

Progressive Law-making in Various States of the Union

(Written for the American Review of Reviews by William B. Shaw, and reproduced through the courtesy of the publishers of the Review of Reviews.)

Since the beginning of the current year the legislatures of thirty-nine states have been in session for longer or shorter periods. There have been several prolonged "deadlocks" in attempts to elect United States senators—an evil that has at last been done away with through the adoption of the "direct-election" amendment to the federal constitution. Doubtless much time has been wasted in factional obstructions and bickerings, but on the whole the year's record is one of substantial progress in many fields.

Wisconsin has not fully sustained her well-earned reputation for progressive legislation, and Pennsylvania has disappointed those who looked to her legislature for unusual achievements, many excellent measures having passed one house only to be held up or mutilated almost beyond recognition in the other. Of New York not much was expected, but her Tammany-ruled legislature has admirable health and factory codes to its credit—passed in response to a wisely directed public opinion.

Throughout the country the influence of legislative reference bureaus (of which Wisconsin's was the pioneer) and other agencies of like purpose is clearly discernible. Legislators now have a far sounder basis of knowledge as to what has been done in different states dealing with similar problems than they had in former years. For more effort is now expended in the inquiry whether a proposed law can be enforced and made effective. Apparently there is less eagerness than formerly to encumber the statute-books with "dead-letter" enactments.

The new laws relating to child labor now in force in many of the states constitute an especially good example of legislation as a gauge or barometer of public opinion. Less than a decade ago the laws on this subject in all but a very few of the states indicated a disgraceful indifference on the part of the public to the conditions surrounding children employed in factories. In the opening years of the century a vigorous campaign of education was begun, and the effects of this work, quietly undertaken and chiefly furthered by the national child labor committee and affiliated organizations in various parts of the country, are now beginning to show not only on the statute books, but in the actual enforcement of laws, which, although in some respects below the standards of European legislation, are still far in advance of anything that was formerly deemed possible in the United States.

The greed of employers may delay, but it can not permanently check, this advance of legislative standards. The argument that has had the most telling effect against child-labor legislation thus far is the one that has its basis in business competition between employing companies operating in different states. An employer of child labor complying with the laws of his own state may be placed at a serious disadvantage in competing with concerns in an adjoining state which has a lower standard of legislation. This difficulty can only be removed by the adoption of practically a uniform law in all the states and to this end a uniform child-labor law has been drafted by the national conference of commissioners on uniform state laws. This model law, if it may be termed such, although its sponsors do not admit for a moment

that it fully meets their ideals, embodies what are regarded as the best provisions now existing in the child-labor laws of various states. Thus it may be said for this uniform law that it has already been tried by the test of actual experience.

This law is too long to be summarized here, but among its more important provisions are the following: The labor of children under fourteen years of age is prohibited in factories, mercantile establishments, and twenty-three other specified occupations; it is made unlawful to employ a child under fourteen in any business or service whatever during school hours; the employment of children under sixteen years of age is forbidden in seven specialized occupations, including the adjusting of belts to machinery, the oiling or cleaning of machinery, the operating or assisting in operating of certain specified machines, and all work upon railroads, steam or electric, and boats engaged in navigation or commerce; children under sixteen are forbidden to be employed in any capacity whatever in certain specially hazardous, or dangerous occupations; employment certificates and records of school attendance are required; children must be able to pass the fifth-grade examinations; the employment of children under eighteen years of age is forbidden in fifteen specified occupations, and no person under twenty-one years of age shall be employed in connection with any saloon or barroom where intoxicating liquors are sold; the eight-hour day is prescribed for boys under sixteen and girls under eighteen, and the hours of employment must be after 7 o'clock in the morning and before 6 o'clock in the evening; no boy under twelve and no girl under sixteen shall, in any city of first or second class, sell newspapers, magazines, or periodicals in any street or public place; boys under sixteen selling newspapers on the streets must comply with all legal requirements of school attendance; suitable penalties are prescribed for violations of these laws.

The Massachusetts legislature has just passed a law based on this uniform child-labor law, the most important change being that it establishes the eight-hour day for children under sixteen.

Other states have improved their child-labor laws this year. New York will hereafter require a physical examination before a child under sixteen may go to work, and certificates already granted may be withdrawn if a physical examination of children at work in factories results unfavorably. In Ohio fifteen is made the age limit for boys and sixteen for girls, while boys must pass the sixth-grade schooling test and girls the seventh-grade (the standard fixed by the uniform law is the fifth grade.) Michigan requires school attendance to the age of sixteen unless the eighth grade is completed, or the earnings of a child over fourteen are essential to the support of the parents.

Since much has been said about child-labor conditions in the south, the action of the legislatures of Florida and North Carolina is a matter of interest. Florida has set the twelve-year limit in factories, laundries, and theaters, the sixteen-year limit for certain dangerous occupations, and the eighteen-year limit for night messengers. In North Carolina all night work is prohibited for children under sixteen and school attendance for children from eight to twelve years of age is made compulsory.

Nevada adopts the fourteen-year limit for all occupations during

school hours, the sixteen-year limit for certain dangerous occupations, and the eighteen-year limit for night messengers. The eight-hour day is prescribed for boys under sixteen and girls under eighteen.

In several states—notably Delaware, California, Iowa, Kansas, Michigan, Minnesota, New York, and Pennsylvania—provision is made for additional inspectors to enforce the factory laws.

Training for Life Work

Closely related to the movement for the regulation of children's labor is the demand for "vocational" training. Accepting this phrase literally, one would expect it to refer to education for specific callings in life.* As commonly used, however, it applies to all kinds of educational effort put forth with a view to the training of children in trades, agriculture, and domestic science. Yet the real motives back of this movement undoubtedly arise from the obvious need of large groups of boys and girls in our cities and towns for the kind of equipment that will insure them a living. The best example of a vocational training law that can be cited at present is the Indiana statute which was passed by the legislature and signed by the governor last March. This law which was enacted with almost no opposition, was the outcome of a report made by the commission on industrial and agricultural education appointed two years ago. The facts which in the opinion of the commission justify legislation of this kind are stated in the report as follows:

"The larger part of the boys and girls leave school before the completion of the elementary course, unprepared in anything which will aid them in their immediate problem of earning a living with their hands. From statistics available in other states it is safe to estimate that there are fully 25,000 boys and girls in this state between fourteen and sixteen who have not secured adequate preparation for life work in the schools and who are now working in 'dead end' or 'blind alley' jobs, or, in other words, jobs which hold no promise of future competence or advancement. The investigations in Massachusetts and New York city show that not more than one out of five of the pupils leaving school at fourteen do so because it is necessary to help make a living. The conditions are doubtless even better in Indiana. The remainder, four out of five, leave school for a variety of reasons, chief among which is the feeling among pupils and parents that the schools do not offer the kind of instruction which they need for the work they expect to do and which would justify them in foregoing wage-earning for a time in order to get it."

In attempting to meet this situation the commission found a serious difficulty in the lack of teachers competent to give the kind of training required to put pupils in touch with the opportunities for life work. It, therefore, recommended that teachers should be educated to handle vocational subjects "more effectively than they have been able to handle such subjects in the past."

In the law as finally enacted there was an evident leaning toward the German system of separate vocational schools. A state system of vocational education is established, with state aid for training in agricultural, domestic science, and industries through all-day, part-time, continuation, and evening schools. This work is to be carried on either in separate schools or in special departments of regular high schools.

Control is vested in the local board of education, and the laws are to be administered, as a whole, by the state board of education. So much importance is attached to this form of education that the state board has been entirely reorganized with reference to its new functions. Seven of its twelve members must be professional educators; the remaining five may be laymen. Two of the laymen must be citizens of prominence, and three of them shall be actively interested in vocational education, one of these three being a representative of the employees and one of the employers. Attendance upon day or part-time classes in vocational training is restricted to persons over fourteen and under twenty-five years of age, and upon evening classes to persons over seventeen.

The plant and equipment for this work are to be supplied by the local communities. After approval by the state board of education, the community is to be reimbursed out of the state treasury to the amount of two-thirds of the salary of each teacher giving instruction in vocational or technical subjects.

A provision is added to secure the benefit of the knowledge and cooperation of laymen. The local school authorities are required to appoint, subject to the approval of the state board of education, advisory committees composed of members representing local trades and industries, whose duty it shall be to counsel with the board and other officials in conducting the schools.

The subject of vocational education has received much attention in Illinois, and has become, to a certain extent, a matter of popular interest. The various systems of vocational training now in operation have been investigated by representatives of the bankers, merchants, and manufacturers, as well as by educators. A sharp issue has arisen in the state between the advocates of separate schools and those who believe that all the work should be done by the existing school system. Those who favor the German system declare that the schools as they now are should be left untouched, but the opponents of that system maintain that the introduction of specific vocational training would result only in good. The controversy that has arisen between those who propose the so-called "dual" system and the "unit" party has tended to postpone definite action in the legislature.

Mothers' Pensions

Two years ago a movement began in several states to secure pensions, so-called, for widows and deserted mothers with children. This movement has become so widespread that at the present time there are laws of this character on the statute-books of eighteen states. These laws, however, are by no means identical, either in form or in purpose. Two theories seem to underlie all this legislation—one, the familiar principle of relief for actual destitution, the other, that which is usually denoted by the word pension, that is to say, the payment by the government of a stipend for a meritorious service rendered by the recipient. Not a few of these new laws are merely amendments of statutes that provided some form of outdoor relief, or else are substitutes for provisions formerly made for sending dependent children to public institutions. The thing to be borne in mind is that in all these states the real beneficiary is the child, not the mother.

It is true that in several states those who were active in securing the enactment of these laws speak of the mothers as beneficiaries, and doubt-