair, which documented the story of immigrants living in Chicago tenement housing and provided details of a life spent working in a meat-packing plant. The book's descriptions of the meat-packing industry ultimately led to the passing of the Pure Food and Drug Act and the Meat Inspection Act in 1906, showing that coverage like this could result in proper regulation of these industries. Therefore, both as a result of a newly growing awareness of child labor, and successful reactions from the federal government on other social welfare causes, the anti-child labor movement gained more traction.

The earliest proposals for action against child labor can be dated back to the 1830s, with the National Trades' Union League calling for a minimum age for factory workers in 1836¹³. Later in the century, the 1880s also saw the American Federation of Labor calling for statewide action campaigns to ban the employment of individuals under 14, regardless of industry¹⁴. Other early social welfare groups advocating for federal anti-child labor legislation were the National Consumers League, founded in 1899; the National Women's Trade Union League, founded in

¹³ The University of Iowa Labor Center, Child Labor in U.S History.

¹⁴ National Child Labor Committee (NCLC): Founded April 25, 1904. Paul, Catherine. Virginia Commonwealth University Libraries: Social Welfare History Project, 2017.

1903; and the National League of Women Voters, established in 1920. However, most prominently, 1904 saw the creation of a dedicated National Child Labor Committee founded by one of the leading anti-child labor activists, Florence Kelley. Kelley was also one of the most popular targets of scrutiny from textile mill owners. From early in the history of anti-child labor activism, these social welfare organizations, many of them women's organizations, held a unique stronghold in providing a voice for child workers.

1.3 Previous Federal Legislation

Generally speaking, the Child Labor Amendment appeared early in the timeline of when the issue of child labor gained mainstream awareness amongst lawmakers. The earliest attempt at a law intended to regulate child labor at the federal level surfaced in 1906. Two years prior, motivated by a growing awareness of child labor in the public consciousness, President Theodore Roosevelt attempted an investigation into child labor in the United States. When the investigation did not materialize, efforts were instead pursued by Indiana Republican Senator Albert J. Beveridge.

In 1906, Beveridge first theorized the idea of a national law to regulate child labor. Beveridge referred to a national child labor law as a “must to safeguard the nation’s citizenship” and called child labor itself a problem which “stunt[s] the bodies, minds, and souls of American children.¹⁵” Beveridge also stated that “when these children grow up... [they will] understand how they are ruined for life.¹⁶” Beveridge’s bill sought to place restrictions on child labor through regulating interstate commerce. Congress had passed previous legislation regulating

¹⁵ Braeman, John. “Albert J. Beveridge and the First National Child Labor Bill.” *Indiana Magazine of History* 60, no. 1 (1964): (17).

¹⁶ Braeman, John. “Albert J. Beveridge and the First National Child Labor Bill.” *Indiana Magazine of History* 60, no. 1 (1964): 1–36. (18).

aspects of interstate commerce, and Beveridge sought to disadvantage companies who used child labor by prohibiting goods made by children from being involved in interstate commerce. Beveridge's bill eventually failed, but this exact framework was used ten years later in the Keating-Owen Act of 1916.

In the 1910s, laws sought to regulate child labor by tackling specific and small roundabout aspects of ways that child labor was used in different industries or processes. The first major piece of legislation which attempted to regulate child labor at the federal level came from Congress in 1916 with introduction of the Keating-Owen Act. Similar to Beveridge's bill, the Keating-Owen Act sought to reduce the use of child labor by placing new restrictions on interstate commerce, targeted towards businesses that made goods using child labor. The Act prohibited companies from benefiting from and participating in interstate commerce if they employed children under fourteen years old in factories, or in the case of mines children under sixteen¹⁷. In addition, the Act also outlined provisions related to hours worked, requiring that any company whose facilities allowed children to work after 7:00pm or before 6:00am, more than eight hours per day, or more than sixty hours per week would also be prohibited from involving their goods in interstate commerce¹⁸. While the intentions of the Act did seek to drastically restrict factories' employment of children and demonstrated a growing understanding by those in the federal government of the unethical and exploitative nature of this system, the focus of the Keating-Owen Act was significantly less radical in its goal and smaller in its scope of the ways it addressed the problem of child labor. The Child Labor Amendment, which instead sought to give Congress the power to regulate all labor of those under eighteen years old, would have a broader

¹⁷ Keating-Owen Child Labor Act of 1916, 1916.

¹⁸ Keating-Owen Child Labor Act of 1916, 1916.

scope which was not specific to a single aspect of child labor, such as manufacturing, and would classify children at a higher age.

Unsurprisingly, the Keating-Owen Act faced opposition and was ultimately struck down as unconstitutional by the Supreme Court in the 1918 case of *Hammer v. Dagenhart*. The Court ruled that Congress did not have the power under the Interstate Commerce Clause to regulate goods based on how they were manufactured. As outlined in the majority opinion, the Keating-Owen Act was different from previous laws which gave Congress the authority to regulate prostitution and the sale of liquor, as these were inherently immoral substances. While child labor was an immoral means of achieving production, the Act did not pertain to a specifically immoral or controversial product.

In response to this, Congress attempted to implement another form of anti-child labor legislation, this time focusing on achieving these means through an even narrower goal: the taxation of companies. The 1919 Child Labor Tax Law created a 10% tax on the net profits of companies that employed children¹⁹. This effort was again overturned a few years later, in the 1922 case of *Bailey v. Drexel Furniture*, on the basis that implementing a penalizing tax was not the correct or constitutional way to regulate manufacturing.

Still, this did not halt campaigns against child labor. After *Drexel*, the focus shifted from reducing child labor through the regulation of a specific aspect of distributing and manufacturing to a broader constitutional amendment openly targeting the entire system. This Child Labor Amendment would give Congress the power to regulate all labor of persons under eighteen, with no specific criteria given to hours or industry worked. Because previous small-scale anti-child labor legislation had been overturned after a few years by the Supreme Court, the anti-child labor

¹⁹ H.R. 12863, Revenue Act of 1919 (Child Labor Tax Law), 1919.

agenda in the 1920s favored a more radical, all-encompassing, and direct solution — one which the Supreme Court could not thwart — by way of a constitutional amendment.

1.4 The Child Labor Amendment

The Child Labor Amendment was initially proposed by Ohio Republican Congressman Israel Moore Foster in 1922. Foster lost re-election in the same year. There is little available information on Foster other than the fact that he proposed the Amendment. His motivations for doing so are unavailable. Foster had no published journal articles or papers speaking about his desire for child labor reform or why this cause was important to him. The only available information on Foster during his time in Congress is a list of bills and committees which Foster was on or supported, some of which included bills to create federal industrial institutions for women and African Americans, in addition to causes supporting temperance²⁰.

The actual text of the Child Labor Amendment is outlined in two sections, and reads as follows:

Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen years of age.

Section 2. The power of the several States is unimpaired by this article except that the operation of State laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

²⁰ OCLC WorldCat Identities, Foster, Israel Moore 1873-1950.

2. REFORMERS SUCCESSES AND THE AMENDMENT IN CONGRESS: 1922-1924

2.1 Child Labor as a Humanitarian Crisis

During the Congressional hearings for the Child Labor Amendment, which spanned from 1922 to 1924, testimonies were heard from thirteen social interest groups focused on women's and children's education and wellbeing. Throughout these hearings, The National Child Labor Committee (NCLC) and the Women's National Child Labor Committee appeared most prominently.

In 1908, four years after its creation and fourteen years before these debates in Congress, Dr. Felix Adler, Chairman of the NCLC, authored a pamphlet in which he outlined the basis for the anti-child labor movement in the United States. Adler looked at the issue of child labor from an American exceptionalist and humanist perspective. Adler's main thesis can be summarized as supporting the abolition of child labor based on the belief that it is the "right of each human being to freely develop...whatever talent [and] potentialities Nature has given him." Adler added that the limiting of this right, "from an American point of view, is the great sin."²¹

The NCLC also formed a specific Women's Committee for the Amendment, composed of sixteen separate women's organizations, mostly educational or religious interest groups. Organizations that joined the Women's Committee included the American Association of University Women; American Federation of Teachers; American Home Economics Association; General Federation of Women's Clubs; Girls' Friendly Society of America; National Congress of

²¹ Adler, Felix. "The Basis of the Anti-Child Labor Movement in the Idea of American Civilization." *The Annals of the American Academy of Political and Social Science* 32 (1908): (2).

Mothers and Parent-Teachers Association; National Consumers' League; National Council of Jewish Women; National Council of Women; National Education Association; National Federation of Business and Professional Women's Clubs; National League of Women Voters; National Women's Christian Temperance Union; National Women's Trade Union League; National Board of Young Women's Christian Association; and Service Star Legion.

As would later be explained in Congressional hearings for the Amendment by Mary Stewart, chairman of the Women's Committee, these women's groups were all operating under the belief that child labor was a national humanitarian crisis, and that only the federal government had the power to eradicate such a massive problem. It is important to note that the Committee not only sought out a constitutional amendment because they felt that the federal government had the best authority to enforce child labor laws, but also because they believed the federal government had a responsibility to protect its citizens. These reformers believed that the primary duty of the American national government was to protect and ensure the life, liberty, and happiness of its citizens, with priority given to its future generations. This shows that the primary beliefs motivating those in the NCLC was the understanding of child labor as a bipartisan humanitarian crisis, and that action from the federal government was necessary because child labor would mentally and physically stunt the development of children, preventing them from becoming properly adjusted and successful future Americans.

2.2 The 1922 Hearings

Congressional hearings for the Amendment began on June 1, 1922. The initial hearing would be brief compared to the hearings to follow in 1923 and 1924. The first hearing included testimonies from Florence Kelley, Samuel Gompers, and Owen Lovejoy, all major representatives of the NCLC, but did not yet include testimonies from outside interest groups.

Throughout the hearings, the most noticeable progression was a shift towards more humanitarian arguments and the use of more graphic descriptions of the conditions endured by child laborers.

The 1922 testimony centered on three major arguments in support of the Amendment. One argument condemned child labor as a violation of the 13th Amendment, another pertained to economic competition, and the third employed more general constitutional justifications. The arguments tended to be of a legalistic and economic nature and contained minimal use of emotional appeals.

Larger philosophical arguments in the testimony did reflect some ideas of American exceptionalism, in relation to both morality and the economy. These arguments were made by speakers such as union leader and NCLC representative Samuel Gompers, the president of the American Federation of Labor. In the introduction to his statement, Gompers stated that “it is a crime against civilization and a blot upon our claim to progress and civilization....as one of the greatest Nations on the face of the earth, [to permit] the labor of the young for the purpose of profit and exploitation.²²”

These beliefs fueled one of the major claims made in the 1922 hearing: that child labor was a violation of the 13th Amendment. Opponents of child labor pointed to Section 1 of the 13th Amendment, which reads:

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction²³.

²² U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (2).

²³ U.S Const, 13th Amendment, Section 1.

Speakers like Gompers argued that because children were dependents and did not have the legal authority to make employment decisions independently, they did not possess the mental understanding necessary to consent to the use of their labor; therefore, because their labor was of an exploitative nature, it could be considered a form of involuntary servitude. In his statement, Gompers went so far as to state that it was on the basis of the 13th Amendment that the original anti-child labor bill and brief were proposed²⁴.

Economic justifications in the hearing stemmed from a belief that child labor created unfair economic competition between states that had child labor laws versus those which did not. These arguments attacked how factory owners favored the employment of children as a way to avoid having to pay higher adult wages. During Gompers' testimony, Representative Joseph Walsh (R-Massachusetts) interjected to ask Gompers if "the employment of children of tender years is a source of competition against adults in other sections of the country?" Walsh proceeded to ask whether this practice constituted "unfair competition against the workman in similar lines of industry in States where child labor is prohibited?" Gompers answered yes to both statements²⁵.

The first hearing also devoted a significant amount of attention to the specific need for a constitutional amendment, as child labor would not be eradicated through state legislation. Reformers argued that the main need for uniform regulations nationwide was because child labor would remain a problem in states that had minimal regulations unless a national minimum standard was enforced. States could still create their own child labor laws, but they must at minimum adhere to the guidelines set by the proposed 20th Amendment. Owen Lovejoy's

²⁴ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (5).

²⁵ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (10).

testimony added to this rationale, with Lovejoy theorizing that “that there may result from the slow action of some of the more backward States immediate injury to the present generation of children that could be obviated by Federal action.²⁶” Florence Kelley more bluntly and passionately claimed in her testimony that “it is not possible for the States to give to the children that uniform protection of the laws...that the Constitution guarantees to the minor citizens as well as to the adult citizens of our nation.²⁷” Adding that current child labor laws are of “48 divergent varieties,²⁸” Kelley notably stated, in relation to the two failed previous national child labor laws and nonuniform state laws, that if laws of this structure continued “we should be designated morons” because “a moron is a person who learns nothing from experience.²⁹”

Representatives Walsh and Representative Hatton Sumners (D-Texas) carried out opposition arguments in the testimony, challenging the activists on the powers of the states versus the power of the federal government. The two representatives also questioned the NCLC on the truth behind claims of the supposedly negative impact of work on children. In one instance, Walsh asked Gompers if “certain kinds of work...may be helpful to the child,” implying that some types of jobs, such as clerical work or assisting telegraph operators, were not particularly laborious and were important to teaching children discipline and structure. Walsh argued that if it was not for employment, children would only have schoolwork to worry about, and would “frolic during their vacation,³⁰” creating an unequal balance of work and play

²⁶ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (16).

²⁷ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (17).

²⁸ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (17).

²⁹ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (18).

³⁰ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (8).

insufficient to teach children lessons about hard work, responsibility, and maturity.

Representative Sumners challenged Kelley on her knowledge of the Southern states, claiming that “the preservation of the rights of the States, as we used to consider it in the South...may be important to preserve the capacity of the State to govern, which can be done only by the exercise of governmental power.³¹”

2.3 The 1923 Hearings

The 1923 hearings, beginning on January 10th, relied on significantly more humanitarian and progressive arguments than its predecessor. Testimonies featured a wider range of statements from women’s groups that made up of the Women’s Committee for the Amendment, in addition to several other interest groups concerned with education and child development. These groups presented a larger and more concrete range of evidence, including charts and other collections of statistics. Opposition arguments came from owners and supporters of textile mills, farmers and agricultural alliance groups, and members of Congress whose home states would be quick to reject the Amendment after its passage. It is overwhelmingly clear from this series of hearings that the central opposition of women’s groups to the system of child labor in 1923 had to do with its depriving children of an education.

The testimony of Selma Borchardt, representing the American Federation of Teachers (AFT), contained the boldest attempts at pushing for educational reform through the passing of child labor laws. Groups such as the AFT had the primary purpose of reinforcing compulsory education laws, and supporting the Child Labor Amendment was the best way to for that goal to advance. Borchardt stated that “compulsory attendance laws...can not be adequately enforced unless simultaneously in each community, either by State or Federal legislation adequate child

³¹ U.S Congress, House, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 2nd sess. 1922 (15).

labor laws are being enforced.³²” This reflected a significant shift to a focus on regulating child labor for the individual betterment of children through proper educational resources, as opposed to more indirect economic or systematic concerns about this type of labor. Borchartd’s testimony also included a chart showing the shockingly high rates of illiteracy in the South for children aged ten and older, with 21.9 percent of children in Louisiana, 18.1 percent in South Carolina, and 16.1 percent in Alabama being unable to read and write³³. Borchartd’s evidence demonstrated that even though some states had passed compulsory education laws, exemptions remained for children who worked in order to support their families. Therefore, loopholes still existed in getting children out of the factory and into the classroom.

Other groups that primarily focused on the detriment of child labor to education and the need for compulsory education laws included the Women’s Trade Union League, the Parent Teacher Association, the National Federation of Business and Professional Women’s Clubs, and the National Council of Catholic Women. The National Federation of Business and Professional Women’s Clubs, an association concerned with “boys and girls who enter the occupational world at the legal working age,³⁴” summarized the positions of these remaining groups well, by stating that in order to have successful, well-adjusted American citizens and future professional workers, the people who will “do the work of the world have to be fitted to do the work of the world before they can do justice to themselves or the state.³⁵” The speaker added that because of this, “we are convinced that boys and girls who are immature need some sort of supervision up to at

³² U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (60).

³³ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (61).

³⁴ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (64).

³⁵ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (64).

least age 18.³⁶” It is important to note that this organization also advocated in their statement for universal public high school for girls entering the business world³⁷, which demonstrated how many of these organizations were also advocating for the passage of federal education laws in addition to the Child Labor Amendment.

Additional humanitarian-focused arguments in the 1923 hearings dealt with a belief that a country had a responsibility to take care of its citizens, and above all oversee the development and welfare of its young people. In the testimony of Mrs. Maude Schwartz of the Women’s Trade Union League, she stated that “it is the duty of any government to see that the youth have the opportunity to grow up into fine and healthy and intelligent workers.³⁸” Schwartz added that “in a country as great and as rich as the United States, whatever may be the position of impoverished European countries, the labor of children is not needed here.³⁹” Schwartz also pointed to the 18th Amendment (which would be featured in the testimonies of those both for and against the 20th Amendment) to argue that the United States had passed recent reforms showing that it was concerned with the social welfare of its citizens, and that banning the harmful, exploitative, and unnecessary system of child labor should take precedent over the desire to take away alcohol⁴⁰.

³⁶ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (64).

³⁷ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (64).

³⁸ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (59).

³⁹ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (59).

⁴⁰ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (59).

These ideas about the responsibilities of the federal government were also echoed by representatives of both major political parties, with speakers from the Republican and Democratic parties both providing extremely similar statements and rationales for the eradication of child labor in their testimonies. For example, Emily Blair, Vice Chairman of the Democratic National Committee, stated that as both a mother and a member of the Democratic Party, she wholeheartedly believed that the Democratic Party “holds that the life, health, and strength of the children of the Nation are its greatest assets.” She added that “child labor legislation constitutes democracy’s response to the demands of modern social justice.⁴¹” Similarly, in 1924 Mrs. Harriet Taylor Upton, Vice Chairman of the Republican National Committee, argued in her testimony that this belief was uniform amongst all of the women testifying before Congress. Upton stated that “if there is anything in the world that should be protected and provided and cared for it is the children of our country.⁴²” Upton believed that this was why she had not met a single woman who did not care about the issue of child labor, and why every women’s organization she had interacted with, despite their differences, stood together in passionately advocating for the passing of the Amendment⁴³.

Men such as Gompers also provided humanitarian arguments, centered around the economy. This was in an attempt to appeal to textile mill owners and representatives of agricultural unions opposed to the Amendment. In Gompers’ strongest and most passionate argument, he sought to convey the idea that the system of child labor was uneconomic, as it

⁴¹ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (64).

⁴² U.S Congress, House, Committee on the Judiciary, Proposed Child-Labor Amendments to the Constitution of the U.S, 68th Cong., 1st sess., 1924 (68).

⁴³ U.S Congress, House, Committee on the Judiciary, Proposed Child-Labor Amendments to the Constitution of the U.S, 68th Cong., 1st sess., 1924 (68).

“dwarfs” workers in “body and mind⁴⁴” and would doom future generations from being able to continue expanding both the United States’ economy and the country’s reputation. Gompers claimed that the conditions of child labor and industrial labor were already producing some of these effects, asking Congress, “Is it any wonder that when the draft was held in our country for men in the Army and the Navy that so many of them failed to meet the physical and mental requirements that more than one-third were rejected?⁴⁵” Further in his statement, Gompers added that this system would not work in the long run. Managers knew that it was currently more profitable to employ children, as they did not have to supply adult wages. Gompers argued in the long run this was not sustainable, and that the manufacturer who used adult labor would find that this brought him more profit and overall opportunity⁴⁶. Gompers summarized his testimony by powerfully stating that “industry cannot be developed to its highest point of near perfection in a suit of clothes of a madman.⁴⁷”

The strongest counterarguments to these ideas came from the American Constitutional League, David Clark of the *Southern Textile Bulletin*, and Senator W.L. Long of North Carolina. (North Carolina would reject the Amendment in 1924.) In response to education, the opposition countered that not all children benefited from school or were suited to be in the professional world and hold white-collar jobs. Some children did not enjoy going to school, and teachers were wasting their time trying to make them into something that they were not. Instead, these children could have bettered their skills in their current agricultural or industrial jobs. The opposition

⁴⁴ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (70).

⁴⁵ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (70).

⁴⁶ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (71).

⁴⁷ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (71).

argued that work in a factory or a mill was not degrading, and that valuable educational lessons could be taught through this kind of labor⁴⁸. In a statement from Everett P. Wheeler of the American Constitutional League, he described how his wife's friend had a daughter who both went to high school and was a domestic worker. "She sent her daughter to high school but she had no capacity for algebra or geometry," he explained.⁴⁹ Instead, she better thrived in and enjoyed her job as a domestic worker, and found that after dropping out of high school and committing herself to her work, "her health improved and she became most useful and much honored."⁵⁰ Senator Long provided similar arguments, claiming that even if children were enrolled in school, without work they were missing out on important life lessons and skills, and had too much time for "idleness." Long stated that "unsupervised idleness is the finest breeding ground of vice that you could have to undermine the character and the health of young America."⁵¹ Long went so far as to claim that in general, the conditions of child labor in the South were overexaggerated, arguing, "We believe that the laws of the southern States that refer to manufacturing enterprises, canneries and mines, are adequate, and that we are doing everything to protect the child."⁵²

David Clark, owner of the journal *Southern Textile Bulletin*, initially argued against the Amendment from a more legalistic standpoint. Clark argued that there was no need for a national

⁴⁸ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (97).

⁴⁹ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (97).

⁵⁰ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (97).

⁵¹ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (110).

⁵² U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (110).

law, because states already adequately created their own child labor laws, and states were also better suited to create laws tailored to their own specific conditions. Clark included testimony from Mrs. K.B. Johnson, Commissioner of Welfare for the State for North Carolina, who discussed the recent introduction of a “mother’s aid bill” in North Carolina. The bill would give financial assistance to mothers whose children were enrolled in school and therefore would no longer be providing to their household income⁵³. This example worked to counteract the arguments made by members of the NCLC that states were not taking appropriate action towards preventing child labor. This also supported the argument that state governments were better suited to create their own anti-child labor legislation according to the specific needs of that state.

In summary, the 1923 hearings focused on mostly humanitarian justifications for the Amendment as opposed to economic and legalistic rationales. These arguments focused on education, child development, and well-being. When economic arguments were featured, they typically focused on the effects that unskilled and education-deprived workers would have on the American economy in the future. These arguments were made primarily by women’s, educational, and religious groups. Opposition to these arguments came from textile owners, southern senators, or groups concerned with preserving American principles of limited government as outlined by the Constitution.

2.4 The 1924 Hearings

Hearings for the Amendment in 1924 took place between February 7th and March 8th. The arguments were of a similar nature on both sides to the Congressional hearings from the previous year. Mary Stewart, representing the Women’s Committee, was concerned with

⁵³ U.S Congress, Senate, Committee on the Judiciary, *Child Labor Amendment to the Constitution*, 67th Cong. 4th sess., 1923 (106).

humanitarian arguments, and also attempted to use appeals to American ideals to justify her position. Stewart, speaking for all sixteen women's groups in the committee, stated: "We...think it is so empowered by the original wording of the Constitution that to look out for the general welfare is quite as much the business of the Congress as to provide for the national defense, and we feel that the general welfare is best taken care of in the welfare of the children."⁵⁴ Stewart added that this was the primary reason why these women's organizations supported the Amendment. Stewart also assured Congress that the committee was made up of "thoughtful, public minded women."⁵⁵

The major difference between the 1924 hearings and the hearings from the previous two years was the presence of a heavy-handed and well-established opposition. Opposition to the Amendment in these hearings came from the American Farm Bureau Association, the Women's Constitutional League of Maryland, *Southern Textile Bulletin* editor David Clark, and southern textile manufacturer Simon Miller. Similar to the 1923 hearings, the opposition's arguments pertained to the importance of alternative types of "industrial" education and American values like states' rights. Simon Miller advocated for child labor on the basis that it taught children the importance of hard work and the rewarding benefits that came with contributing to the economy. Miller used an example from an unnamed but presumably popular children's poem about a squirrel, which contained the line: "If I cannot carry the forests on my back, neither can you crack a nut."⁵⁶ Miller also believed that child labor had positive benefits for children in that their

⁵⁴ U.S Congress, House, Committee on the Judiciary, *Proposed Child-Labor Amendments to the Constitution of the U.S., 68th Cong., 1st sess., 1924* (61).

⁵⁵ U.S Congress, House, Committee on the Judiciary, *Proposed Child-Labor Amendments to the Constitution of the U.S., 68th Cong., 1st sess., 1924* (61).

⁵⁶ U.S Congress, House, Committee on the Judiciary, *Proposed Child-Labor Amendments to the Constitution of the U.S., 68th Cong., 1st sess., 1924* (110).

work provided them with a living and kept them off the streets. Miller argued that child labor prevented idleness, and absurdly claimed that their work “gives them the opportunity to satisfy their cravings for entertainment” by providing them with money to spend on toys or to go to the movies⁵⁷.

Additional anti-Amendment attacks with a focus on legal arguments came from both the Women’s Constitutional League of Maryland and the American Farm Bureau Federation. The Women’s Constitutional League (WCL) concerned itself with stopping constitutional change that would increase the powers of the federal government. The WCL opposed the Amendment because it went against the concept of local self-government and did not preserve “the principles of the Constitution and the Bill of Rights.”⁵⁸ Dr. W.H. Walker of the American Farm Bureau Federation more eloquently worried that because agriculture made up such a large portion of child labor, that a broad constitutional amendment would not be able to appropriately cover all the intricacies of different agricultural work throughout the different states. Walker explained this by stating that “a law that fits the fruit pickers in California will not fit the wheat growers of North Dakota.”⁵⁹ Walker was also troubled by the idea that many of the children employed on family or local farms were the primary family members supporting their household, and that this Amendment would not protect these families, therefore hindering the welfare of farm families. Walker went so far as to claim that if the Amendment did not affect agriculture, he “would not

⁵⁷ U.S Congress, House, Committee on the Judiciary, Proposed Child-Labor Amendments to the Constitution of the U.S, 68th Cong., 1st sess., 1924 (112).

⁵⁸ U.S Congress, House, Committee on the Judiciary, Proposed Child-Labor Amendments to the Constitution of the U.S, 68th Cong., 1st sess., 1924 (105).

⁵⁹ U.S Congress, House, Committee on the Judiciary, Proposed Child-Labor Amendments to the Constitution of the U.S, 68th Cong., 1st sess., 1924 (77).

oppose it.⁶⁰” These statements foreshadowed the reluctance that states with agricultural-based economies would have towards passing the Amendment.

2.5 The Amendment Passes

The Child Labor Amendment was voted on by the House on April 26, 1924, with 297 voting in favor, 69 opposing, and 66 not voting. In the Senate, voting took place on June 2nd, with 61 voting in favor, 23 voting in opposition, and 12 not voting. In the states of Alabama, Florida, Georgia, Idaho, Louisiana, Maryland, North and South Carolina, Utah, Texas, and Virginia, a majority of votes were cast against the Amendment in the Senate, House, or both⁶¹. But surprisingly, even though Massachusetts would vote to reject the Amendment in 1925, both Senators voted for the Amendment and only three members of the House against the Amendment at the initial vote in 1924. One year later, by March 1925, twenty-two states had already rejected the Amendment⁶².

Despite a well-organized opposition from David Clark and agricultural interest groups in 1923-1924, this was not enough to counteract the evidence brought to light by Progressive pro-Amendment reformers. The framing of the issue of child labor as a bipartisan, humanitarian crisis by these women’s groups and the NCLC ultimately led to the successful passing of the Amendment in Congress in 1924. Their testimonies, in addition to illustrating the reliance that several major industries in the country had on child labor, highlighted the uncomfortable dependency which poor adult parents had on their children. These reformers also exposed adult bosses’ awareness about the exploitative nature of their hiring of underage employees, and the

⁶⁰ U.S Congress, House, Committee on the Judiciary, Proposed Child-Labor Amendments to the Constitution of the U.S., 68th Cong., 1st sess., 1924 (79).

⁶¹ The child labor amendment. (1924). Editorial research reports 1924 (Vol. II).

⁶² The child labor amendment. (1924). Editorial research reports 1924 (Vol. II).

long-term developmental detriments to children who grew up with inadequate education. These aspects of the evils of child labor focused on by the NCLC and its supporters were the most easily agreed upon, generally understandable, and humanitarian-focused arguments presented in the hearings. These arguments evoked feelings of shame by providing statistics on how common this system of labor was in the United States and data about things like illiteracy rates, which demonstrated the long-term effects that future generations who grew up under this system would suffer. These facts were also applied to the United States economy and society at large, to argue that when these workers grew up, they would be unhealthy and underdeveloped and therefore be a drain on national resources.

While opposition arguments also tried to use humanitarian appeals by catering to agricultural and poor workers in rural areas, their arguments were mostly legalistic and were focused on maintaining the American principle of limited government. These questions were more divisive, resulting in a variation of answers and opinions from lawmakers. Reactions to these legalistic arguments were typically more subjective. The opposition's argument was overall less humanitarian and less focused on the long term, and as a result these arguments and statistics were less discussed and the opposition's questions were answered less completely than those who favored the Amendment.

However, immediately after the Amendment passed, opposition groups refined their arguments, shifting to more humanitarian appeals, often meant to strike fear in rural American families. After 1924, the opposition created a stronger and more well-structured front than what had existed in the early 1920s.

3. PROPAGANDA CAMPAIGNS AND THE AMENDMENT'S DEFEAT: 1925 - 1938

3.1 David Clark and the *Southern Textile Bulletin*

Out of the 15 states which rejected the Amendment, 11 were southern. This was due to the high rates of child labor in the South and the previous lack of sufficient statewide child labor laws throughout the region. Southern members of Congress were critical of the Amendment throughout each hearing, concerned largely with preserving states' rights. This can be seen in testimonies such as that of Representative Sumners of Texas, who, when responding to Florence Kelley in 1922, noted how in the South, the concept of states' rights was still of the utmost importance and value⁶³. However, the largest factor in Southern and rural Western states' almost universal rejection of the Amendment had to do with the massive anti-Amendment propaganda campaigns led by David Clark, distributed by the *Southern Textile Bulletin* and the Farmers' States Rights League, alongside the National Association of Manufacturers.

Shortly after the Amendment passed in 1924, Clark set out on a tour to advocate against the Amendment in both southern states and in areas such as New York and the Western states to confer with agricultural interests⁶⁴. During this time, Clark "had distributed fully fifty thousand pieces of anti-Amendment literature in rural areas."⁶⁵ In addition to this, in 1924-25, Clark also published several hit pieces on the Amendment and on members of the NCLC. Clark's main goal

⁶³ U.S Congress, Senate, Committee on the Judiciary, Child Labor Amendment to the Constitution, 67th Cong. 4th sess., 1923 (15).

⁶⁴ John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," The University of Arizona, January 1, 1964. (46).

⁶⁵ John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," The University of Arizona, January 1, 1964. (47).

was to convince agricultural families that the Child Labor Amendment would give Congress and the federal government the ability to ban children from being able to work on their parents' farm or even do household chores. According to Clark, the Amendment was an attempt by the federal government to further insert itself into the home and dictate what parents could or could not do with their children. This concern was bluntly described in the journal *American Power Farmer* in 1925 as forbidding "any farm boy from milking a cow" or "Sister Susie to wash a dish or sew a button."⁶⁶ Clark pushed the idea that the Amendment would drastically change the rights of parents. This concern that the Child Labor Amendment would affect family farms was not new, and most opposition to the Amendment during hearings was by speakers representing agricultural interest groups, who either felt that a national law would not be able to address the various agricultural industries in each state or that Congress did not understand the importance of agricultural work and the dependency which these rural towns had on agricultural workers.

Given that farmers were known to have the strongest opposition to the Amendment, Clark attached himself to their interests and worked hardest to garner the attention of agricultural states. In order to accomplish this, Clark went so far as to create a fake farmers' interest group, the Farmers' States Right League. Clark's alliance with farmers was entirely self-serving, done only to ensure the failure of the Amendment and to protect the southern textile industry and those who profited from it. In describing Clark's past, historian Bart Dredge notes that "prior to the 1924 amendment resolution, Clark generally ignored American farmers and was quite unforgiving when he did mention them."⁶⁷ Dredge details how in various *Southern Textile*

⁶⁶ Dredge, Bart. "David Clark's 'Campaign of Enlightenment': Child Labor and the Farmers' States Rights League, 1911—1940." *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (41).

⁶⁷ Dredge, Bart. "David Clark's 'Campaign of Enlightenment': Child Labor and the Farmers' States Rights League, 1911—1940." *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (43).

Bulletin articles from the 1910s, Clark spoke of farmers' laziness and poor work ethic, and suggested that it was because of this that they were trying to avoid being drafted into World War I.⁶⁸

The words "Bolshevik," "communist," and "socialist" also appeared throughout propaganda created by Clark. In one letter to Clark from a mill owner in Georgia, the writer praised Clark for his efforts in dismantling the Amendment, which he felt shined a light on the "bolshevik movements in America."⁶⁹ Clark published an article in the *Southern Textile Bulletin* titled "Child Labor Amendment Part of Socialist Program" which sought to connect Florence Kelley to figures such as Friedrich Engels, with Clark also stating that "Mrs. Kelley...has headed nearly all the drives for German socialist 'welfare' legislation."⁷⁰ Other *Southern Textile Bulletin* articles where Clark wrote about his dissatisfaction with the Amendment were entitled "Child Labor Amendment Will Open the Gates of Hell," "The Farmers are Awake," and "A Principle of Government."⁷¹ All of these articles were published between 1924-1925.

Several other southern senators also claimed the Child Labor Amendment and its creators were of socialist origins. Senator Hubert Stephens (D-Mississippi) claimed that the Child Labor Amendment was a product of socialism, and that its ultimate goal was for the child to become "the absolute property of the Federal Government."⁷² Stephens also claimed that "that the Child

⁶⁸ Dredge, Bart. "David Clark's 'Campaign of Enlightenment': Child Labor and the Farmers' States Rights League, 1911—1940." *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (43).

⁶⁹ John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," *The University of Arizona*, January 1, 1964. (47).

⁷⁰ John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," *The University of Arizona*, January 1, 1964. (52).

⁷¹ Dredge, Bart. "David Clark's 'Campaign of Enlightenment': Child Labor and the Farmers' States Rights League, 1911—1940." *The North Carolina Historical Review* 91, no. 1 (2014): 30–62.

⁷² John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," *The University of Arizona*, January 1, 1964. (28).

Labor Amendment was a ‘hellish scheme’ initiated in foreign countries to destroy the government of the United States.⁷³ Boldest of all, the *Republican-Record*, a Missouri newspaper, claimed that the Amendment should be renamed “An Amendment to the Constitution Authorizing Congress to Close the Door of Hope to the Youth of America and Open the Gates of Hell.”⁷⁴

However, it is important to note that while Clark and his supporters did dislike the Amendment because they saw it as a violation of states’ rights and an inappropriate overstep of the federal government into family life, their use of words like “Bolshevik,” “communist,” and “socialist” was used mainly as a scare tactic. Beginning in 1917, at the start of the Bolshevik Revolution in Russia, conservatives in the United States were quick to label progressive and far-left movements and legislation as communist or Bolshevik. Typically, using these labels resulted in the successful dismantling of these far-left movements. The fears expressed during the first Red Scare period from 1919-1920 still resonated significantly in the mid-1920s, which was more than likely known by Clark and his colleagues.

In assessing this propaganda, the 1938 article “Propaganda and the Proposed Child Labor Amendment” explained how while the “photograph of a small girl sweating in a cotton mill may evoke a mild feeling of pity... a clever cartoon showing a...woman police officer invading an American Home...and dragging a boy by his ear from the chore of Helping Mother Do The Dishes has a stronger emotional appeal.”⁷⁵ Therefore, while anti-child labor activists presented

⁷³ Dredge, Bart. “David Clark’s ‘Campaign of Enlightenment’: Child Labor and the Farmers’ States Rights League, 1911—1940.” *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (46).

⁷⁴ Dredge, Bart. “David Clark’s ‘Campaign of Enlightenment’: Child Labor and the Farmers’ States Rights League, 1911—1940.” *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (47).

⁷⁵ Hulett, J. E. “Propaganda and the Proposed Child Labor Amendment.” *The Public Opinion Quarterly* 2, no. 1 (1938): 105–15. (112).

disturbing photographs and statistics, they were less able to manipulate this evidence to create larger and more dramatic claims and theories, as did the opposition. In addition to this, pro-Amendment propaganda contained much less sensationalized phrasing and did not demand such strong calls for action. Anti-Amendment propaganda sought to convince Americans that both their parental rights and their rights as Americans were under attack, and that the Amendment constituted a larger trend, inspired by “socialist” ideas, of the federal government asserting authority over how parents raised their children. This propaganda also brought awareness to the very real financial uncertainty that poor families, especially owners of family farms, would experience if their children could no longer help provide. It is likely that many pro-Amendment progressives failed to realize, or at least did not properly emphasize, that many families understood the corruption and exploitation associated with child labor and did not want to send their children off to work. However, they depended on the labor of their children in order to survive.

In response to the Amendment’s passage by Congress in 1924, Clark and his colleagues, who were at the time uncoordinated, found themselves in a crisis, which resulted in the need to quickly create a well-organized opposition. As a result of this, most propaganda distributed by Clark, the Farmers’ States Rights League, and other groups was done mostly in the first two years following the Amendment’s passage. In 1938, it was reported that “during 1924 and 1925 interest was at height and the number of articles on the Amendment was large.” But between 1926-1929, “persons on both sides apparently regarded the amendment as dead.”⁷⁶ Due to this high volume of propaganda in 1924, 13 of the 15 states that rejected the Amendment did so within the first year of it being passed. In relation to the NCLC, the effects of this propaganda

⁷⁶ Hulett, J. E. “Propaganda and the Proposed Child Labor Amendment.” *The Public Opinion Quarterly* 2, no. 1 (1938): 105–15. (108).

showed that in just one year, the Committee and its supporters “had been ‘out-maneuvered, out-argued, and out-voted’ in the amendment fight.”⁷⁷

The only snag in David Clark’s campaign was the reveal towards the end of the 1920s that the Farmers’ States Rights League (FSRL) was fake, but by this time the Amendment’s fate had already been decided in the states. Historians write that the FSRL seemingly “appeared out of nowhere during the ratification campaign to defend the nation’s farmers.”⁷⁸ The FSRL was likely created by Clark to make his claims that farmers were disproportionately affected by the Amendment seem more legitimate. While the FSRL was one of the largest distributors of anti-Amendment pamphlets and newsletters, little was known about its members. Upon investigation, FSRL President Ben T. Wade “was unable to estimate the number of FSRL members...could identify no other state chapter and knew nothing about FSRL finances.”⁷⁹ When members were interviewed, one farmer noted “only that he provided his signature to someone opposed to a law that would keep his children from working on the ‘home farm’ and ‘was not acquainted with other FSRL members.”⁸⁰ Clark refused to admit his involvement with the FSRL until after the Amendment had failed to be ratified.

3.2 Alternative Legislation and the NCLC’S Response

While Clark’s campaigns in rural America caused the most dramatic blows to the Amendment’s ratification, this was not the only reason for its failure. An additional, less insidious reason why the Amendment failed simply had to do with the fact that after 1925 and

⁷⁷ Dredge, Bart. “David Clark’s ‘Campaign of Enlightenment’: Child Labor and the Farmers’ States Rights League, 1911—1940.” *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (31).

⁷⁸ Dredge, Bart. “David Clark’s ‘Campaign of Enlightenment’: Child Labor and the Farmers’ States Rights League, 1911—1940.” *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (34).

⁷⁹ Dredge, Bart. “David Clark’s ‘Campaign of Enlightenment’: Child Labor and the Farmers’ States Rights League, 1911—1940.” *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (44).

⁸⁰ Dredge, Bart. “David Clark’s ‘Campaign of Enlightenment’: Child Labor and the Farmers’ States Rights League, 1911—1940.” *The North Carolina Historical Review* 91, no. 1 (2014): 30–62. (44).

throughout the 1930s more favorable legislation regulating child labor was proposed. Beginning in 1933, in response to the Great Depression, Congress passed the National Industry Recovery Act under President Franklin Delano Roosevelt, which contained provisions and codes that would eliminate child and sweatshop labor.⁸¹ However, immediately after the Act's passage, Kelley and others in the NCLC protested the Act as it did not contain a minimum age standard in relation to child labor.⁸² Despite the hesitancy of those in the NCLC to support the Act, it did produce significant positive effects in the reduction of "children under sixteen years of age employed in industry⁸³".

Unlike the NCLC, other organizations and news outlets supported the 1933 cotton textile-code, which the *New York Times* excitedly claimed, "abolished child labor in the industry, establish[ed] a forty-hour work week and fix[ed] minimum wages at \$12 weekly in the South and \$13 in the North⁸⁴". Finally, in 1938, also under Roosevelt, Congress passed the Fair Labor Standards Act, which in addition to prohibiting the employment of minors, created a minimum wage and overtime pay.

This alternative legislation in the 1930s shows how the Child Labor Amendment was largely forgotten about, and other federal legislation under the Roosevelt administration was not only given more attention but favored. Most states had already rejected the Child Labor Amendment by 1925, despite continued activism from Kelley, Lovejoy, and others. The

⁸¹ John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," The University of Arizona, January 1, 1964. (96).

⁸² John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," The University of Arizona, January 1, 1964. (96).

⁸³ John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," The University of Arizona, January 1, 1964. (97).

⁸⁴ "President Signs the Textile Code; First Major Pact; Hailing Cotton Industry, He 'Can Think of No Greater Achievement in Cooperation.' Child Labor Ban Praised Johnson Says That Hours Will Be Cut 25% and Wages Raised 30%. President Signs the Textile Code," The New York Times (The New York Times, July 10, 1933).

alternative legislation of the 1930s did not solely focus on child labor, and a large reason for its support likely had to do with the fact that it also included benefits for adult workers, such as better pay and benefits, which inadvertently would have also eliminated the need for child labor due to families being able to better support themselves.

The final major failure of the Amendment involved the activism and attitudes of those in the NCLC once state legislatures began to reject the Amendment. Upon the passage of the National Industry Recovery Act in 1933, Kelley organized a protest requiring a 16-year-old age minimum as a part of the NRA codes, which resulted in unfavorable newspaper coverage and public opinion of the organization⁸⁵. The main dissatisfaction with the NCLC was that they seemed too fixated on the Child Labor Amendment, when progress could be made by their support of other legislation under the Roosevelt administration. Founding member of the NCLC and major advocate Samuel Gompers also passed away in 1924, significantly handicapping the Amendment's successful ratification and causing disruption to the NCLC's further activism efforts in the second half of the 1920s.

3.3 Final Consensus

Despite the successful passing of the Child Labor Amendment in 1924, the arguments put forward by its supporters were overpowered by campaigns from David Clark and other agricultural interest groups backed or created by southern textile mill owners. These campaigns took place primarily in the first two years after the Amendment had passed, rendering the Amendment basically dead by 1926. States continued to ratify the Amendment through the 1930s and pro-Amendment campaigns persisted. However, these ultimately proved unsuccessful due to the introduction of alternative legislation under the New Deal. This legislation regulated

⁸⁵ John Edward Garrett, "The Defeat of the Child Labor Amendment, 1924-1925," The University of Arizona, January 1, 1964. (99).

child labor in a more widely acceptable manner, which did not involve amending the Constitution but instead formed part of the National Industry Recovery Act, which also provided benefits to adult workers. Activism for the Child Labor Amendment was largely overshadowed by this new legislation, and it did not help that many NCLC members such as Florence Kelley often refused to support this new legislation. Although it ultimately accomplished the same goal as the Amendment, Kelley protested it because the Act did not include some of the same minor provisions. The NCLC chose to push for the Child Labor Amendment into the 1930s even though better alternatives had been widely endorsed.

CONCLUSION

The Child Labor Amendment was ultimately passed in Congress in 1924 due to the testimonies from women's, mothers', and teachers' groups focused on education, temperance, and childhood development, most of which were a part of the Women's Committee established by the NCLC. These organizations provided statistics on the dependence which major industries and areas of the country had on child labor, in addition to detailing the conditions of work environments for children and the long-term developmental consequences that would result from keeping children from an education. The NCLC also had supporters from both the Republican and Democratic parties, demonstrating that the issue of child labor was nonpartisan. These arguments overpowered those of the opposition in Congressional hearings due to their focus on the long-term effects of child labor on American children's development and the impacts on the economy and burdens on society under this system. The opposition was also not well organized and coordinated during this time.

After the Amendment passed, these anti-Amendment groups re-organized and consolidated their agendas, which resulted in an anti-Amendment campaign targeting the southern and western United States, in addition to other largely rural areas in the country. These areas already had minimal statewide child labor legislation and had the highest concentrations of children working. Through propaganda mostly organized by David Clark of the *Southern Textile Bulletin* and the Farmers' States Rights League, the opposition argued that the Amendment was an attempt by the federal government to further insert itself into the household. In addition, these groups declared that the Amendment would prohibit children from assisting with work on family farms and even from doing chores around the home. This heavy stream of propaganda in 1924-

1925 was filled with radical assumptions and language labeling the Amendment as part of a “Bolshevik” movement. It successfully resulted in 13 states rejecting the Amendment within the first year. The Child Labor Amendment was essentially dead by 1926.

The Amendment was also replaced by better child labor legislation under the New Deal as part of recovery acts that were meant to alleviate conditions of the Great Depression. By the end of the 1930s, the Fair Labor Standards Act successfully placed restrictions on the employment of minors, in addition to establishing overtime pay and a minimum wage. Four years later, in 1941, the Supreme Court upheld the legality of the Act in *United States v. F. W. Darby Lumber Company and Fred W. Darby*, which secured the Act as being in accordance with the Commerce Clause. The Act is still valid law as of 2022, and was the last major federal law passed pertaining to child labor.

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