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Proposed Children's Bureau.

"I believe we have a right to study child life and give publicity to a knowledge of how to protect child life. It is a great national asset."

SPEECH

OF

HON. ROBERT L. OWEN,

OF OKLAHOMA,

IN THE SENATE OF THE UNITED STATES,

Wednesday, January 31, 1912.

The Senate having under consideration the bill (S. 252) to establish in the Department of Commerce and Labor a bureau to be known as the children's bureau—

Mr. OWEN said:

Mr. PRESIDENT: This bill, almost word for word, passed the Senate during the preceding Congress on the 14th of February, 1911, and without objection. The objections which are now urged so strongly against the constitutionality of the bill appear not to have been considered at all by the Senate at that time. Even the senior Senator from Idaho [Mr. HEYBURN] gave his acquiescence to this bill on the 14th of February, a year ago.

I have no doubt of the constitutionality of this bill. I believe that the Federal Government has a perfect right to provide for its own self-preservation as a necessary implied power of the Constitution. I believe whatever information is necessary to be acquired by the Congress or the Senate, or by the Executive Department, in the performance of their respective duties, is fully justified. I believe that any information which is necessary to the "general welfare" or the common defense of this Nation is fully justified under section 8 of Article I. The time for debating the meaning of that section has passed. The language is as plain as the English language can be made. It says that the "Congress shall have power to lay and collect taxes," "to provide" for the "general welfare" as well as the "common defense." And the Congress has been providing for the "general welfare" all these years. So far has it gone with regard to such matters affecting the general welfare that we have enlarged our Federal services so that in the Bureau of Animal Industry we expended last year \$1,654,750 to promote the animal industry and conserve and develop animal life. We have taken great pains to eradicate Texas fever in cattle. We have many men in the field now engaged in this work, clearing up one county after another in various States, pushing back the quarantine line against Texas fever of cattle from one point to another. It is now crossing southward my State of Oklahoma. Inside of State lines Federal officials under the Agriculture Department are now engaged in stamping out various diseases of cattle which would otherwise interfere with the food supply of the American people, and therefore be injurious to "the general welfare."

Congress has proceeded upon this theory ever since I was born. Even gentlemen who have declared this bill was unconstitutional, within an hour voted for a substitute for this bill by the Senator from North Carolina [Mr. OVERMAN], which contained every element of unconstitutionality of this bill, if it be unconstitutional. What do these gentlemen mean by voting for an unconstitutional provision on their several oaths, if in reality they seriously think that such measure is unconstitutional? The amendment proposed by the Senator from North Caro-

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lina [Mr. OVERMAN] is just as open to the constitutional objection as the bill brought in by the Senator from Idaho [Mr. BORAH].

Not only has this power in the Federal Government been approved by Senate after Senate, and by Congress after Congress, and by President after President, but it has met the universal approval of the people of the United States. It is the acknowledged Constitution and the accepted law. We need not debate the Constitution any more. The time has gone to consider the question of the constitutionality of this power in the Federal Government.

We expended in the Plant Industry Bureau last year \$2,680,416—for the protection of plant life—in the interest of commerce, and now we can not spend \$30,000 for the protection of child life in the interest of humanity. Great is commerce! It ranks human life. I think it is of great importance to spend what is necessary to protect this country against the insects which infect our forests, against the San Jose scale which affects the orange groves of the country, and other injurious insects, but shall we spend that money freely as "constitutional" and at the same time be unwilling to expend a dollar for the conservation of the child life of this Republic as "unconstitutional"?

Four hundred thousand children die every year in this country under the age of 12 months, and one-half of them, a vast army of 200,000 little children, lift up their tender voices to this Republic asking for protection from preventable diseases; and we spend \$2,674,000 to protect our forests from insects and refuse to spend \$29,000 for the conservation of the child life of this Republic.

Child labor is useful in coining money in sweatshop and in mines and in dangerous and unhealthy service, and greedy employers must not be interfered with, even by public opinion based on well-ascertained facts collated by a child's bureau. Great is commerce! It has more power than humane considerations.

When we have had this country assailed by bubonic plague, has any man questioned the right of Congress to protect human life by appropriations and services employed for that end? Did we not spend a million on the Pacific coast for stamping out the bubonic plague for the protection of human life, for the "general welfare"? But we may not spend a pitiful \$30,000 to establish a bureau of inquiry as to the best methods to protect child life.

During the last season I sent 25,000 bulletins on how to take care of hogs into Oklahoma; not a bulletin on how to take care of children. We see such a man as Straus, in New York, spending his own private funds for the purpose of furnishing pasteurized milk and teaching the people of New York how they can conserve child life. In that one simple instance thousands of lives of little children were saved, and yet hundreds of thousands of mothers know nothing about pasteurized milk or how to take care of an infant, and may not have the bulletins of a child's bureau when they anxiously seek advice having authority because it is "unconstitutional" to have a child's bureau.

This "unconstitutional" bureau for protecting child life by gathering and distributing knowledge might interfere with sweatshops and factories where the labor of children is coined into money, and such interests will oppose this bill and urge on representatives the objection of unconstitutionality while concealing the real reason.

In the Bureau of Chemistry we spend \$965,780, and in the Bureau of Entomology we spend \$601,920, a bureau particu-

larly devoted to the study of insects and bugs, and not a dollar is expended for the proper study of child life.

I agree that it is of importance to study the habits of the boll weevil, and it is for the "general welfare" to protect this country against the ravages of that insect so deadly to our great cotton crop. This study has very great commercial importance, because it will enable us perhaps to destroy the life of this pest. But I believe also that we have a right to study child life and give publicity, and the widest publicity, to a knowledge of how to protect child life. It is a great national asset. It has great commercial importance, if I must put it upon that low plane. Every human being has a certain commercial value, and is worth so many hundreds or so many thousands of dollars. He has a certain productive value if a slave and a greater value if a freeman. Let us take steps to preserve the lives of human beings as a commercial asset and as a matter of prudent national business. The acquisition of knowledge on this subject and its wide distribution is the cheapest way to accomplish this end.

If this Nation is to be controlled by commerce alone, if it is to disregard human life and consider nothing but commerce and the vulgar sordid dollar, let us consider the commercial value of 200,000 children annually whose lives we might save. Are they worth \$500 apiece? Then they have a commercial value of \$100,000,000 and this bill is justified as a means to saving the vast sum invested in infants under 1 year of age. I waive all sentiments of humanity, the grief and anguish of unlearned mothers and fathers unnecessarily bereaved of their little children.

Mr. President, as a matter of policy, this question has been considered not only by learned men in this Republic but by the learned legislators of the great nations of the world abroad. The German Empire has a complete method for considering and investigating the conditions of child life with a view to preserving child life, and that wonderful nation, because of its interest in the preservation of human life, is growing by giant strides to be the master nation of Europe. Its great sons have been a most tremendous asset to this Republic. They do not believe in race suicide. They raise large families and love children and care for them.

The German Empire has set us an example, and the British Empire has set us an example in their recent "child's act" providing for the study of the conditions of child life. Why shall we hang behind the march of the civilized world and lose sight of the welfare of the little children of the greatest people on earth?

If it is competent authority we want, we have had those who are expert in this question give the most careful consideration to this question. This bill has been recommended by the National Child Labor Committee, the National Federation of Women's Clubs, the Conference on Dependent Children, consisting of 200 men and women, the most learned in the world with regard to this particular subject.

Among these distinguished Americans I call your attention to a few, for instance:

His eminence Cardinal Gibbons; Mr. John M. Glenn, director of the Russell Sage foundation, New York City; Dr. S. M. Lindsay, director of the New York School of Philanthropy; Miss Jane Addams, Hull House, Chicago; Miss Lillian D. Wald, of the Henry Street Settlement, New York; Mrs. Flor-

ence Kelley, secretary of the National Consumers' League; Mr. Thomas Nelson Page, author and publicist; Mr. Owen B. Lovejoy, secretary of the National Child Labor Committee, and Mr. A. J. McKelway, southern secretary of the National Child Labor Committee; Mr. J. Prentice Murphy, of the Children's Bureau of Philadelphia; Mr. Homer Folks, secretary of the State Charities Aid Association, New York; Hon. Julian W. Mack, of the Court of Commerce; Mr. Hugh F. Fox, president of the Children's Protective Alliance, New Jersey; Dr. Ludwig B. Bernstein, superintendent of the Hebrew Orphan Asylum, New York City; Judge Ben B. Lindsey, judge of the juvenile court of Denver; Judge N. B. Feagin, of the juvenile court of Birmingham, Ala.; Mrs. Lucy Syckles, superintendent Michigan State Home for Girls; Mr. J. W. Magruder, secretary of the Baltimore Charities Association; Mr. Hastings H. Hart and L. F. Hamner, of the Russell Sage Foundation; Mr. Miles M. Dawson, of the American Association of Labor Legislation; Mr. H. Wirt Steele, executive secretary of the American Association for the Prevention and Relief of Tuberculosis; Miss Mary Wood, representing the Daughters of the American Revolution; Mr. Bernard Flexner, authority on juvenile court legislation, Louisville, Ky.

Mr. President, the argument has been made that this will cause a duplication of work. That has been most abundantly answered. It was answered a year ago by the head of the Census, Director North. He stated that there will be no duplication in his department; that they were not concerned in the questions which would be investigated by such a bureau as this. Commissioner Neill, of the Bureau of Labor, of the Department of Commerce and Labor, most emphatically said that he thought this bureau ought to be established; and Commissioner Brown, of the Bureau of Education of the Interior Department, the very department where we were proposing by an amendment to send this proposed bureau, also gave his testimony that the child's bureau should be established, and that it will not duplicate his work. These departments, which are said to be concerned in this matter, have already testified in favor of this measure, and the report will be found in the Record of February 14, 1911.

So the objections have all been answered. The constitutionality is beyond doubt. The importance of the policy I can not think will be disputed by any humane man. No far-seeing statesman should deny that the preservation of human life and the conservation of the little children of this Nation is one of the most important subjects which can engage the consideration of the Senate.

Let us establish this bureau, and send out bulletins giving reliable information to anxious mothers and fathers, to State authorities, and to all who seek it, so that the knowledge of child preservation shall become the common property of the people of the Republic.

Let us gather the facts and show when and where children are unfairly exposed so that public opinion may protect them.

Let us have publicity so that we may protect the innocent and precious young life of the Nation.

Let our people have the facts and they will verify the words of the Book of Books, "Ye shall know the truth, and the truth shall make you free."