

NAACP
1940 - 55

GENERAL OFFICE FILE

LABOR
Migrant Labor
Child Labor
General
1952-55

Leading Americans Say:

A disgrace . . . abominable . . .

"Wages, hours of labor and conditions of labor among migrants are often unspeakable. Housing is frequently a disgrace; the education of children is neglected; babies are born on trucks or on the bank of a ditch; child labor is rampant; health conditions are frequently abominable, spiritual care is almost impossible. This whole situation is a challenge to our nation to stop this tragic exploitation of human beings and recognize these workers as children of God."

—Most Rev. Robert E. Lucey, S.T.D.,
Archbishop of San Antonio

The greatest immorality of all . . .

"The greatest immorality of all is the exploitation of men, women, and children — wetbacks, migrants, people in the field; these are 'the least of us.' One million migrant families are living on the verge of impossible living. This corruption of human bodies and human souls is caused by the desire for cheap labor. We cannot rest until we have done something about this evil situation."

—Senator Hubert Humphrey

National Sharecroppers Fund, Inc.

112 East 19th Street, New York 3, N. Y.

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THE FARM WORKERS

America's Disinherited



Children of sugar cane workers left at home unattended while parents work on Louisiana plantation.

ILLITERACY ILL HEALTH CHILD LABOR POVERTY

is the lot of several million American farm workers' families.

Can American democracy thrive on such foundations as these?

HOUSING



Migratory worker's shack at Weedpatch, California.

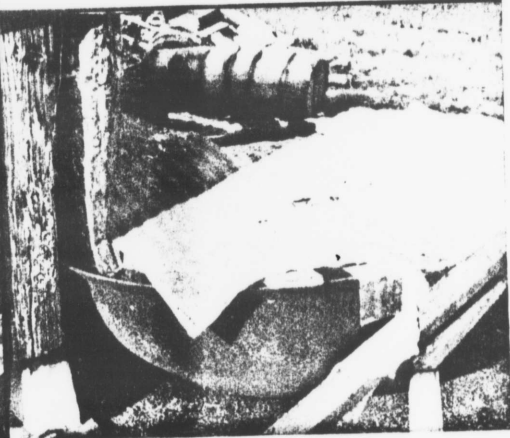
SANITATION



Family's toilet facilities on sugar cane plantation at Montegut, Louisiana.



Farm worker's family of five sleep, eat, cook, wash clothes in this one-room shack.



Cistern for drinking water for sugar cane plantation workers.

CHILD LABOR



Six-year old girl picking cotton with her mother to add a few cents to family's meagre earnings. Shafter, California.

NEGLECT



A five and seven-year old care for three younger children at a migrant workers camp in Virginia. Parents are at work in the fields.



A big load for a small boy. Picking cotton on a school day.



Lack of adequate supervision or nursery schools and little continuous schooling give these youngsters a grim future.

How American Farm Workers Are Disinherited

With the growth of large-scale corporate farming, the family farm, with the hired hand as part of the family, is on the decline. With the development of mechanized agriculture, the sharecropper, who at least had a place to live during the non-growing season, is on the way out.

Today, the typical farm worker is a migrant, acutely needed for a few weeks or months of the harvest season, cast out and neglected during the rest of the year.

Farm workers, unlike most Americans, under federal law, have

- **No minimum wages**
- **No maximum hours of work**
- **No social security or old age benefits in most instances**
- **No protection in their organizational rights**

Unprotected by the law, they are prey to discrimination and exploitation. Increasingly, wages and living conditions are being forced down by the unlawful and relatively unimpeded invasion of Mexican workers, first in the Southwest but now spreading northward as far as Michigan.

Migrant farm workers' children have

- **Little or no schooling**
- **Often are forced to work in the fields to eke out the meagre family income**

This folder illustrates some of the conditions under which the farm worker lives and works.

National Sharecroppers Fund, Inc.

As the sharecropper is forced into the migrant labor stream, the National Sharecroppers Fund has, more and more, been concerned with the problems of all agricultural labor. For sixteen years it has brought needed help and hope to sharecroppers, tenant farmers, and migrant workers. NSF helps these people to help themselves:

- **Through direct aid** to Sugar Cane Workers in Louisiana when, in the midst of a strike to improve their miserable conditions, the workers, without food, water, or light, were being evicted from their plantation homes;
- **Through support** of the National Agricultural Workers Union—AFL in its efforts to organize and improve the living and working conditions of these, the lowliest of American workers;
- **Through education** of migrant children. NSF, after investigation, proposed and has joined with other national organizations in launching a demonstration project to give continuous and meaningful education to migrant children on the Eastern Seaboard;
- **Through support** of other worthy organizations concerned with this problem vital to the American economy, including the Pennsylvania Citizens Committee on Migratory Labor, the California Council of Agricultural Unions, the National Council on Agricultural Life and Labor, the Inter-American Educational Association, and many others.

Your Support of the National Sharecroppers Fund

- **Will help you keep informed** on crucial problems facing agricultural labor. NSF's annual report on *The Condition of Farm Workers* has been hailed by legislators, educators, and union leaders. (Copies on request.)
- **Will play a part** in influencing public opinion on the needs of four million American workers.
- **Will aid these Americans** to enter into the main stream of American life and culture.

*To Continue This Work
National Sharecroppers Fund
Needs Your Support*

Bill #1347, Print #751 Child Labor Act
Prohibits children below age of 14 from engaging in
commercial agricultural occupations during summer
House will vote favorably on it this afternoon. It
then goes to Senate Labor Committee whose chairman is
James Berger, Republican from Mac Kean County
Senate will adjourn this week either Friday or Monday.

Hill can be reached care CIO Office Harrisburg or Penn
Harris Hotel.

re: Migrant workers
re: Child Labor

August 5, 1952

Mr. William L. Connolly, Director
Bureau of Labor Standards
U. S. Department of Labor
Washington 25, D. C.

Dear Mr. Connolly:

Thank you very much for informing me about the pamphlet, "Message to Farm Workers! Why Your Children Should Go To School". In my opinion, this type of educational material is needed very badly and the Youth Division of the Association would be very happy to cooperate with you and all other organizations or agencies which are working to make sure that the children of migrating workers have an opportunity to go to school.

I am requesting that you send me five-hundred (500) copies of the pamphlet so that we can distribute them to our various units throughout the country. Best wishes

Sincerely yours,

HERBERT L. WRIGHT
Youth Secretary

Enclosure

HLW:md

U. S. DEPARTMENT OF LABOR
Bureau of Labor Standards
Washington 25, D. C.

AUG 1 1952

August 1952

(hand)

Many people have expressed concern about the great need to help migrant parents realize the importance of schooling for their children. Hence we have prepared the enclosed flyer "Message To Farm Workers! Why Your Children Should Go To School" which is printed in both English and Spanish.

This message to farm workers first stresses the importance of education. Secondly, it is designed to correct some misunderstanding of the child labor provisions of the Fair Labor Standards Act on the part of migrants. Some of them think if the children aren't allowed to work in one place they will be allowed to work in another, so they move on. Some of them are fearful because they do not understand the law nor why the Wage and Hour investigators are visiting the farms. The flyer attempts to explain away these misconceptions.

If you have direct contact with migrant agricultural workers and wish to order copies of the flyer to give to them, we shall be glad to send you as many copies as you need.

Very truly yours,

William L. Connolly
WILLIAM L. CONNOLLY
Director

Enclosure

ST-53-21

Message to **FARM WORKERS!** Why **YOUR CHILDREN** Should Go to School



EDUCATION HELPS YOUR CHILDREN

All children need education. Your child has a right to education. Schools give children a chance to be good respected citizens.

A NEW LAW GIVES YOUR CHILDREN TIME TO GO TO SCHOOL

Children under 16 are not allowed to work in the fields during school hours. This law is the same everywhere in the United States. It does not apply to children working on their parent's own farm.

EVERYONE SHOULD KNOW ABOUT THIS LAW

Some men from the United States Department of Labor may talk to you about this law. They are your friends. They want to help you and your children.

YOUR EMPLOYER MUST OBEY THIS LAW

The Labor Department men may talk to your employer. They will tell him not to let children under 16 work in the fields during school hours. Children under 16 may work before and after school and in vacations.



HELP YOUR EMPLOYER OBEY THE LAW

Do not let your children under 16 work in the fields during school hours. Send them to school instead. Children over 16 may work at any time in the fields. Have papers with you to show their age.

GIVE YOUR CHILDREN A BETTER CHANCE. SEND THEM TO SCHOOL.

Maurice J. Tobin, Secretary
U. S. Department of Labor

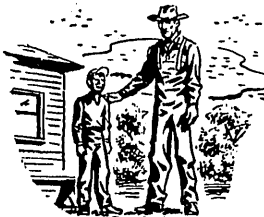
Washington
April 1952

A LOS TRABAJADORES DEL CAMPO MANDE SUS HIJOS A LA ESCUELA



LA ESCUELA AYUDA A SUS HIJOS

Todos los niños necesitan educación. Su hijo también tiene derecho a ella. Los niños que van a la escuela serán más tarde buenos y respetados ciudadanos.



UNA NUEVA LEY DA A SUS HIJOS HORAS PARA IR A LA ESCUELA

A los niños menores de 16 años no se les permite trabajar en los campos durante las horas de escuela. Esta ley se aplica en todas partes de los Estados Unidos. No se aplica a los niños que trabajan en la propiedad rural de sus propios padres.

TODOS DEBEN CONOCER ESTA LEY

Tal vez el Gobierno Federal envíe a algún empleado a explicar a usted esta ley. Confíe usted en él porque es su amigo y quiere ayudar a usted y a sus hijos.

EL PATRON TIENE QUE CUMPLIR CON ESTA LEY

Los empleados del Departamento del Trabajo probablemente hablarán con su patrón. Le van a decir que no permita que los niños menores de 16 años trabajen en los campos durante las horas de escuela. Esos niños sí pueden trabajar en los campos antes y después de las horas de escuela y durante las vacaciones.



AYUDE A SU PATRON A CUMPLIR CON LA LEY

No deje a sus hijos menores de 16 años trabajar en los campos durante las horas de escuela. Lo que debe hacer es mandarlos a la escuela. Los niños mayores de 16 años pueden trabajar en los campos a cualquier hora. Lleve consigo papeles para mostrar la edad de los hijos.

DELES A SUS HIJOS LA OPORTUNIDAD QUE MERECE. MANDELOS A LA ESCUELA

Maurice J. Tobin, Secretario
Departamento del Trabajo de los Estados Unidos

Washington
Abril 1952

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Time off for
VOTING
under State law

Bulletin Number 138 (Revised)

UNITED STATES DEPARTMENT OF LABOR
Maurice J. Tobin, Secretary

BUREAU OF LABOR STANDARDS
William L. Connolly, Director

Washington - 1952

In response to frequent requests for information about State laws covering time off for voting during working hours, the Bureau of Labor Standards has brought up to date this summary of State laws relating to time off for voting. It is a revision of Bulletin No. 138, issued in 1950 at the request of the Fifteenth National Conference on Labor Legislation for such a summary.

TIME OFF FOR VOTING
under State law

Twenty-six States in the United States have recognized the special problem of the worker who must leave his job during working hours if he is to exercise his citizenship right to vote. These States have enacted laws providing that employees may take time off from work for the purpose of voting. Both employers and workers should know what the special provisions are in their State.

The States that have enacted such laws are:

Alabama	Kentucky	New York
Arizona	Maryland	Ohio
Arkansas	Massachusetts	Oklahoma
California	Minnesota	South Dakota
Colorado	Missouri	Texas
Illinois	Nebraska	Utah
Indiana	Nevada	West Virginia
Iowa	New Mexico	Wisconsin
Kansas		Wyoming

Although these laws vary from State to State, they usually follow a general pattern. Ordinarily they provide that an employee who is entitled to vote in an election may, upon prior application to the employer, absent himself from work for a specified period, without penalty or deduction from wages, the time of absence to be designated by the employer. They specify the type of election for which time off is given, and indicate the coverage

of the law, the amount of time that may be taken off, and the conditions under which time off is permitted. The laws usually also provide penalties in case an employer refuses an employee the privileges conferred under the laws.

Employees Covered and Types of Elections

As a rule, the law applies to all workers and to most or all types of elections. In all but 4 of the 26 States, as indicated by the chart which begins on page 5, the laws relating to time off for voting apply to any employee entitled to vote, regardless of the occupation or industry in which he is engaged. In Arkansas, Indiana, and Massachusetts, however, the privileges conferred by the law extend only to employees in factories and other specified industries. In Alabama, the law applies only to employees in counties of between 75,000 and 130,000 population.

The time off authorized by the laws applies to all types of elections in 12 of the 26 States (Kentucky, Massachusetts, Minnesota, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, South Dakota, Texas, West Virginia, and Wisconsin); in one additional State, New York, the law applies to all elections except those primary elections in which the polls are open for 2 hours outside the employee's working hours.

General elections, only, are covered in seven States--Arizona, Arkansas, Colorado, Iowa, Kansas, Ohio, Utah. General elections and also other stated types of elections, such as primaries and referendums, are specified in Alabama, California, Indiana, and Maryland. In Illinois there are two provisions relating to time off for voting--one covering primary elections and the other, general and special elections and referendums. In one State, Wyoming, time off is provided by law only for primary elections.

Amount of Time Off Allowed

Under the laws allowing time off for voting the employee usually is permitted to be absent from his work for 2 hours. Such a provision is found in the laws of 14 States (Alabama, Arizona, California, Colorado, Illinois, Iowa, Kansas, Massachusetts, Nebraska, New Mexico, New York, Ohio, South Dakota, Utah); and an additional State, Oklahoma, provides 2 hours or more if necessary.

More than 2 hours off are permitted under the laws of seven States and less than 2 hours are allowed in one State. No definite period of time is specified in the laws of the remaining three States.

The States granting more than 2 hours are Nevada, Wisconsin, West Virginia, Kentucky, Missouri, Maryland, and Indiana. Three hours are allowed in Nevada, not to exceed 3 hours in Wisconsin, and 3 hours or more if necessary in West

Virginia. Kentucky and Missouri permit 4 hours off, and the Maryland law calls for sufficient time but not to exceed 4 hours. The Indiana statute provides that no one is to be employed on election day in factories and other specified establishments for 4 hours after the polls open, except in works of necessity. Employees engaged in such necessary work must be allowed some 4-hour period for voting before the polls close.

Only 1 hour is allowed in Wyoming, but it must be at other than meal periods.

No specific period of time off is authorized by the laws of Arkansas, Minnesota, and Texas. The Arkansas law, however, requires that all mills, mines, shops, and factories shall suspend work or change the working force of employees not later than 4 p.m. on election days to give employees time to vote. The Minnesota statute provides that the time be taken in the forenoon.

Deductions From Wages Prohibited

In 15 of the 26 States, the employer is expressly prohibited from making deductions from the employee's wages for the time he is absent from work for voting. (Arizona, California, Colorado, Iowa, Kansas, Minnesota, Missouri ^{1/}, Nebraska, New York, South Dakota, Texas, Utah, West Virginia, Wyoming, and in Illinois under the provisions of the law applying only to general and specific elections and referendums.)

^{1/} The Missouri law permitting time off for voting without deduction from wages was held constitutional by the U. S. Supreme Court, March 3, 1952. (Day-Brite Lighting, Inc. v. Missouri, 342 U.S. 421.)

In Colorado and Utah this prohibition applies only when the worker is employed on other than an hourly basis. The law of one other State, Kentucky, prohibits wage deductions, but this part of the law has been declared unconstitutional. ^{2/} Workers in Kentucky are still entitled to take time off to vote, but without pay.

None of the laws in the other 10 States expressly prohibit wage deductions, although the laws of New Mexico and Ohio prohibit employers from imposing penalties on employees taking time off to vote. In Alabama and Wisconsin, wage deductions for the time taken to vote are permitted, the law providing that no penalty other than a deduction for actual time lost shall be imposed on an employee.

Conditions Under Which Time Off is Granted

In 11 States (Arizona, Colorado, Iowa, Kansas, Kentucky, Nebraska, New York, Ohio, Utah, Wisconsin, and in Illinois in the case of general and special elections and referendums) the law provides that the employee must make application to the employer prior to election day for the time off to vote, and also provides that the

employer may designate the particular hours that the employee may be absent.

In Massachusetts, Nevada, and West Virginia, the employee must make application, but the law does not require that it shall be made prior to election day.

Under the laws of Alabama, Maryland, Missouri, New Mexico, and South Dakota the employer may specify the hours of absence, but the employee is not required to apply for the leave. In Oklahoma, the employer is required to notify each qualified elector of the hours selected for him to vote; and the employer who fails to give this notice is deemed guilty of a misdemeanor.

In the remaining five States (Arkansas, California, Minnesota, Texas, and Wyoming), there are no requirements as to the employee's application for the time off or the employer's designation of the hours to be taken.

Enforcement

In none of the States is enforcement of the law placed in any special agency. It is thus left in the hands of the general law enforcement officials.

^{2/} In Kentucky the provision prohibiting deduction of wages was held unconstitutional under the State constitution, by the Kentucky Court of Appeals. (Illinois Central R. R. Co. v. Commonwealth, 305 Ky. 632, 204 S.W. 2(d) 973, 1947.)

SUMMARY OF LEGAL PROVISIONS IN 26 STATES PERMITTING EMPLOYEES TIME OFF TO VOTE

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>ALABAMA</u> 1951, Act No. 747.	Any person entitled to vote in counties with population between 75,000 and 130,000.	General, special, or preliminary.	2 hours between opening and closing of polls, without penalty other than wages or compensation actually lost. Employer may specify the hours of absence.	—
<u>ARIZONA</u> Code Annotated 1939, Sec. 55-514.	Any person entitled to vote.	General.	2 hours between opening and closing of polls without penalty or deduction from usual salary or wages. Employee to make application for such absence prior to election day. Employer may specify the hours of absence.	Violation of provisions a misdemeanor.
<u>ARKANSAS</u> Statutes 1947 Annotated, Secs. 3-1602, 3-1603.	Employees of mills, mines, shops, and factories.	General.	Requires suspension of work, or a change in the employee work force, not later than 4 p.m.	Violation of provisions a misdemeanor punishable by fine of \$25 to \$250.
<u>CALIFORNIA</u> Deering's Codes—Elections—1945, Secs. 5699, 11501.	Any person entitled to vote.	General, direct primary, presidential primary.	2 consecutive hours between opening and closing of polls, without penalty or deduction from usual salary or wages.	Violation of provisions punishable by fine not to exceed \$1,000 or imprisonment in State Prison not to exceed 5 years, or both.

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>COLORADO</u> Annotated Statutes 1935, Ch. 59, Sec. 296.	Any person entitled to vote.	General.	2 hours between opening and closing of polls, without penalty, or without deduction from usual salary or wages except when such employee is paid by the hour. Such absence not a reason for discharge. Employee to make application for such absence prior to election day. Employer may specify the hours of absence.	Violation of provisions a misdemeanor.
<u>ILLINOIS</u> Revised Statutes 1945, Ch. 46, Sec. 17-15. Sec. 7-42.	Any person entitled to vote. Any person entitled to vote.	General or special election at which propositions are submitted to popular vote. Primary.	2 hours between opening and closing of polls, without penalty, or deduction from usual salary or wages. Employee to make application for such absence prior to election day. Employer may specify the hours of absence. 2 hours between opening and closing of polls, with the consent of employer. Employer may specify the hours of absence.	Violation of provisions a misdemeanor punishable by fine of \$50 to \$300.
<u>INDIANA</u> Burns Annotated Statutes 1949 Replacement, Vol. 7, Pt. 1, Sec. 29-4807.	Any person entitled to vote employed by a school corporation, railroad corporation, or manufacturing, mining, mechanical, or mercantile establishment.	General, national, State, county.	No person shall be employed during the 4-hour period after opening of polls, except as to works of necessity. Employees in works of necessity shall be given some 4-hour period between opening and closing of polls; employer and employee may agree on any convenient 4-hour period between opening and closing of polls.	Violation of provisions a misdemeanor. Circuit court may enforce provisions in term time or in vacation by mandate or otherwise upon application of any voter.

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>IOWA</u> Code 1946, Secs. 49-109, 49-110.	Any person entitled to vote.	General.	2 hours between opening and closing of polls, without penalty or deduction from usual salary or wages. Employee to make application prior to election day. Employer may specify the hours of absence.	Violation of provisions punishable by fine of \$5 to \$100.
<u>KANSAS</u> General Statutes Annotated, 1935, Sec. 25-418.	Any person entitled to vote.	General.	2 hours between opening and closing of polls, without penalty or deduction from usual salary or wages. Employee to make application prior to election day. Employer may specify the hours of absence.	Violation of provisions punishable by fine of \$50 - \$100.
<u>KENTUCKY</u> ^{1/} Revised Statutes 1948, Secs. 118.340, 118.990(14)	Any person entitled to vote.	Any election.	4 hours between opening and closing of polls, without penalty or deduction from usual salary or wages. Such absence not a reason for discharge. Employee to make application prior to election day. Employer may specify the hours of absence.	Violation of provisions punishable by fine of \$50 - \$100.

^{1/} The Kentucky Constitution, Section 148, provides that the General Assembly shall provide by law that all employers shall allow employees under reasonable regulations at least 4 hours on election days in which to cast their votes. The provision of the law requiring payment of wages for such time off has been held unconstitutional. (See footnote ^{2/}, page 3.)

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>MARYLAND</u> Annotated Code 1939, Cum. Supp. 1947, Art. 33, Sec. 173.	Employees of every employer.	General, special, or primary.	Sufficient time not exceeding 4- hours. Employer may specify hours of absence.	Violation of provi- sions or attempts to influence em- ployees not to exercise the right granted by the law, a misdemeanor punishable by fine of not more than \$500 or 6 months in jail or both for each offense.
<u>MASSACHUSETTS</u> General Laws 1932, Ch. 149, Secs. 178, 180.	Any person entitled to vote employed in a manufac- turing, mechanical, or mercan- tile estab- lishment.	Any election.	No owner, superintendent, or over- seer shall employ or permit to be employed any person entitled to vote during period of 2 hours after opening of polls in pre- cinct, ward, or town in which employee is entitled to vote, if employee shall make applica- tion for leave for such period.	Violation of provi- sions punishable by fine of not more than \$100.
<u>MINNESOTA</u> Statutes 1941, Sec. 206.21, 210.11.	Any person entitled to vote.	Any election.	Every employee shall be permitted to absent himself from work in the forenoon of each election day for the purpose of voting, without penalty or deduction from salary or wages.	Violation of provi- sions a mis- demeanor.

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>MISSOURI</u> ^{2/} Revised Statutes 1939, Sec. 11785.	Any person entitled to vote.	Any election.	4 hours between opening and closing of polls, without penalty or deduction from wages. Such absence not a reason for discharge. Employer may specify hours of absence.	Violation of provisions a misdemeanor punishable by fine of not more than \$500.
<u>NEBRASKA</u> Revised Statutes 1943, Sec. 32-1159 amended by Laws 1949. Ch. 86.	Any person entitled to vote.	Any election.	2 hours between opening and closing of polls, without penalty or deduction from usual salary or wages. Employee to make application for such absence prior to election day. Employer may specify the hours of absence.	—
<u>NEVADA</u> Compiled Laws 1929, Secs. 2596, 2597.	Any person entitled to vote.	Any election.	3 consecutive hours between opening and closing of polls for employees of establishments that may lawfully conduct business on a legal holiday. Employee to make application for such absence.	Violation of provisions a misdemeanor punishable by fine of \$50 to \$100 or 25 to 50 days in county jail, or both.
<u>NEW MEXICO</u> Statutes 1941 Annotated, Sec. 56-705.	Any registered elector.	Any election.	2 hours between opening and closing of polls for purpose of voting without penalty therefor. Employer may specify the hours of absence.	Violation of provisions a misdemeanor punishable by fine of \$50 to \$100.

^{2/} Missouri law held constitutional by the U. S. Supreme Court, March 3, 1952, Day-Brite Lighting, Inc. v. Missouri, 342 U.S. 421.

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>NEW YORK</u> Cahill's Consolidated Laws 1930, Ch. 41, Sec. 200; amended by Laws 1948, Ch. 670; Ch. 41 Sec. 759.	Any person entitled to vote.	Any election, except a primary election if there are two successive hours while the polls are open in which he is not in the service of an employer.	2 hours while the polls are open (except for a primary election, if there are two successive hours while the polls are open in which he is not in the service of an employer), without penalty or deduction from usual salary or wages. Employee to make application prior to election day. Employer may specify the hours of absence. If the employer does not specify the hours, employee may choose two consecutive hours.	Violation of provisions a misdemeanor.
<u>OHIO</u> Throckmorton's Code Annotated 1940, Sec. 12950.	Any person entitled to vote.	General.	2 hours between opening and closing of polls, without penalty therefor. Employee to make application prior to election day. Employer may specify the hours of absence.	Violation of provisions punishable by fine of \$5 to \$100.
<u>OKLAHOMA</u> Statutes 1941, Title 26, Sec. 438.	Any elector employed by a corporation, firm, association, or individual.	Any election.	2 hours during period in which election is open, and more if necessary. Employer to specify hours of absence, and to notify employee of such hours.	Violation by corporation, firm, association, individual, foreman, or superintendent of provision requiring notification to employee a misdemeanor punishable by fine of \$50 to \$500 for each elector not notified. In addition, failure of individual employer or foreman or superintendent to notify employee punishable also by 2 to 6 months imprisonment in county jail.

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>SOUTH DAKOTA</u> Code 1939, Sec. 16.1211 amended by Laws 1947, Ch. 87; Sec. 16.9922.	Any person entitled to vote.	Any election.	2 hours between opening and closing of polls without penalty or deduction from usual salary or wages. Employer may specify the hours of absence.	Violation of provisions a misdemeanor.
<u>TEXAS</u> Vernon's Statutes 1948, Penal Code, Sec. 209.	Any person entitled to vote.	Any election.	Employee who exercises privilege of attending the polls not to be subjected to penalty or deduction from wages.	Violation punishable by fine of not more than \$500.
<u>UTAH</u> Code Annotated 1943, Sec. 25-12-18.	Any person entitled to vote.	General election.	2 hours between opening and closing of polls, without penalty or deduction from usual salary or wages, except when employee is employed and paid by the hour. Such absence not a reason for discharge. Employee to make application prior to the election day. Employer may specify the hours of absence.	Violation of provisions a misdemeanor.

State	Employees affected	Type of election	Time allowed and conditions under which granted	Penalty for violation by employer
<u>WEST VIRGINIA</u> Code 1943 Annotated Sec. 121.	Every person entitled to vote.	Any election.	3 hours, or more if necessary, between opening and closing of polls, without penalty or deduction from usual salary or wages. Employee must make written application.	Violation of provisions by a company or corporation a misdemeanor punishable by fine of \$500 to \$1,000. Violation by individual, employer, officer, manager or agent of a company or corporation, or an attempt to prevent an employee from attending an election, shall in each instance constitute a misdemeanor punishable by fine of \$100 to \$500 or not to exceed 60 days in county jail, or both.
<u>WISCONSIN</u> Statutes 1945, Sec. 6.047.	Any person entitled to vote.	Any election.	Not to exceed 3 successive hours while the polls are open, without penalty other than a deduction for time lost. Employee to make application prior to election day. Employer may specify the hours of absence.	Violation of provisions a misdemeanor.
<u>WYOMING</u> Compiled Statutes 1945 Annotated, Secs. 31-918, 31-949	Any person entitled to vote.	Primary.	One hour, other than meal hours, between opening and closing of polls, without penalty or deduction from usual salary or wages.	Violation of any provisions of the act a misdemeanor punishable by fine of \$100 to \$1,000, or imprisonment in the county jail for not to exceed 1 year.

New

U. S. DEPARTMENT OF LABOR
Bureau of Labor Standards
Washington 25, D. C.

July 1952

TIME OFF FOR VOTING UNDER STATE LAW

Does my State law provide time off from work for the purpose of voting? Employers and workers alike have been asking this question. The answer is given in the Bureau of Labor Standards' new bulletin--"Time Off For Voting Under State Law."

This revised summary includes a brief general explanation of the conditions under which time off is granted in the various States, plus an 8-page table outlining the legal provisions in the 26 States which permit employees time off to vote. It brings up to date the Bureau's Bulletin No. 138 issued in 1950 at the request of the Fifteenth National Conference on Labor Legislation.

A limited supply of free copies of this bulletin may be obtained from the Bureau of Labor Standards, U. S. Department of Labor, Washington 25, D. C. No sales copies are available, but the bulletin may be reproduced in whole or in part with or without credit.

13706 MAY 22 '52

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United States Senate

COMMITTEE ON LABOR AND PUBLIC WELFARE

May 21, 1952

*Bill
H.R. 7151
re: Migrant education
for children*

filed

Mr. Herbert L. Wright
 Youth Secretary
 National Association for the
 Advancement of Colored People
 20 West 40th Street
 New York 18, New York

Dear Mr. Wright:

I appreciate your writing me in support of the budget request for \$181,000 for Special Studies under the Office of Education. This item is included in the overall budget for the Federal Security Agency, funds for which are involved in H. R. 7151, the Labor-FSA appropriations bill for fiscal 1953, which passed the Senate on April 29th.

When the House passed H. R. 7151 on March 25th, it eliminated this budget estimate for \$181,000. The Senate Appropriations Committee in reporting this bill did not provide for this program either. Senator Hendrickson of New Jersey, on behalf of Senator Humphrey and himself, introduced an amendment to the bill to provide for this \$181,000, but asked that his amendment lay on the table. Unfortunately, H. R. 7151 was passed by the Senate that same afternoon before the Hendrickson-Humphrey amendment could be taken up for consideration.

I, myself, have been greatly impressed by the need to cope with the problems of migratory workers, and certainly one of the basic problems of any such group is the education of their children. Therefore, I regret that there was not an adequate opportunity to provide for funds this year for this important work. You may be assured, however, that I will give this item my most sympathetic consideration when it next comes before the Senate.

Yours very sincerely,

Herbert Lehman

May 9, 1952

Mrs. Gertrude Folks Zimand
General Secretary
National Child Labor Committee
419 Fourth Avenue
New York 16, New York

Dear Mrs. Zimand:

I regret very much that we were unable to get our letter to Senator Lehman in time for the vote on the Appropriation bill.

I sincerely hope that there will be some way in which we can get the \$181,000 which was cut from the Appropriation restored.

Please keep me informed as to all future action which takes place on this issue.

Sincerely yours,

Herbert L. Wright
Youth Secretary

HL:ccr

NATIONAL CHILD LABOR COMMITTEE

419 FOURTH AVENUE · NEW YORK 16, N. Y. · MURRAY HILL 3-4546

To eliminate harmful employment and promote educational opportunities for children and youth.

May 2, 1952

12561 MAY 25 '52

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HW

Mr. Herbert L. Wright, Youth Secretary
National Association for the Advancement of Colored People
20 W. 40th St
New York 18, New York

Dear Mr. Wright:

It was good of you to write Senator Lehman about the appropriation for migrant education.

Unfortunately the Senate acted earlier than any of us expected - even before our own wires to members of the Senate were delivered. The Appropriation Bill was passed last Tuesday without Senator Humphrey's amendment. Senator Humphrey was absent and Senator Hendrickson, who was going to offer it for him, did not have an opportunity to do so.

There is some talk of trying to get at this in some other way. If so, we will ask for your help again.

Cordially,

Gertrude Folks Zimand
(Mrs.) Gertrude Folks Zimand
General Secretary

GFZ:HR

re: Child Labor

May 1, 1952

Senator Herbert H. Lehman
U. S. Senate
Senate Office Building
Washington, D. C.

Dear Senator Lehman:

The Youth Division of the Association is deeply concerned and dismayed at the recent action of the Senate Appropriations Committee in failing to include in the appropriation for the Federal Security Agency the item of \$181,000 to enable the U. S. Office of Education to begin work on the very important problem of education of migrant farm children.

These children constitute the most educationally neglected group in the country. Many of these children never go to school and those who do, usually drop out at a very early age.

Senator Hubert Humphrey, of Minnesota, is going to offer an amendment from the floor to restore these funds.

We are requesting that you vote favorably on this very vital amendment when it comes up for reconsideration.

Sincerely yours,

Herbert L. Wright
Youth Secretary

HLW:oor
cc: Mrs. G. F. Zimard

LEGISLATIVE FLASH!

NATIONAL CHILD LABOR COMMITTEE
419 FOURTH AVENUE NEW YORK 16, N. Y.

*To eliminate harmful employment and promote
educational opportunities for children and youth.*

APR 28 1952

April 28, 1952

DEAR FRIEND:

Will you wire or rush a letter immediately to your Senators in Washington on the following important matter:

The Senate Appropriations Committee failed to include in the appropriation for the Federal Security Agency the item of \$181,000 to enable the U.S. Office of Education to begin work on the education of migrant farm children.

An amendment will be offered on the floor of the Senate by Senator Humphreys to restore this item. Your own Senators should be urged to vote for this amendment.

These children constitute the most educationally neglected group in this country. Many of them never go to school; those who do attend irregularly and drop out at an early age; few reach even the fourth grade.

We are aware of the need for economy in Government spending. But the Federal Government spends \$6,500,000 annually for the protection of migratory birds. Surely this relatively small sum of \$181,000 for the education of migrant children is not the place to cut

I hope you will act promptly. Address your communication to your

Senator....
Senate Office Building
Washington, D.C.

Sincerely yours,

Gertrude Folks Zimand
(Mrs.) Gertrude Folks Zimand
General Secretary

GFZ:HR

NATIONAL CHILD LABOR COMMITTEE

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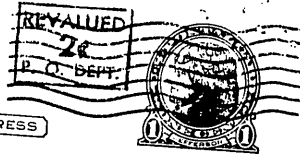
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THIS SIDE OF CARD IS FOR ADDRESS

Mr. Walter White
N. A. A. C. P.
30 West 40th Street
New York 18, N. Y.

FLASH!

Bill

Wire or rush letter to your Senators to support Senator Humphrey when he offers amendment on Senate floor to restore \$131,000 to Federal Security Agency (H.R. 7151) for U. S. Office of Education program for migrant children.

Bill may come up for debate April 30 or soon thereafter. Last chance to save fund!

U. S. Fish & Wildlife Service has \$6,500,000 to buy land; build and maintain shelters, make a population study of number and kinds, and pay salaries of a staff of inspectors to enforce laws protecting migratory birds.

MILLIONS FOR BIRDS; NOT ONE CENT FOR CHILDREN!

Elizabeth S. Magee, National Consumers League, 1751 "N" Street, N. W., Washington, D. C. - HU 7933.



STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY

GEORGE M. SHAPIRO
COUNSEL TO THE GOVERNOR

10887 APR 13 1952
Labor Bill
S. 2288
Spurth

April 4, 1952

Mr. Herbert L. Wright
20 West 40th Street
New York 18, New York

Dear Mr. Wright:

Your letter of April 2nd, concerning Senate Bill, Introductory Number 2288, Print Number 2440, is acknowledged.

Many thanks for your courtesy in giving Governor Dewey the benefit of your views. Your thoughtfulness will be much appreciated.

Sincerely yours,

*Labour Bill
Nat'l. Child Labor Comm.*

April 2, 1952

Governor Thomas E. Dewey
Executive Mansion
Albany, New York

Dear Governor Dewey:

The Youth Division of the National Association for the Advancement of Colored People is deeply alarmed at the passage of S2288 which would classify newspaper carriers as "independent contractors" who are not employees of the newspapers, thus relieving newspaper owners of responsibility whenever a minor is injured in the performance of his work.

We urge you to protect the youth of our state from such unfair legislation by vetoing S2288.

Sincerely yours,

Herbert L. Wright
Youth Secretary

HLM:cer
cc: Mrs. G. Zimand

Handwritten initials

NATIONAL CHILD LABOR COMMITTEE

419 FOURTH AVENUE · NEW YORK 16, N. Y. · MURRAY HILL 3-4546

To eliminate harmful employment and promote educational opportunities for children and youth.

Chairman
EDUARD C. LINDEMAN
General Secretary
GERTRUDE FOLKS ZIMAND

March 26, 1952

9816 MAR 27 '52

Mrs Ruby Hurley
NAACP
20 West 40th Street
New York, N.Y.

My dear Mrs Hurley:

A bad bill which was hastily rushed through the New York State Legislature is now before Governor Dewey for his approval or veto.

The Bill, (S. 2288), proposes to amend the State Education Law with respect to minors employed in street trades and as newspaper carriers. Despite some good provisions, the Bill contains a section which is extremely bad for boys who deliver newspapers and this section completely negates whatever good provisions the Bill might otherwise contain.

The Bill would classify newspaper carriers as "independent contractors" who are not employees of the newspapers. Such a classification is a fictitious one because in many instances the newspaper boys are in fact employees of the newspapers and subject to their control in exactly the same manner as any other employees. By setting up such a fictitious classification, the newspaper would be relieved of any responsibility for workmen's compensation whenever a minor is injured in the performance of his work. This is a most unfair provision and is actually contrary to a number of judicial decisions in our state which have held that newspaper carriers are employees, rather than "independent contractors". Working minors need at least the same protection afforded other employees in the State, - certainly not less, as this measure proposes.

It may be of some interest to note that an identical bill which was introduced in the Assembly was first defeated in that House. But in the closing days of the session, under the great pressure to wind up business before adjournment, the Assembly then thoughtlessly passed the Senate version of the Bill, identical in every respect with the one it had defeated earlier! This was an ill-considered, inconsistent and illogical action by the Assembly.

We urge you to wire Governor Dewey asking him to veto the Bill S. 2288. Won't you please act at once? There is little time to lose.

Sincerely yours,

Sol Markoff

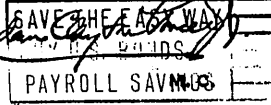
Sol Markoff
Associate General Secretary

SM:wjw

A Voluntary Agency Chartered by Congress in 1907

Congress of the United States
House of Representatives

OFFICIAL BUSINESS—FREE



Miss Ruby Hurley
National Association for the Advancement
of Colored People
20 West 40 Street
New York 18, N. Y.

Washington, D. C.

NY
My dear Friend:

Thank you for your recent communication.
I agree with its contents and wish to assure you
that I will do all that I possibly can to see that
H.R. 1271 is defeated.

6723 MAR 15 '51

Very sincerely yours,

Adam Clayton Powell, Jr.

National Child Labor Com.

February 6, 1951

Hon. Congressman Adam C. Powell, Jr.
Senate Office Building
Washington, D. C.

Dear Congressman Powell:

We have been informed that Mr. Rogers of Texas, introduced a bill, H.R. 1271 which will nullify the provision of the Federal law setting a sixteen-year minimum age for work on commercial farms during school hours, except on home farms. Mr. Rogers bill would permit county school superintendents to exempt children and would even permit school officials from their place of residence to exempt migrant children.

It is not difficult to foresee the great pressure that would be put upon local school officials to exempt children in crop-growing areas. A local school officer in Texas could excuse Texas children working in Michigan from the Federal child labor law.

Will you, as a member of the House Committee on Education and Labor, use your good offices to block any effort to break down the Federal Child Labor law?

Sincerely yours,

Ruby Hurley
Youth Secretary

RH:cer
csac-1737-cio
cc: Graham Barden, Chairman
National Child Labor Committee, NYC

RK

LEGISLATIVE FLASH!

NATIONAL CHILD LABOR COMMITTEE
419 FOURTH AVENUE NEW YORK 16, N. Y.

*To eliminate harmful employment and promote educational
opportunities for children and youth.*

January 19, 1951

Dear Friends:

Just a year ago a Federal law went into effect setting a 16-year minimum age for work on commercial farms during school hours, except on home farms.

Already a bill to nullify this provision is before Congress.

H.R. 1271, introduced on January 12 by Mr. Rogers of Texas, would permit County school superintendents to exempt children and would even permit school officials from their place of residence to exempt migrant children.

It is not difficult to foresee the great pressure that would be put upon local school officials to exempt children in crop-growing areas.

The efforts of States which are trying to get migrant children out of the fields and into school would be circumvented because a child could bring permission to work from his home State. A local school officer in Texas, for instance, could excuse Texas children working in Colorado from the Federal child labor law.

We cannot permit this backward step! All of America's children need education.

WILL YOU NOT:

- (1) Communicate immediately with the Chairman of the House Committee on Education and Labor urging that there be no breakdown of this law.
- (2) Write your State and local units, or individual members, suggesting that they write to members of the Committee from their own State - or to the Chairman if there are no members from their State. A list of Committee Members is enclosed.

We shall keep you informed of developments for we have had warning that a determined effort will be made to break down this hard won protection for child workers on commercial farms - despite the fact that school people over the country have welcomed it and found it of great help in securing better school attendance.

WE ARE COUNTING ON YOUR HELP.

Sincerely yours,

Gertrude Folks Zimand
(Mrs.) Gertrude Folks Zimand
General Secretary

GFZ:HR
encl.

A Voluntary Agency Chartered by Congress in 1907

82nd CONGRESS
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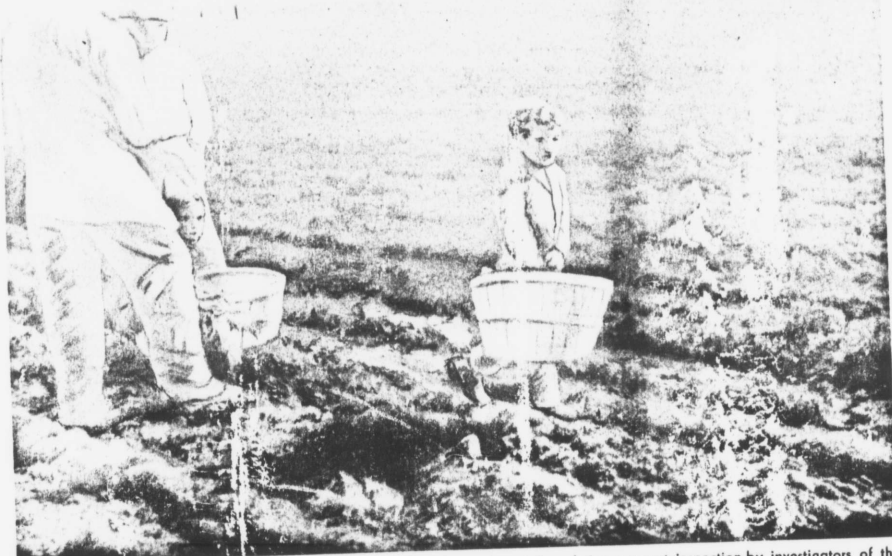
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Sam C. P.
Sen. J. C.

Child Labor



The pictures on these two pages were reproduced from actual snapshots taken during a recent inspection by investigators of the Wage and Hour and Public Contracts Divisions.

3,465 Children Found Illegally at Work on Farms in 1951

Agriculture is the number one stumbling block in the efforts to obtain compliance with the child-labor provisions of the Fair Labor Standards Act. According to the Department of Labor's Wage and Hour and Public Contracts Divisions more children were found employed unlawfully in farming than in any other major segment of American industry, for the year ending June 30, 1951.

In 1951, a total of 3,465 children under 16 were found employed in agriculture during school hours. In 1950, a total of 728 children had been found employed illegally on farms.

In farming areas throughout the country very young children were found working in the fields from sunup to sundown. All that passersby could see were little backs bent over to harvest what are known as "stoop crops." Some of the children had lived all their short lives in the same neighborhood where they worked, others might

have come from several States away or from across the border. But they were all alike in one respect—they were missing out on educational opportunities which the law provides them, the reports disclosed.

Because the Fair Labor Standards amendments that became effective in January 1950 narrowed the exemption applying to child labor in agriculture, the Divisions placed more emphasis on child-labor investigations on farms during the 1951 fiscal year than ever before. Their aim was to promote compliance with the new prohibition of the employment of children under 16 years of age on farms during school hours of the school district where the child lives while working.

Not Characteristic of All Farms

The figures and conditions reported by the Divisions do not apply to all farms in the United

Reprinted from LABOR INFORMATION BULLETIN, January 1952

United States Department of Labor
Maurice J. Tobin, Secretary

983923-52

Wage and Hour and Public Contracts Divisions
Wm. R. McComb, Administrator



One of the investigators snapped this youngster at work in a carrot field.

States, or to all children who work on farms. They concern only the facts found on those farms where investigations were made. The Divisions' objective was to make investigations in each State where acreage warranted it, in all crops that traditionally employ children.

"The results of child-labor investigations on farms during 1951 leads directly to one conclusion," states Wm. R. McComb, the Divisions' Administrator. "Greater efforts must be exerted to make sure that young people receive the protection the Congress intended them to have when enacting the amendments. The extent of violations disclosed by our investigations shows that all too many farm employers fail to understand that they must change their hiring policies in order to avoid violating the law."

Although the minimum age for employment of minors on farms during school hours is 16 years, 66 percent of the under-age children the Divisions' investigators found working in agriculture were

not even 14 years old. Some little boys and girls were no more than 5. In the very young age group ranging from 5 to 9 years were 521 of the illegally employed children, or 15 percent of the total. In the next older group, comprising children of 10 to 13 years, were 1,749 boys and girls, or 51 percent.

The Divisions' reports show that work on five crops—cotton, strawberries, potatoes, tomatoes, and onions—engaged 82 percent of the children under 16.

Perform Many Tasks

Some tasks performed by under-age boys and girls working in the "stoop crops" were picking strawberries, shaking potatoes from vines and putting them in sacks, setting out tomato plants and picking tomatoes, and cutting spinach and other greens. In the spring, they chopped cotton and in the fall picked it.

There was risk for small fingers and danger from heavy and complicated machinery in many children's jobs. Sharp knives were used to "top" onions and sugar beets by workers as young as 9 and 11 years. Trucks and tractors were operated by 14- and 15-year-old boys who filled men's jobs in performing general farm labor. The possibility of bad tumbles was chanced by young workers who perched on shaky ladders while picking apples and cherries.

It was not unusual for children to set out for distant fields with their parents as early as 6 a. m., work along with them as the sun climbed higher and grew hotter, and finally at twilight trudge back to camp with the adult workers. Even children as young as 8 years have been known to put in a 9- or 10-hour day.

When the harvest season is on, the fields are a magnet that pulls children with their families across State lines. Some roads lead migratory workers into a State; others take them out. For instance, many Texans gathered up their families and went off to work on farms in other States last year, while Texas fields were attracting citizens of Mexico. In checking records on 822 farm-employed children under 16 who had been born in Texas, the Divisions discovered that 55 percent were working in other States. Employed on Texas farms last year were 208 children born in Mexico.

MEMORANDUM CHILD LABOR STATUTE IN PENNSYLVANIA

TITLE 43; CHAPTER 2;

Section 41 Definitions:

"Wherever the term "establishment" is used in this act, it shall mean any place within this Commonwealth where work is done for compensation of any kind, provided, that this act shall not apply to children employed on the farm, or in domestic service in private homes." [takes note]

Note: "But see Section 67 for modification by Act of 1931"

The term "person" when used in this act, shall be construed to include any individual, firm, partnership, ~~unincorporated~~ association, corporation or municipality ...

"The term "minor" when used in this act shall mean any person under twenty one years of age ... wherever the masculine gender is used the feminine and neuter shall be included."

CONSTRUCTION:

Should be liberally construed to effect the beneficent object of the Act. -- Commonwealth v. McKing, 29 D & C 629, (1937)

Applies to non-residents as well as residents of the state.

Commonwealth v. Ritch, 14 D & C 722, (1931)

Section 48 Employment of minors under 16

"No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with any establishment or in any occupation except that a minor between the ages of fourteen and sixteen years may be employed ... in such work as will not interfere with school attendance..."

ANNOTATION:

Employment under fourteen years of age is prohibited. Any violation is negligence per se. *Mitchell v. Miens Mfg. Co.* 171 A 114, 112 Pa. Super 394, (1934)

Children fourteen through sixteen years of ages may be lawfully employed in occupations or establishments not forbidden as hazardous ^{subject to statutory con} _{ims. *Mitchell* sup}

Employment of children fourteen through sixteen years of age in hazardous occupations or without compliance with the statute is negligence per se. *Mitchell v. Miens Mfg. Co.* 171 A 114, 112 Pa. Super 394, (1934)

Section 44 Prohibited Employment for minors under ~~sixteen~~ and eighteen years of age:

"No minor under 16 years of age shall be employed or permitted to work in, about, or in connection with, any manufacturing or mechanical occupations, or process; ... nor in stripping or assorting tobacco; ... nor in operating motor vehicles of any descriptions; other kinds of work listed /

"No minor under eighteen years of age shall be employed or permitted to work in the operation or management of hoisting machines, ... jobs of ~~responsibility~~ on railways ~~responsibility~~ boats; manufacturing, paints, ~~and~~ acids, dyes, explosives etc.

"No minor under 18 years of age shall be employed or permitted to work on about, or in connection with any establishment where alcoholic liquors are distilled ... (etc.) nor in a public bowling alley, nor in a pool or billiard room"

[Amended: "no male minors over 16 can work in bowling alleys"]

"No minor shall be employed or permitted to serve or handle alcoholic liquors in any establishment where alcoholic liquors are sold or dispensed; nor be employed or permitted to work in violation of the laws relating to the operation of motor vehicles by minors."

"In addition to the foregoing, it shall be unlawful for any minor under eighteen years of age to be employed or permitted to work in any occupation dangerous to the life or limb or injurious to the health and morals, of the said minor, as such occupations shall from time to time, after public hearings thereon, be determined and declared by the Industrial Board of the Dept. of Labor and Industry....

Section 46 Hours of labor for minors under eighteen years of age

"No minor under eighteen years of age shall be employed or permitted to work in, about, or in connection with any establishment, or in any occupation, for more than six consecutive days in any one week, or more than 48 hours in any one week, or more than eight hours in any one day ... [exception for Telegraph Messenger boys]

"No minor under sixteen years of age shall be employed or permitted to work in, about, or in connection with, any establishment or in any occupation before seven o'clock in the morning or after seven o'clock in the evening of any day"

[exception newsboys]

"No minor under 18 years of age shall be employed or permitted to work for more than five hours continuously in, about, or in connection with, any establishment without an interval of at least 30 minutes, for a lunch period and no period of less than 30 minutes, shall be deemed to interrupt a continuous period of work."

Section 48 Sale of newspapers etc; work in public places; hours:

"...No male minor under sixteen years of age, and no female minor, shall engage in any occupation mentioned in this section before 6 o'clock in the morning, or after 8 o'clock in the evening, of any day."

Section 49 Employment Certificate for minors under 18

"Before any minor under eighteen years of age shall be employed, permitted or suffered to work in, about, or in connection with any establishment; or in any occupation, the person employing such a minor shall procure and keep on file and

accessible to any attendance office, deputy factory inspector^{or}, or other authority^{zel}
inspector or officer charged with the enforcement of this act, an employment
certificate ... issued for said minors."

ANNOTATION :

The duty of seeing that the minor gets a certificate is on employer's
Rudel v. Seib 159 A 182, 105 Pa. Super 75 (1932)

Employment of minors between fourteen through sixteen years of age
without a certificate which gives information inter alia as educational progress
is just as unlawful as employment of minors under fourteen years of age. Seward v.
Harrisburg Boot Shoe Mfg. Co. 21 Dauph 49 & Leh. 225, 20 DIST. 1064 (1911)

Section 50 Issuance of Employment Certificates by school officials

"Employment certificates shall be issued only by the following officials,
for children residing within their respective public school districts ... [The
school officials in every instance]

Section 51 Application for certificates

- (a) by parent
- (b) " custodian
- (c) " next friend

Section 52 General employment certificate, vacation employment certificates

[Two classes] (General certificate -- sixteen -- eighteen years of age can
work during whole year; vacation -- fourteen -- eighteen years of age can work during
non school time)

Section 53 Papers required before certificate is issued:

- (1) Employers stating he intends to hire, and what job is
- (2) Certificate of physical fitness
- (3) Proof of age

Section 55 Certificate of physical fitness; physical examination [procedure]

Section 56 Evidence of age. [proper proof]

Section 60: 51; 60 Certificate forms and procedures

Section 62 Attendance officers to enforce act

Section 63 Posting of laws; lists of minors under 18 employed; schedule of hours

Section 64 Proof of age of minors employed without certificates

Section 65 Penalty for violation of act

"Any person, or any agent or ~~manipulator~~^{agent} for any person, who shall violate any of the provisions ~~of~~ of this act, or who shall compel or permit any minor to violate any of the provisions of this act, or who shall hinder or delay any officer in the performance of his duty in the enforcement of this act, shall, upon conviction thereof, be sentenced to pay a fine of not less than ten (\$10.00) dollars, nor more than two hundred (\$200.00) dollars, or to undergo an imprisonment of not more than 10 days, or both, at the discretion of the court."

Section 66 Officers to enforce act; prosecution

"It shall be the duty of the Commissioner of Labor and Industry ~~to~~^{Now the} ~~Secretary of Labor and Industry~~ the attendance officers of the various school districts, and the police ... to enforce ... ^{on} [proceeding initiated by] the oath of any of the above. ^{by} Prosecution by ~~summary~~^{summary} criminal proceedings before, ^{by} magistrate, alderman, or justice of the peace etc.)"

Section 67 Employment of non-resident children in canning or fruit industry

"It shall be unlawful for any child under sixteen years of age and not a resident of this Commonwealth to be employed or suffered or permitted to work in this Commonwealth in any factory or cannery, or in berry, fruit and vegetable raising and harvesting, during the time in which the laws of the state of his residence require his attendance at school; Provided, that in case of the lawful employment of such non-resident children during the summer vacation period the employer may have 15 days in which to discontinue the child's employment after the date at which the laws of the state of the child's residence requires his return to school; And provided further, that this act shall not apply to children between the ages of fourteen through sixteen years of age who are qualified for such employment, under the laws of the state of

their residence, and who shall have complied with all the requirements of this act."

Section 68 School Requirement certificate

[Children under sixteen years of age, not a resident, to be employed under Section 67, must have employers receive school requirement certificates from proper officials of his school district with his age, ^{and} The periods during which he must attend school, ^{shall} employers must keep this in the proper file and (for open inspection; Employers must acknowledge receipt of papers within 3 days etc.)

Section 69

[The same as section 65, except it applies to section 67]

Section 70

[The same as section 66, except it applies to section 67, and has extra provision requiring 7 days written notice of violations of employer]

Section 71

The Superintendent of education is authorized to appoint attendance officer; salary

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Labour Law

STATE OF NEW YORK

No. 2634

Int. 2529

IN ASSEMBLY

February 17, 1953

Introduced by Mr. WADLIN—read once and referred to the
Committee on Labor and Industries

AN ACT

To amend the labor law, in relation to employment of minors

*The People of the State of New York, represented in Senate and
Assembly, do enact as follows:*

1 Section 1. Subdivision two of section one hundred thirty of the
2 labor law, as last amended by chapter four hundred thirty-eight
3 of the laws of nineteen hundred thirty-five, is hereby amended to
4 read as follows:

5 2. No child under sixteen years of age, except as otherwise
6 provided in this article, shall be employed in or in connection with
7 or for any other trade, business or service, *except such employment*
8 *shall not include harvesting of small fruits and vegetables on farms,*
9 *when attendance at school is not required by the education law.*

10 § 2. This act shall take effect immediately.

EXPLANATION — Matter in *italics* is new; matter in brackets [] is old law to be omitted.

February 26, 1953

migratory work
re: Bills

MEMORANDUM TO: Mr. Walter White
FROM : Herbert Hill

Last week two bills were introduced into the New York State Legislature (Assembly Bills 2529-2530) which propose to lower the working age limitation for migratory agricultural children from 14 to 12 years.

These bills specifically refers to the children of Negro migratory farm workers, some 20,000 of whom come to New York State to harvest crops during the summer and early fall. The intent of these bills relates to Negroes as a group and the proposal to lower the working age limitation for Negro children constitutes an act of legislative racial discrimination.

I have discussed this matter with the President of the New York State Conference of Branches, Mrs. Effie Gordon, who is most interested in involving the New York State NAACP Conference in a campaign to defeat this vicious legislation.

I am requesting permission to go to Albany with Mrs. Gordon and a representative of the National Child Labor Committee next week (March 4-5) to meet with the Assembly Labor Committee which currently has the bills and meet with various Senators and Assemblymen to urge its defeat, and to involve NAACP Branches in the State to do the necessary work in their local communities on this matter.

HH/mlw

COPY: Mr. Current