

The American Child

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GERTRUDE FOLKS ZIMAND, General Secretary

FLORENCE TAYLOR, Editor

LOUISE D. STETTER, Assistant Editor

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FEDERAL LEGISLATION FOR MIGRANT CHILDREN

Excerpts from Testimony by Gertrude Folks Zimand at Hearings on Migrant Labor Legislation Held by Senate Sub-Committee on Labor and Labor Management

THE NATIONAL CHILD LABOR COMMITTEE is gratified that your Sub-Committee is holding these hearings. It gives us hope that the Congress will recognize the gravity of the migrant farm labor problem and that at long last steps will be taken to give this most neglected group of our population, the standards of living, of employment and of education that this country seeks to provide for all within its borders.

The major portion of my testimony will be on the conditions under which migrant children are growing up with specific suggestions for federal action which we believe should have high priority in any federal program.*

It is obvious that there are many aspects of migrant life that are not wholesome for children—the constant moving about with no roots in a community, the congested housing that makes impossible normal or even decent home life, the unspeakable sanitary conditions, inadequate income, poor diet, lack of medical care. The infant mortality rate among migrant families in Colorado, our recent field study revealed, was nearly twice as high as that for the State of Colorado. However, I am going to speak on three other points, directly related to child welfare and basic to improvement, on which we urge immediate action: (1) the care of young children whose mothers are working, (2) child labor and (3) education.

I. Child Care—

It is an economic necessity for migrant mothers to work in the fields. Their children are taken care of in whatever manner their mothers can devise. In Colorado we found that 100 mothers with children under 10 years arranged it as follows:

- 41 took their young children to the fields
- 26 left them with older children
- 12 left them with elderly people
- 11 left them with neighbors or relatives
- 8 left them at home *unattended*
- 2 placed them in day nurseries

The "older children" who took care of the younger ones were often, themselves, only 10 or 11. Some of the children left unattended were locked in cars. This was not hearsay—our field staff saw several instances. No day care pro-

* Other legislation supported by Mrs. Zimand in her testimony included regulation of housing conditions and of activities of employment agencies and labor contractors, inclusion of migrants in minimum wage legislation, and a Federal Committee on Migratory Labor which would include public representatives. A complete copy of the testimony will be sent on request.

vision was found anywhere except at two labor camps—both former federal camps—which have child care centers operated by the Home Missions Council.

Only last week I heard of a practice among Indian workers in Arizona. The Indian mothers, unwilling to leave their babies alone, took them to the fields and laid them on the ground. The color of Indian babies is not unlike that of Mother Earth, so when the farm machine came along a man would walk ahead of the machine and pick up the children.

Last year Congress authorized federal funds for day care centers for the children of working mothers in defense areas (Public Law 139). However it refused to appropriate any money for this. It is doubtful, even if funds are appropriated this year, that day care centers in migrant farm areas would be qualified under this Law. Under Title V of the Social Security Act, funds for Child Welfare Services are available to states for day care centers. However, this appropriation is not large and the regulations prescribed seem to be adapted to urban communities. Probably no migrant area could meet them.

(Continued on Page 3)



"Play Materials" in Migrant Camps Are Old Tires and Garbage.

uncollectible bills and is entitled to no compensation if he gets hurt while delivering papers, older boys can figure out that they will be better off in other jobs where they can count on their earnings and are covered by workmen's compensation. They are quite willing to let the wide-eyed youngsters see if they can make any money, hustling out in the early morning, spending week-ends trying to collect, forking out for unpaid bills and maybe getting run down by a car in the process.

It has been a long time since we have had anything to say about newsboy work and a long time since there has been even a slight chance that newsboy regulation might be included in a revised child labor law, yet practically every issue of *Editor & Publisher* has articles about the constant activities of the "do-gooders" who are trying to get rid of all newsboys under 18 and the necessity of vigorous and extensive "public relations" campaigns to nullify these activities. The latest is a "new nationwide campaign in behalf of the newspaperboy and his place in the American free enterprise system." Announced first in the February 16 issue of *Editor & Publisher*, a subsequent article in the February 23 issue gave the names of the 48 state representatives appointed to the ICMA's Education Committee, which will carry on this campaign, and emphasized the dire need for fast work to make up for lost time:

"The International Circulation Managers Association has just completed the appointment of its 48-state committee, members of which are engaged in securing the interest and support of state and local educators in the newspaperboy and his welfare.

"Typical of the enthusiasm expressed by various state chairmen in this project is the comment of Don. M. Wilson, managing director of the California Newspaperboy Foundation. 'This is a most important contact work that many of us in the newspaper business have been missing. It will be necessary for us to work as fast and hard as possible to make up for lost time.'"

A Newspaperboy Information Bureau may also be set up by the ICMA Newspaperboy Committee which could be supplied with "considerable material" by the new Education Committee. The kind of "helpful data" a Newspaperboy Information Bureau should have and which members of the Education Committee could obtain for it would include, as reported in *Editor & Publisher*:

"... testimonials from the various cities which may be used by committees, particularly the legislative, to prove the newspaperboy is average or above in character, scholastic standing, etc." These testimonials to be "obtained from educators, legislators, clergy, judges, or other outstanding citizens in their respective communities (this is already being done in New York State); also, to get testimonials from parents on the value of newspaper routes to their boys—health, thrift, initiative, etc.

"Questionnaires similar to those being used in New York State to be sent to newspaperboys' teachers, who will classify them scholastically as 'average,' 'above average,' or 'below average.'

"Statements from newspaperboys telling how they feel about the advantage of delivering newspapers.

"What the newspapers are doing to help influence newspaperboys in the right direction, to become better citizens and to appreciate free enterprise and the democratic ways of life."

With all this battery of committees, bureaus, and foundations to promote the "little merchant" system with the public and provide ammunition for legislative committees when there is any danger that newsboys may be slipped under child labor laws, everybody ought to be able to relax, secure

in the knowledge that the newspapers are defending "free enterprise and the democratic ways of life" to the last newsboy.

But somehow the suspicion remains that the "free enterprise" the newspapers talk about is primarily for them, not for the newsboys. That they want to be free to use young boys to get the circulation that gets the profits, at no risk of financial loss to themselves, has been clear since the "little merchant" system was invented and becomes even clearer when efforts are made to obtain legislation, as in New York State, to classify carrier boys under law as "independent contractors."

There is actually nothing wrong with carrier work that newspapers could not cure if they wanted to. It can be good training and experience for boys if the ages and hours are suitable—12 years after school and 14 years after 7 a.m., for example, instead of 12 years at 5 a.m. It could make the newsboys even stronger supporters of the "free enterprise system" if their free enterprise brought them fair returns instead of reduced earnings from bad bills. And newspapers in two states—Louisiana and Wisconsin—have survived inclusion of their newsboys in workmen's compensation laws. Why not in other states? The answer is that newspapers are doing everything possible to prevent it. The New York bill, described by *Editor & Publisher* (Mar. 15) as a "model bill," has passed the legislature and is before the Governor for signature. If it becomes law, in spite of protests sent to the Governor, this legislative recognition that the "little merchants" are not employees and are thereby excluded from workmen's compensation, will establish a legal definition which, *Editor & Publisher* says, "should be extended to all states where newspaper carrier boys are already in fact 'little merchants.'"

FEDERAL LEGISLATION FOR MIGRANT CHILDREN

(Continued from Page 1)

We therefore recommend that legislation be enacted granting federal funds for the establishment of day care centers in migrant areas—these funds to be administered by the Children's Bureau, with recognition in the law that the requirements to be met by states requesting funds shall take into account the paucity of social welfare services in such areas.

II. Child Labor—

It is not surprising, in view of the poverty of migrant families, that children become part of the labor force as soon as they are old enough to pick a bean. Of 205 working children under 16 years in Colorado, 88—nearly 43 per cent—had started work before they were 10 years old. Forty-six children started their work career as full-time workers during school hours. Nearly two-thirds of the children worked more than 8 hours a day; 37 per cent worked more than 10 hours a day.

Congress has already taken one important step toward eliminating child labor abuses by its adoption in 1949 of an amendment to the Fair Labor Standards Act setting a 16-year minimum age for work on commercial farms *while schools are in session*. Strong efforts are being made by the Labor Department to enforce this law, but great opposition has developed especially in the cotton regions of the Southwest. Many devices are adopted to circumvent it. Schools

are closed while migrants are in a district so that the migrant children may *legally* be employed. We heard of one district with migrant workers (Minnesota) which closed its schools and then sent its resident children by bus to a school in another district. In another place (Texas) a school for migrants was opened at 4 o'clock in the afternoon. The children, after their full day's work, did not attend the school, but it was claimed that since "their" school did not open until 4, it was legal for them to work until 4 o'clock. Some areas, we understand, are considering re-districting, so that migrant children will be in a separate school district from resident children and the district with the migrants can close its schools without interfering with the schooling of resident children.

Even more serious is the fact that 8 bills are now in the House Committee on Education and Labor to weaken this law, especially in its application to migrant children. We hope the members of this Sub-committee will be on the alert to prevent any such action.

There still remains, even with this federal law, the fact that, except in two or three states, there is *no minimum age whatever* for the employment of children on commercial farms outside of school hours. They may—and do—work at any age—and for any number of hours. We believe the Fair Labor Standards Act should regulate this—but we are not

suggesting immediate introduction of such legislation. We believe this should be deferred until the minimum age for work during school hours is more firmly established.

III. Education—

The children of migratory agricultural workers without question constitute the most educationally neglected group in this country. Every study of migrant labor has revealed a lack of schooling that is shocking—children who *never* go to school, many who go only three or four months a year, great retardation, dropping out of school at 10 or 12 years, a high degree of illiteracy. There are probably few migrant boys who could qualify to serve in the Army.

Many of these children are "interstate"—and therefore a special concern of the federal government. In Colorado all but 40 of the 262 families had come from other states—more than half from Texas.

We, therefore, urge that consideration be given at this session of Congress to provision of federal funds to the states for the education of migrant children.

This has been discussed at various times—but has always bogged down because no one knows how many such children there are, how large an appropriation is needed, or how it should be apportioned.

We do not believe the difficulties are unsurmountable and are tentatively suggesting the outline of a simple bill calling for an appropriation of \$10,000,000 for this purpose. (Note: The suggested provisions for this bill are outlined in the complete testimony.)

We are aware that the President's Budget has recommended an appropriation to the Office of Education of \$181,000 to study and help develop programs for the education of migrant children. We do not believe this in any way lessens the need for federal aid to the states for migrant education. If anything it increases the need. For the Office of Education, in its work in the various states, will have much more support for its recommendation and can plan on a much sounder basis, if it knows, and if the states and local districts know, that there will be federal funds to help them carry out programs.

In closing we again urge priority in your planning for measures that will immediately and directly help migrant children. They cannot wait. They will soon be leaving their childhood—and, unless something is done quickly, they will carry into adulthood the bitterness and resentments of a cheated childhood — they will remember lonesome days instead of their mothers care, they will remember working when other children played, and working when other children went to school.

We know the migrant problem must be attacked from many angles but we believe none is more important than to give migrant children a different life—and a chance to escape from migrant life. Now it is a vicious circle—migrancy —poverty—child labor—retardation—school leaving—illiteracy—back to migrancy again.

Migrant farm labor may play an important part in America's agricultural production — but migrancy, as it exists today, has no part in the American way of life. People learn through experience—and if we want our vast migrant population to remain true to our democratic concepts we must see that they learn, through their own experience, from childhood on, the meaning of democracy — equal opportunities for all.

Hour Joy

*at Easter or Passover
will be greater —*

if you join the drive for deliverance of the children of farm migrants.

Most of them live and work in the bondage of degrading misery.

Help our drive for better laws, better enforcement, better housing, health, child day-care centers, better school facilities.



5 year old cotton picker

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