

**U. S. DEPARTMENT OF LABOR**  
JAMES J. DAVIS, Secretary  
**BUREAU OF LABOR STATISTICS**  
ETHELBERT STEWART, Commissioner

BULLETIN OF THE UNITED STATES } . . . . . **No. 411**  
BUREAU OF LABOR STATISTICS }

M I S C E L L A N E O U S S E R I E S

**PROCEEDINGS OF THE TWELFTH ANNUAL  
CONVENTION OF THE ASSOCIATION OF  
GOVERNMENTAL LABOR OFFICIALS OF  
THE UNITED STATES AND CANADA**

**HELD AT SALT LAKE CITY, UTAH  
AUGUST 13-15, 1925**



**MAY, 1926**

**WASHINGTON  
GOVERNMENT PRINTING OFFICE  
1926**

**ADDITIONAL COPIES  
OF THIS PUBLICATION MAY BE PROCURED FROM  
THE SUPERINTENDENT OF DOCUMENTS  
GOVERNMENT PRINTING OFFICE  
WASHINGTON, D. C.  
AT  
25 CENTS PER COPY**

## CONTENTS

	Page
Officers, 1924-25.....	VII
Constitution.....	VII-IX
Development of the Association of Governmental Labor Officials.....	IX, X

### THURSDAY, AUGUST 13—MORNING SESSION

#### GEORGE B. ARNOLD, PRESIDENT A. G. L. O., PRESIDING.

President's address, by George B. Arnold, director Illinois Department of Labor.....	1-6
Report of secretary-treasurer.....	6, 7
Remarks of Ethelbert Stewart, United States Commissioner of Labor Statistics, re cooperation of association with the National Association of Legal Aid Organizations.....	8
Roll call and reports of new legislation:	
Report of California.....	9
Report of Connecticut.....	9
Report of Georgia.....	9, 10
Report of Idaho.....	10
Report of Illinois.....	10-12
Report of Indiana.....	12
Report of Kansas.....	12, 13
Report of Louisiana.....	13
Report of Massachusetts.....	13, 14
Report of Minnesota.....	14
Report of New Hampshire.....	14
Report of New Jersey.....	14
Report of North Dakota.....	14-16
Report of Ohio.....	16
Report of Oklahoma.....	16
Report of Pennsylvania.....	16, 17
Report of Utah.....	17, 18
Report of Virginia.....	18
Report of Wisconsin.....	18-20

### THURSDAY, AUGUST 13—AFTERNOON SESSION

#### EMPLOYMENT. JOHN H. HALL, JR., COMMISSIONER OF LABOR OF VIRGINIA, PRESIDING.

Handling the harvest labor problem, by Claude E. Connally, commissioner Oklahoma Department of Labor.....	21-24
Discussion:	
Ethelbert Stewart, of Washington, D. C.....	24, 25
Frank E. Wood, of Louisiana.....	24, 25
Claude E. Connally, of Oklahoma.....	25, 26
John A. McGilvray, of California.....	25
Louise F. Shields, of Oregon.....	25, 26
Appointment of committees.....	26
Handling of harvest labor problems, by George E. Tucker, Director Farm Labor Division, United States Employment Service.....	26-31
Discussion:	
George B. Arnold, of Illinois.....	31
George E. Tucker, of Missouri.....	31-37
John H. Hall, jr., of Virginia.....	31-41
Claude E. Connally, of Oklahoma.....	32-38
F. A. Duxbury, of Minnesota.....	32, 33
Mrs. Frank M. Keezer, of Colorado.....	33-39

**EMPLOYMENT. JOHN H. HALL, JR., COMMISSIONER OF LABOR OF VIRGINIA, PRESIDING—Continued.**

Handling of harvest labor problems, etc.—Continued.	
Discussion—Continued.	<b>Page</b>
Louise F. Shields, of Oregon.....	33-36
John S. B. Davie, of New Hampshire.....	37-40
Ethelbert Stewart, of Washington, D. C.....	37-41
John A. McGilvray, of California.....	39
Leonard W. Hatch, of New York.....	39-41
Frank O'Brien, of Kansas.....	40, 41
Development of rehabilitation in the United States, by H. D. Battles, supervisor of vocational rehabilitation, Illinois.....	41-46
Discussion:	
Richard H. Lansburgh, of Pennsylvania.....	46
Andrew F. McBride, of New Jersey.....	46-48
O. F. McShane, of Utah.....	48
John A. McGilvray, of California.....	48
William Boncer, of Virginia.....	48, 49
Salvaging labor through industrial rehabilitation, by D. M. Blankinship, supervisor industrial rehabilitation, Virginia.....	49-51

*FRIDAY, AUGUST 14—MORNING SESSION***INSPECTION AND SAFETY. O. F. McSHANE, CHAIRMAN UTAH INDUSTRIAL COMMISSION, PRESIDING.**

Cooperation with employers as a means of reducing accidents, by Richard H. Lansburgh, secretary of labor and industry of Pennsylvania.....	52-57
Are accidents increasing, by Leonard W. Hatch, manager State Insurance Fund, New York Department of Labor.....	57-62
Discussion:	
E. Leroy Sweetser, of Massachusetts.....	62, 63
Andrew F. McBride, of New Jersey.....	63, 64
Henry McColl, of Minnesota.....	64, 65
John S. Thornhill, of Connecticut.....	65, 66
Dixon H. Bynum, of Indiana.....	66, 67
Leonard W. Hatch, of New York.....	66
Richard H. Lansburgh, of Pennsylvania.....	66-68
Claude E. Connally, of Oklahoma.....	67
William Boncer, of Virginia.....	67
The use of rock dust to prevent mine accidents, by D. Harrington, consulting mine engineer, Utah.....	68-74
Discussion:	
Leonard W. Hatch, of New York.....	74
D. Harrington, of Utah.....	74
William Boncer, of Virginia.....	74-76
O. F. McShane, of Utah.....	76, 77
Ethelbert Stewart, of Washington, D. C.....	77
John Taylor, of Utah.....	77
E. A. Hodges, of Utah.....	78

*FRIDAY, AUGUST 14—AFTERNOON SESSION***WOMEN AND CHILDREN IN INDUSTRY. AGNES PETERSON, ASSISTANT DIRECTOR UNITED STATES WOMEN'S BUREAU, PRESIDING.**

Present status of minimum wage legislation in this country, with particular reference to the California experience, by Katherine Phillips Edson, executive commissioner California Industrial Welfare Commission.....	79-86
Discussion:	
Agnes Peterson, of Washington, D. C.....	86-96
F. A. Duxbury, of Minnesota.....	87-96
Fred M. Wilcox, of Wisconsin.....	89-96
Alice K. McFarland, of Kansas.....	91, 92
Ethel M. Johnson, of Massachusetts.....	92-94
Dorothy Blanding, of North Dakota.....	95, 96
John A. McGilvray, of California.....	96

**WOMEN AND CHILDREN IN INDUSTRY. AGNES PETERSON, ASSISTANT DIRECTOR UNITED STATES WOMEN'S BUREAU, PRESIDING—Continued.**

	Page
Migratory children in agriculture, by Mrs. Frank M. Keezer, acting chairman Colorado Child Labor Committee.....	97-110
Discussion:	
Agnes Peterson, of Washington, D. C.....	102-110
Andrew F. McBride, of New Jersey.....	102
Richard H. Lansburgh, of Pennsylvania.....	103, 104
Maud Swett, of Wisconsin.....	104-107
Frank E. Wood, of Louisiana.....	105, 106
John A. McGilvray, of California.....	107
H. R. Witter, of Ohio.....	107, 108
Mrs. Frank M. Keezer, of Colorado.....	108, 109
Louise F. Shields, of Oregon.....	109, 110
Industrial home work, by Richard H. Lansburgh, secretary of labor and industry of Pennsylvania.....	110, 111
Discussion:	
Agnes Peterson, of Washington, D. C.....	111, 112
Leonard W. Hatch, of New York.....	111, 112

*FRIDAY, AUGUST 14—EVENING SESSION*

**FRANK O'BRIEN, MEMBER KANSAS SERVICE COMMISSION, PRESIDING.**

The International Labor Office and possibilities for American collaboration, by Lelfur Magnusson, American correspondent of the International Labor Office.....	113-121
Politics—No place for them in labor law administration, by F. M. Wilcox, chairman Wisconsin Industrial Commission.....	121-125

*SATURDAY, AUGUST 15—MORNING SESSION*

**WORKMEN'S COMPENSATION. JOHN S. B. DAVIE, COMMISSIONER NEW HAMPSHIRE BUREAU OF LABOR, PRESIDING.**

Treatment of occupational diseases under the workmen's compensation law, by Herman R. Witter, director Ohio Department of Industrial Relations.....	126-130
Discussion:	
F. A. Duxbury, of Minnesota.....	130-135
Henry McColl, of Minnesota.....	130
Joel Brown, of Idaho.....	131-134
O. F. McShane, of Utah.....	133-141
Andrew F. McBride, of New Jersey.....	134, 135
T. G. Freshney, of Wyoming.....	135-137
Fred M. Wilcox, of Wisconsin.....	137-141
Ethel M. Johnson, of Massachusetts.....	139
H. R. Witter, of Ohio.....	139
Lucian W. Chaney, of Washington, D. C.....	139
Leonard W. Hatch of New York.....	141
Statement of Ethelbert Stewart, United States Commissioner of Labor Statistics, re cooperation of association with the National Conference on Outdoor Recreation.....	133, 134
Accident reporting, by Lucian W. Chaney, of the United States Bureau of Labor Statistics.....	142-145
How to make statistics uniform, by Charles E. Baldwin, Assistant Commissioner United States Bureau of Labor Statistics.....	145-149
Discussion:	
W. H. Horner, of Pennsylvania.....	149
Fred M. Wilcox, of Wisconsin.....	149
O. F. McShane, of Utah.....	150
William Boncer, of Virginia.....	150
Agnes Peterson, of Washington, D. C.....	150, 151
Leonard W. Hatch, of New York.....	151
Charles E. Baldwin, of Washington, D. C.....	151, 152
Andrew F. McBride, of New Jersey.....	151, 152
Lucian W. Chaney, of Washington, D. C.....	152
Louise E. Schutz, of Minnesota.....	152

**MONDAY, AUGUST 15—AFTERNOON SESSION**

<b>BUSINESS SESSION. GEORGE B. ARNOLD, PRESIDENT A. G. L. O., PRESIDING.</b>		<b>Page</b>
Discussion as to qualifications for membership in association:		
Joel Brown, of Idaho.....		153
George B. Arnold, of Illinois.....		153
John H. Hall, jr., of Virginia.....		153
Louise E. Schutz, of Minnesota.....		153
Leonard W. Hatch, of New York.....		153
Alice K. McFarland, of Kansas.....		153, 154
H. R. Witter, of Ohio.....		154
Frank E. Wood, of Louisiana.....		154
Report of committee appointed to confer with the committee from the National Association of Legal Aid Organizations.....		154, 155
Report of committee on constitution and by-laws.....		155
Report of committee on officers' reports.....		155, 156
Report of committee on resolutions.....		156, 157
Election of officers.....		158

**APPENDIX**

List of persons who attended the twelfth annual convention of the Association of Governmental Labor Officials.....	159-161
--	---------

## OFFICERS, 1924-25

*President.*—George B. Arnold, Springfield, Ill.  
*First vice president.*—T. A. Wilson, Little Rock, Ark.  
*Second vice president.*—H. C. Hudson, Toronto, Canada.  
*Third vice president.*—Maud Swett, Milwaukee, Wis.  
*Fourth vice president.*—Alice K. McFarland, Topeka, Kans.  
*Fifth vice president.*—Herman Witter, Columbus, Ohio.  
*Secretary-treasurer.*—Louise E. Schutz, St. Paul, Minn.

---

## CONSTITUTION

Adopted at Chicago, Ill., May 20, 1924; amended August 15, 1925

### ARTICLE I

**SECTION 1. Name.**—This organization shall be known as the Association of Governmental Labor Officials of the United States and Canada.

### ARTICLE II

**SECTION 1. Objects.**—To act as a medium for the exchange of information for and by the members of the organization; to secure better legislation for the welfare of women and children in industry and the workers in general; to promote greater safety to life and property; to promote greater uniformity in labor-law enforcement, establishing of safety standards, compiling and disseminating labor and employment statistics; and to more closely correlate the activities of the Federal, State, and Provincial departments of labor.

### ARTICLE III

**SECTION 1. Membership.**—The active membership of this association shall consist of—

(a) Members of the United States Department of Labor and the Department of Labor of the Dominion of Canada; such representatives of the bureaus or departments of the United States or Canada being restricted by law from paying dues into this association may be members with all privileges of voice and vote, but are not eligible for election to office. They may serve on committees.

(b) Members of State and Provincial departments of labor.

(c) Members of Federal, State, or Provincial employment services.

**SEC. 2. Honorary members.**—Any person who has rendered service while connected with any Federal, State, and Provincial department of labor, and the American representative of the International Labor Office, may be elected to honorary membership by a unanimous vote of the executive board.

### ARTICLE IV

**SECTION 1. Officers.**—The officers of this association shall be a president, a first, second, third, fourth, and fifth vice president, and a secretary-treasurer. These officers shall constitute the executive board.

**SEC. 2. Election of officers.**—Such officers shall be elected from the members at the regular annual business meeting of the association by a majority ballot, and shall hold office for one year, or until their successors are elected and qualified.

**SEC. 3.** The officers shall be elected from representatives of the active membership of the association, except as otherwise stated in Article III.

## ARTICLE V

**SECTION 1. Duties of the officers.**—The president shall preside at all meetings of the association and the executive board, preserve order during its deliberations, appoint all committees, and sign all records, vouchers, or other documents in connection with the work of the association.

**SEC. 2.** The vice presidents, in order named, shall perform the duties of the president in his absence.

**SEC. 3.** The secretary-treasurer shall have charge of all books, papers, records, and other documents of the association; shall receive and have charge of all dues and other moneys; shall keep a full and complete record of all receipts and disbursements; shall keep the minutes of all meetings of the association and the executive board; shall conduct all correspondence pertaining to the office; shall compile statistics and other data as may be required for the use of the members of the association; and shall perform such other duties as may be directed by the convention or the executive board. The secretary-treasurer shall present a detailed written report of receipts and expenditures to the convention; shall pay out no money until a voucher has been issued and signed by the president. The secretary-treasurer shall publish the proceedings of the convention within four months after the close of the convention, the issue to consist of such numbers of copies as the executive board may direct. The secretary-treasurer shall receive such salary as the executive board may decide, but not less than \$180 per year.

**SEC. 4.** In the event of a vacancy in any office, the executive board may elect a successor: *Provided*, The president shall be succeeded by the ranking vice president.

**SEC. 5.** The business of the association between conventions shall be conducted by the executive board, and all questions coming before the board shall be decided by a majority vote, except that of the election of honorary members, which shall be by unanimous vote.

## ARTICLE VI

**SECTION 1. Finances.**—The revenues of the association shall be derived from annual dues determined on the following basis: (a) Federal, State, or provincial departments of labor, when the department staff consists of 1 to 5 persons, \$10; 6 to 25 persons, \$15; 26 to 75 persons, \$25; more than 75 persons, \$50.

The executive board may order an assessment levied upon affiliated departments not to exceed one year's dues.

## ARTICLE VII

**SECTION 1. Who entitled to vote.**—All active members shall be entitled to vote on all questions coming before the meeting of the association as hereinafter provided.

**SEC. 2.** In electing officers of the association, State departments of labor represented by several delegates shall only be entitled to one vote. The delegates from such departments must select one person from their representatives to cast the vote of the group.

The various bureaus of the United States Department of Labor and the Department of Labor of Canada may each be entitled to one vote.

The rule for electing officers shall apply to the vote for selecting convention city.

## ARTICLE VIII

**SECTION 1. Meetings.**—The association shall meet at least once annually at such time and place as the association in convention may select. The date of the annual meeting shall be decided by the executive board unless otherwise ordered by the convention.

## ARTICLE IX

**SECTION 1. Program.**—The executive board shall act as committee on program and shall prepare and publish the convention programs of the association.

**SEC. 2.** The committee on program shall set aside at least one session of the convention as a business session, at which session the regular order of business,

election of officers, and selection of convention city shall be taken up, and no other business shall be considered at that session until the "regular order" has been completed.

## ARTICLE X

SECTION 1. *Rules of order.*—The deliberations of the convention shall be governed by "Cushing's Manual."

## ARTICLE XI

SECTION 1. *Amendments.*—Amendments to the constitution must be filed with the secretary-treasurer in triplicate and referred to the committee on constitution and by-laws. A two-thirds vote of all delegates shall be required to adopt any amendment.

## ARTICLE XII

SECTION 1. *Order of business*—

1. Roll call of members by States and Provinces.
2. Appointment of committees.
  - (a) Committee of five on officers' reports.
  - (b) Committee of five on resolutions.
  - (c) Committee of three on constitution and by-laws.
  - (d) Special committees.
3. Reports of officers.
4. Reports of States and Provinces.
5. Reports of committees.
6. Unfinished business.
7. New business.
8. Selection of place of meeting.
9. Election of officers.
10. Adjournment.

## DEVELOPMENT OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS

## ASSOCIATION OF CHIEFS AND OFFICIALS OF BUREAUS OF LABOR

No.	Date	Convention held at—	President	Secretary-treasurer
1	September, 1883	Columbus, Ohio	H. A. Newman	Henry Luskey.
2	June, 1884	St. Louis, Mo.	do.	Do.
3	June, 1885	Boston, Mass.	Carroll D. Wright	John S. Lord.
4	June, 1886	Trenton, N. J.	do.	E. R. Hutchins.
5	June, 1887	Madison, Wis.	do.	Do.
6	May, 1888	Indianapolis, Ind.	do.	Do.
7	June, 1889	Hartford, Conn.	do.	Do.
8	1890	Des Moines, Iowa.	No meeting	Do.
8	May, 1891	Philadelphia, Pa.	Carroll D. Wright	Frank H. Betton.
9	May, 1892	Denver, Colo.	Charles F. Peck	Do.
	1893	Albany, N. Y.		
10	May, 1894	Washington, D. C.	Carroll D. Wright	L. G. Powers.
11	September, 1895	Minneapolis, Minn.	do.	Do.
12	June, 1896	Albany, N. Y.	do.	Samuel B. Horne.
13	May, 1897	Nashville, Tenn.	do.	Do.
14	June, 1898	Detroit, Mich.	do.	Do.
15	July, 1899	Augusta, Me.	do.	Do.
16	July, 1900	Milwaukee, Wis.	do.	James M. Clark.
17	May, 1901	St. Louis, Mo.	do.	Do.
18	April, 1902	New Orleans, La.	do.	Do.
19	April, 1903	Washington, D. C.	do.	Do.
20	July, 1904	Concord, N. H.	do.	Do.
21	September, 1905	San Francisco, Calif.	do.	W. L. A. Johnson.
22	July, 1906	Boston, Mass.	Charles P. Neill	Do.
23	July, 1907	Norfolk, Va.	do.	Do.
24	August, 1908	Detroit, Mich.	do.	Do.
25	June, 1909	Rochester, N. Y.	do.	Do.

## DEVELOPMENT OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS—Continued

## INTERNATIONAL ASSOCIATION OF FACTORY INSPECTORS

1	June, 1887	Philadelphia, Pa.	Rufus R. Wade	Henry Dorn.
2	August, 1888	Boston, Mass.	do	Do.
3	August, 1889	Trenton, N. J.	do	Do.
4	August, 1890	New York, N. Y.	do	Do.
5	August, 1891	Cleveland, Ohio	do	Do.
6	September, 1892	Hartford, Conn.	do	Do.
7	September, 1893	Chicago, Ill.	John Franey	Mary A. O'Reilly.
8	September, 1894	Philadelphia, Pa.	do	Evan H. Davis.
9	September, 1895	Providence, R. I.	do	do
10	September, 1896	Toronto, Canada	do	do
11	August and September, 1897.	Detroit, Mich.	Rufus R. Wade	Alzina P. Stevens.
12	September, 1898	Boston, Mass.	do	Joseph L. Cox.
13	August, 1899	Quebec, Canada	do	do
14	October, 1900	Indianapolis, Ind.	do	do
15	September, 1901	Niagara Falls, N. Y.	do	do
16	December, 1902	Charleston, S. C.	do	do
17	August, 1903	Montreal, Canada	James Mitchell	David F. Spees.
18	September, 1904	St. Louis, Mo.	Daniel H. McAbee	Do.
19	August, 1905	Detroit, Mich.	Edgar T. Davies	C. V. Hartzell.
20	June, 1906	Columbus, Ohio	Malcolm J. McLead	Thos. Keity.
21	June, 1907	Hartford, Conn.	John H. Morgan	Do.
22	June, 1908	Toronto, Canada	George L. McLean	Do.
23	June, 1909	Rochester, N. Y.	James T. Burke	Do.

## JOINT MEETINGS OF THE ASSOCIATION OF CHIEFS AND OFFICIALS OF BUREAUS OF LABOR AND INTERNATIONAL ASSOCIATION OF FACTORY INSPECTORS

24	August, 1910	Hendersonville, N. C., and Columbia, S. C.	J. Ellery Hudson	E. J. Watson.
25	September, 1911	Lincoln, Nebr.	Louis Guyon	W. W. Williams.
26	September, 1912	Washington, D. C.	Edgar T. Davies	Do.
27	May, 1913	Chicago, Ill.	A. L. Garrett	W. L. Mitchell.

## ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS

Resulting from the Amalgamation of the Association of Chiefs and Officials of Bureaus of Labor and the International Association of Factory Inspectors

No.	Date	Convention held at—	President	Secretary-treasurer
1	June, 1914	Nashville, Tenn.	Barney Cohen	W. L. Mitchell.
2	June-July, 1915	Detroit, Mich.	do	John T. Fitzpatrick.
3	July, 1916	Buffalo, N. Y.	James V. Cunningham	Do.
4	September, 1917	Asheville, N. C.	Oscar Nelson	Do.
5	June, 1918	Des Moines, Iowa	Edwin Mulready	Linna E. Bresette.
6	June, 1919	Madison, Wis.	C. H. Younger	Do.
7	July, 1920	Seattle, Wash.	Geo. P. Hambrecht	Do.
8	May, 1921	New Orleans, La.	Frank E. Hoffman	Do.
9	May, 1922	Harrisburg, Pa.	Frank E. Wood	Do.
10	May, 1923	Richmond, Va.	C. B. Connelley	Louise Schutz.
11	May, 1924	Chicago, Ill.	John Hopkins Hall, jr.	Do.
12	August, 1925	Salt Lake City Utah.	George B. Arnold	Do.

# BULLETIN OF THE U. S. BUREAU OF LABOR STATISTICS

NO. 411

WASHINGTON

MAY, 1926

## PROCEEDINGS OF THE TWELFTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS OF THE UNITED STATES AND CANADA, SALT LAKE CITY, UTAH, AUGUST 13-15, 1925

*THURSDAY, AUGUST 13—MORNING SESSION*

**GEORGE B. ARNOLD, PRESIDENT A. G. L. O., PRESIDING**

The first session of the twelfth annual convention of the Association of Governmental Labor Officials of the United States and Canada was opened by addresses of welcome by Hon. C. Clarence Neslen, Mayor of Salt Lake City; Mr. Folland, city attorney; and Beverly Glendenning, president of the Chamber of Commerce of Salt Lake City, to which response was made by John S. B. Davie, commissioner of the New Hampshire Bureau of Labor. The president of the association then delivered the following address:

### **PRESIDENT'S ADDRESS**

**BY GEORGE B. ARNOLD, DIRECTOR ILLINOIS DEPARTMENT OF LABOR**

This is a convention of people who are engaged in the enforcement of laws which have to do with social welfare. We are here to exchange ideas, and to confer about plans for improving the work of conserving lives and limbs, of providing compensation for the maimed and dependents, of protecting children and women from conditions of employment that are unsafe or unhealthful, and of operating public employment offices.

A century and a half ago a number of gentlemen met in the city of Philadelphia and formulated a document in which, among other things, were stated certain alleged truths which were said to be self-evident. The first such statement which the writers of the Declaration of Independence held to be axiomatic was that "all men are created equal." Now, whatever may be the stand you take upon fundamentalism in the church, whether you incline to the side of Bryan or of Darrow, you must admit that this self-evident truism, so called in one of the greatest of American documents, will not stand a literal interpretation. Those who, like myself, are not of the socialistic persuasion must agree in part with their brethren of that political faith that we do not start equal at birth. On the con-

trary, an individual's status is colored by the particular set of economic situations that confronted his forebears. The life struggle which each person faces is individual and varies with the economic status of the family circle into which he is born.

I will go further and say that the entire reason for the existence of labor legislation, for labor administration, and for governmental labor officials lies in the fact that individuals are not born equal, but are quite unequal at birth and thereafter. The fundamental need for labor laws is that the individual workman is at a disadvantage in dealing with his employer; in the settlement of the conditions of employment, employer and employee are not equal; and the conditions or terms of the labor contract are largely such as are dictated by the employer.

To take an example: In Illinois, we have many large industries, with single plants employing thousands of men. At one establishment alone, which I visited about a year ago, there were more than 40,000 workers. Obviously, any of these thousands of workers when applying for a job would accept the conditions laid down for him by the employer. Employer and employee are not equal when they face each other in making contract for employment. At the establishment I have just referred to many young girls are employed. In the absence of any State regulations, the employer might work the girls long hours in unsafe and unsanitary conditions and where there is poor light. Children of a tender age might be engaged at hard work which might subsequently undermine their health. But the State laws have established certain conditions as the minimum provisions of the agreement. Thus, woman workers may not work more than a specified number of hours. Seats must be provided. Machinery must be guarded. Ventilation and lighting must be such as will not impair the health of the worker. Young children are excluded from work entirely and those who have not attained the age of discretion are excluded from dangerous employments. The development of labor legislation in Illinois has been about the same as in other States.

It is the recognition of the need for the State to give the less powerful one in the labor agreement the protection of the State that has led the half hundred jurisdictions to pass the laws they have passed. As has been the case as to other legislative subjects, no two States have taken precisely the same action. The general idea of the purpose to be achieved was the same, but the degree of restrictions to be made and the methods have differed. Conditions differ among the States and so do conceptions of right and social conscience, and standards of government vary from State to State.

But even with the same laws the standards of enforcement are quite different. Left to its own devices, each State has developed independently, and in two States which have similar laws we have different results in enforcement. Moreover, even in a given State the official personnel is changing, each administration having its own idea of what should be done. How important then it is that there should be an association of governmental labor officials to provide a clearing house for their ideas, practices, and the forms of administration of the labor law. How essential it is that the officials engaged in enforcing legislation should talk things over.

Without such an organization as this, the laws and the administration of them have a tendency to vary, so much so that instead of a Nation of 48 States with a common method of doing things we must appear to be a loose federation of foreign countries each pursuing an existence independent of the others. Indeed I am told that at this time there is much more likelihood of getting a uniform policy adopted by the countries of Europe acting through the International Labor Office than to get similar action by the States of this country.

Up to the present time the efforts of the association have been, I think, helpful in this emergency, but I do not believe them to have been as effective as they might be. I have gone to some effort in investigating the history of the organization, and I know whereof I speak. Our association grew out of several organizations. At Nashville, Tenn., in June, 1914, the International Association of Factory Inspectors, then holding its twenty-eighth annual convention, merged with the International Association of Labor Commissioners, who at the time were conducting their thirtieth yearly meeting. Thus the Association of Governmental Labor Officials of the United States and the Dominion of Canada came into being. The first constitution stated the purposes of the organization to be "the promotion of the welfare of industrial workers, to secure uniform labor legislation, better laws for factory inspection, laws creating State employment bureaus and the governing of same, to promote industrial hygiene and accident prevention, and aid in every way to secure better provision for the industrial development and protection of the workers of the various States, Provinces, etc."

This was an ambitious program, which was subsequently narrowed, and the objects of the association were stated in the constitution as follows: "To act as a medium of interchange of ideas as to what is best in labor legislation and to promote and correlate the activities of the State, Federal, and provincial departments of labor." In the present constitution, adopted last year at the Chicago convention, the objects of the association are stated to be as follows:

To act as a medium for the exchange of information for and by the members of the organization; to secure better legislation for the welfare of women and children in industry and the workers in general; to promote greater safety to life and property; to promote greater uniformity in labor-law enforcement, establishing of safety standards, compiling and disseminating labor and employment statistics; and to more closely correlate the activities of the Federal, State, and provincial departments of labor.

Aside from the opportunities which the convention has provided for the interchange of ideas and the hearing of addresses, both by those engaged in the enforcement of labor laws and others, the association has taken its stand upon a number of questions, as is indicated by the resolutions adopted at the conventions.

One resolution adopted in 1916 provided for planning of closer cooperation between Federal and State departments of labor, a subject that still is quite fresh, although progress has been made, thanks especially to the Bureau of Labor Statistics. Another resolution bearing the date of 1916 suggested the establishment of a State labor department in Arizona. The next year the United States declared war, and the resolutions adopted for the two suc-

ceeding years were of a war-time character. The association declared that "all safeguards in safety laws should be retained during the war," and that equal pay for equal work should prevail, notwithstanding the employment of women. (The organization disapproved the employment of women during the war for the purpose of keeping down wages.) Since that time the organization has gone on record in favor of the child-labor amendment, for the continuation of the Women's Bureau in the Department of Labor, and for the regular publication of cost-of-living statistics and similar subjects.

All these things have doubtless been helpful. The resolutions show the attitude of the officials on the several subjects upon which action has been taken. But, concretely, who of us can show that he has gone home from one of these conventions and put some new practice into effect as a result of what he learned at the convention? There is good reason why this has not been generally done. The resolutions refer chiefly to legislation, and we are not the legislative arm of the Government. I have been impressed with the fact during the past year that what we must have if the association is to exhaust to any appreciable extent its possibilities is a continuously functioning association, one at work on the various subjects the year round.

I would like to see growing out of this convention a series of committees, composed of members located close enough geographically that meetings could be held during the year. These committees might have members, not necessarily in the association, to serve in a secretarial or advisory capacity. For example, there is the question of the form of reporting by factory inspectors. The reports of the various inspectors differ so widely that few comparisons can be made that are of any value. A committee might be composed of members of the departments of labor of New York, Massachusetts, and New Jersey, which would gather reports on these subjects from all the States. This committee would meet with members from adjacent States and discuss the excellent characteristics of each report. As a result there would develop tentative standards for the reporting of activities by the factory inspectors. These tentative standards would then be submitted to the membership, and after consideration of the criticisms a report would be drawn to be submitted to the annual convention. I believe that the majority of the factory inspectors would welcome a standard form of report, to take the place of the more or less haphazard methods now used.

Other subjects for consideration of which regional committees could meet and then prepare reports on could be developed, but among them are the following: (1) Uniform terminology for use by free employment offices; (2) the use of prosecution in the enforcement of labor laws; (3) salaries and wages paid in departments of labor in this country; (4) forms for use by regulated private employment offices, with special reference to the judgment-note evil; (5) the relation of the Federal and State departments of labor in statistical work. These are mentioned only as a suggestive list of subjects. Others might be found which would be pertinent at the present time. It is the idea that I am emphasizing, that we

ought not to wait until the meeting of this association and then concentrate all of our activities in three days. Every State department ought to be cooperating in some one report to be submitted to the convention. At the convention the addresses would be less important than the consideration of the reports of the committees. After a report was made, at each subsequent session the committee should report on the success it was meeting with in securing the adoption of the methods in the various jurisdictions. In the past the association has been worth while merely as providing for an exchange of ideas and the meeting of officials engaged in the same lines of work. I see a greater future for this association if we can make this a year-round proposition.

Another subject on which I think the president should express himself is the matter of the place of holding the convention. We are a much traveled body. Our association should be one of the best known in the entire country. There is no section of the country which has not had the opportunity at some time of listening to our orations and debates. Eleven years before the State of Tennessee passed a law making it unlawful for teachers to make monkeys out of our ancestors the association convened in Nashville. A year later we were at Detroit—not that it made any difference at that time to be so near to Windsor. From the home of the Ford we went to the domicile of the Pierce-Arrow at Buffalo. At the latter city some one must have said something about what the Governor of North Carolina said to the Governor of South Carolina, for in 1917 we went down to Asheville to find out for ourselves. In 1918 and 1919 the conventions were held near the center of population—at Des Moines in 1918 and at Madison the year following. Then we started on a cruise, first to Seattle, then to New Orleans, back to Harrisburg, to Richmond, Va., then to Chicago, and now in Salt Lake City.

In the development of this association it probably has been a good thing that we have been flitting from place to place, from the remote East to the far West, from the Canadian boundary to the Mexican Gulf. It has been a good thing for the local interest to have the meetings held in each of the localities. The representation of the Western States at this convention is gratifying. However, a considerable number from the East who got to Chicago last year were unable to come here because of the distance, and similarly the western representation was not considerable at Asheville. In the years when the meetings are held in the far West, the eastern delegates are conspicuously absent, and in the years when we are in the far East the western officials remain at home. Now that we have covered the country so well, would it not be in the interest of larger attendance at all subsequent conventions to have the meetings nearer to the geographical center of the country, or possibly even the population center. I would suggest for your consideration the rotation of conventions from St. Louis to Louisville, Indianapolis, Chicago, Lincoln, and other large cities or capitals.

I have taken it upon myself to make some suggestions to this organization, with no intent of forcing them upon you. I believe in this association and think that it has a great future before it. In the past, I think, it has not exhausted all of the possibilities.

I greatly appreciated the honor you conferred upon me last year when you elected me your president. It was a great honor, and at the same time it has been a great pleasure to me. In the course of my life I have been a member of many organizations, and I know of none that has brought me into contact with such a fine lot of people, intent upon accomplishing a great work.

The task of being the executive in the association has rested lightly upon my shoulders, because of the competence and energy of the secretary of our association. It has been she who has done all the work, and I can only say that if she is as good a labor official as she is an officer of this organization the State of Minnesota is a fortunate State, indeed.

This is the most important meeting in two years, because most of the legislatures have been in biennial session. Last year many of the States had nothing to report because it was not the year of law-making. Probably one of the most important pieces of legislation which has been up in most of the States is the question of the child labor amendment to the Federal Constitution, which, though this association indorsed it at our last convention, failed of ratification. Doubtless each of the delegates could talk for a half hour on the legislation of his State, but we have too many States to cover and I shall have to hold each report down to three minutes. The secretary will call the roll for the report on new legislation enacted during the year.

[The secretary then called the roll of State departments, after which the report of the secretary-treasurer was read, as follows:]

REPORT OF SECRETARY-TREASURER, MAY 19, 1924, TO AUGUST  
13, 1925

RECEIPTS

Fund on hand at making of last report, May 19, 1924.....	\$572. 59
Interest on savings accounts:	
First National Bank.....	12. 13
Northern Savings Bank.....	4. 15
Dues to July 1, 1924, as follows:	
Louisiana.....	\$10. 00
Ohio.....	25. 00
West Virginia.....	10. 00
Manitoba.....	15. 00
Canada.....	25. 00
North Dakota.....	10. 00
Illinois.....	5. 00
	100. 00
Dues to July 1, 1925, as follows:	
Georgia.....	10. 00
Texas.....	10. 00
Kansas.....	15. 00
Virginia.....	15. 00
West Virginia.....	10. 00
Manitoba.....	15. 00
Kentucky.....	10. 00
New Hampshire.....	10. 00
Pennsylvania.....	50. 00
Minnesota.....	25. 00
Massachusetts.....	50. 00
Iowa.....	15. 00
North Dakota.....	10. 00
Illinois.....	15. 00

## RECEIPTS—continued

Dues to July 1, 1925, as follows—Continued.	
Colorado.....	\$15.00
Washington.....	25.00
New York.....	50.00
Utah.....	10.00
Oklahoma.....	10.00
South Carolina.....	10.00
Louisiana.....	10.00
Connecticut.....	10.00
Wisconsin.....	50.00
Delaware.....	10.00
	\$460.00
Dues to July 1, 1926, as follows: Dominion of Canada.....	25.00
Total.....	<u>1,173.87</u>

## DISBURSEMENTS

1924	
May 23. Convention expense (telegrams-stenographic work).....	\$14.11
23. Secretary-treasurer—honorarium.....	50.00
June 4. Secretary-treasurer, convention, telegrams, stenographic services, postage.....	8.30
10. Enterprise Printing Co., envelopes.....	11.00
21. T. Kelley, mimeographing.....	10.50
21. Minnesota Industrial Commission (four telegrams).....	3.10
21. L. Roehnisch, stenographic services.....	2.80
21. Secretary-treasurer, stamps.....	16.00
24. B. Knox, stenographic services.....	4.75
July 1. Enterprise Printing Co., letterheads and envelopes.....	28.00
Aug. 5. M. Swett, trip to Chicago.....	5.14
11. L. Roehnisch, stenographic services and telegrams.....	5.42
1925	
Jan. 13. Secretary-treasurer, trip to Chicago.....	58.00
16. R. D. Cain, trip to meeting, Chicago.....	3.00
Feb. 4. M. Swett, expense to board meeting.....	5.89
4. L. Roehnisch, stenographic service, January.....	6.50
20. Secretary-treasurer, stamps.....	10.00
Mar. 3. R. Bain, reporter, 1924 convention service.....	81.50
3. L. Roehnisch, stenographic service, February.....	15.00
3. T. Kelley, multigraph.....	3.50
Apr. 2. Secretary-treasurer, telegrams.....	7.68
May 28. Secretary-treasurer, stamps.....	10.00
June 1. Enterprise Printing Co., letterheads and envelopes.....	13.50
2. T. Kelley, multigraph second form letter.....	3.00
2. L. Roehnisch, stenographic service, second form letter.....	10.00
25. Secretary-treasurer, stamps, tentative program.....	7.00
29. Western Union, telegram.....	.92
30. Enterprise Printing Co., letterheads.....	7.50
30. T. Kelley, multigraph, tentative program.....	7.50
July 1. L. Roehnisch, stenographic service, June.....	5.00
20. Western Badge Co., 150 badges.....	15.00
Aug. 3. Stamps.....	3.00
Total.....	432.61
First National Bank, savings account.....	412.13
American National Bank, savings account.....	245.26
Checking account.....	83.87
Total on hand.....	<u>741.26</u>
	<u>1,173.87</u>

Respectfully submitted.

LOUISE E. SCHUTZ, *Secretary-Treasurer.*

[The report was received and referred to the auditing committee. The report of the special committee appointed at the last convention to confer with a special committee of the National Association of Legal Aid Organizations being called for, a letter from Judge J. H. Crawford, in which he resigned as chairman of the committee, was read, and Frank E. Wood, as a member of the committee, reported progress and said that the committee would submit a final report in the afternoon. A motion was made that Ethelbert Stewart be added to the committee to take the place of Judge Crawford, and Mr. Stewart made the following remarks:]

Mr. STEWART. I want to say that I am 100 per cent in favor of complete cooperation with this organization.

The Bureau of Labor Statistics is now publishing a history of the legal aid organization, with a letter of introduction by Chief Justice William Howard Taft, who is honorary president of the association.

So far as cooperation with this legal aid association goes, I think there is no doubt we ought to work hand in hand with them. I have a letter from Chief Justice Taft, who is very enthusiastic as to what it can do to help us in the matter of collection of small wage debts—what I mean is, the case of the fellow who goes to work for a firm, works three or four days and then quits or is fired, but does not get his pay and it is not worth suing for. There are a lot of those cases. Some of the States have the law, and more of them have the bluff, to go in and collect those debts—just simply go to the employer and say: "You have got to pay this man." Those who have no law behind them have nerve, and they get away with it.

This organization proposes to, and does in hundreds of thousands of cases, take those cases without fee, collect those debts without expense, and do a lot of good work. I think we ought to go with them 100 per cent. When you read the report we are going to publish I think that you will agree with me that the organization is all right and that we ought to join hands with it.

[The report of the committee appointed to consider uniform methods of accident reporting and compiling statistics continued by the last convention being called for, Mr. Stewart, for the committee, reported that there had been nothing done and asked that the committee be continued. The secretary suggested that the address of Charles E. Baldwin, assistant commissioner of the Bureau of Labor Statistics, later on the program, should be considered a part of the committee work. The committee to study uniform safety methods and make plans, also continued by the last convention, reported progress.]

#### ROLL CALL AND REPORTS OF NEW LEGISLATION

At the roll call reports of new legislation in the various States were presented. The delegates from some States reported that there had been no labor legislation in their States since the last meeting and others failed to make any report. A list of the persons attending the convention appears on pages 159 to 161.

**REPORT OF CALIFORNIA**

In California the legislature in its session ending this year, as far as labor is concerned, accomplished as much or more than was accomplished in the last 10 years. By that is meant that consistent labor legislation was accorded more consideration than in any legislative session in the last 10 years, without any blare of trumpets and without any organized propoganda, but through the good offices of the labor commissioner of the State of California. Through his efforts, and practically his efforts alone, the wage law of California was strengthened—the law under which last year he collected something like \$400,000. It is an assignment law—the men assign their claims to him and he collects them. In addition to that the private employment agency law was strengthened so that now he has a real workable law. He is arresting violators right along, prosecuting them, and obtaining convictions.

California was one of the first States to ratify the child-labor amendment, much to the disgust of the agricultural element of the State, but very much to the gratification of the labor element. Other laws of salutary effect were enacted. That was all done in an antilabor administration, so called, and the laws signed by a so-called antilabor governor.

On the accident side of our problem we materially strengthened our law. We got some misdemeanor penalties which we believe will be enforceable in the State. We are doing wonderful work. We had the first set of safety laws for petroleum production, which have been copied by some of the other States, and in that field alone we have materially reduced the accident hazard and the death rate has fallen off tremendously.

On a tour of the oil-producing fields of southern California, inspecting some 18 fields and the largest oil refinery in the world, we found everything in fine shape and a fine spirit of cooperation on the part of the employers. We are stressing cooperation in California and we are getting it. What we ask the employers to do they do. We do not go out with a big club; we go with a campaign of education. It is having its results, and to-day California is in better shape than ever before.

**REPORT OF CONNECTICUT**

At this time we have in Connecticut, we think, labor laws second to none in the United States. The only change made at the last session of our general assembly was increasing the number of factory inspectors from 10 to 15. Labor laws had been enacted and to enforce the provisions thereof it was found that 10 inspectors were not enough, and the number was increased to 15, of which not less than 4 shall be women. That enabled us to delegate work to them and enabled them to devote their time entirely to the inspection of mercantile elevators. By mercantile elevators is meant elevators in offices, in stores, and in hotels. The factory inspection department of our State, while performing its duties, looks after the elevators in manufacturing establishments.

The child labor amendment was defeated by a large majority, but that was more because it was felt that we would rather take care of that as an internal affair than to have it enacted from the National Capitol.

**REPORT OF GEORGIA**

The Georgia Senate has just passed, with minor amendments, house bill No. 2, which is a child-labor bill applying to mills, factories, laundries, and workshops. The minimum age limit is fixed at 14, without exception, with a mini-

mum age limit of 16 for night work and for certain specified hazardous occupations. Adequate provision is made for proof of age, and it must be shown that the child is physically fit for the occupation sought. All that is now needed is for the house to agree to the senate amendments and the governor's signature, which is certain. The measure becomes effective January 1 next.

#### REPORT OF IDAHO

Idaho has not passed any special legislation on labor in this last legislature and there does not seem to be any indication that it should, as conditions in Idaho in the matter of labor are so vastly different in every way from those in the East. We have no factories to amount to anything. We have a number of sawmills, which employ about 10,000 men. Our mines are developing greatly; we have 86,000 men employed in the mines, but we have quite excellent laws concerning mining. Under the mining law, a man can work only eight hours. Mining is the only occupation in the State which has the eight-hour law.

The lumber interests are cooperating in what is known as the Four L organization—the Loyal Legion of Loggers and Lumbermen. It is an association of employees and employers, and under their very wise arrangement the conditions of labor and sanitation and inspection, and matters of that kind in the Northwest, are all cared for by this Four L association. Its headquarters are at Portland, and it covers Oregon, Washington, and Idaho.

Outside of that the labor proposition does not cut much of a figure. Certainly our railroads have that issue, but the railroads here, as in the East, pretty nearly take care of themselves and handle those things.

The great industry of Idaho, of course, is agriculture, and it is a new State in the matter of industry. We are interested in the laws being passed by other States and very much interested in any law that will assist us in properly controlling such matters when they get to our State.

#### REPORT OF ILLINOIS

Three legislative enactments concerning labor were passed by the Illinois General Assembly in 1925. The first of these is popularly known as the "anti-injunction law"; the second made important additions to the workmen's compensation act; and the third, through an increased appropriation for the division of the general advisory board, permitted the establishment of the bureau of industrial accident and labor research. The main provisions of each of these enactments will be reviewed briefly.

The anti-injunction law forbids, under certain conditions, the issuance by State court judges of restraining orders in connection with labor disputes. The law prohibits the issuance of orders restraining persons individually or collectively from stopping work, or from "peacefully and without threats or intimidation recommending, advising, or persuading others so to do." It is also provided that restraining orders shall not be issued against the use of public streets, thoroughfares, or highways for what is generally known as peaceful picketing.

The workmen's compensation act was amended by the general assembly in a number of respects. The scope of the act was enlarged by two additions to the existing list of "extrahazardous" enterprises designated in the law. These additions are aerial service and any enterprise in which sharp-edged cutting tools, grinders, or implements are used, except where they are used in agricultural pursuits. In addition, a new provision makes compensable injuries

which occur to employees outside of Illinois if the contract for hire was entered into within this State.

The scale of benefits is increased in the new law. The minimum death benefit of \$1,650 is retained. But where one child under 16 survives a fatally injured employee, the former minimum of \$1,750 is increased to \$2,000; where there are two or more such children, the minimum is changed from \$1,850 to \$2,100. New maximum death benefits are also established; these are \$4,100 and \$4,350, depending on whether there are one or two or more children under 16.

Under certain conditions, nonfatal as well as fatal injuries are compensated more liberally under the new act. The weekly minimum and maximum figures for an employee with no children under 16—\$7.50 and \$14—remain unchanged. Where there is one child under 16, the new law provides a minimum of \$11; the former amount was \$8.50. The maximum of \$15 for an employee with one child under 16 is retained from the old law. In the case of two children under 16 the minimum weekly compensation is now \$12—formerly it was \$9.50—but the old maximum of \$16 is continued. For three or more children, the minimum is changed from \$10.50 to \$13, and the maximum from \$17 to \$19. By an amendment to the act legally adopted children, as well as the injured worker's own children, become entitled to benefits.

Increased compensation is payable under the new law for a list of specific losses, such as the loss of a finger, a toe, an arm, the sight of an eye, etc. The arrangement is to pay compensation for whatever temporary total disability there may be and in addition compensation during a designated number of weeks for each specific loss. It is in connection with the number of weeks that increased compensation is provided. Thus, under the old law for the loss of a thumb or the complete loss of its use compensation for 60 weeks was due; the new law changes this number to 66 weeks, an increase which amounts to 10 per cent. The loss of the first finger formerly entitled the injured person to receive compensation for 35 weeks; now the number is 39 weeks. The loss of arm necessitates payments for the longest period—220 weeks. The former figure for such loss was 200 weeks. The loss of the sight of an eye brings compensation for 110 weeks, as contrasted with the 100 weeks before provided.

Previous to the amendments of 1925, an injured employee was entitled to necessary medical and surgical services for a period not to exceed 8 weeks and of a cost of not over \$200. In addition, the employer was required to supply hospital services as long as they were necessary. In place of the definite limitations just stated, the act of 1925 substitutes the general limitation that medical, surgical, and hospital services shall be confined to what is "reasonably necessary." In connection with this phase of compensation, the act contains a new provision requiring the employer to supply the injured worker with an artificial arm, a hand, a leg, a foot, or an eye when the loss of any of these members is incurred. The employer is also required to supply braces when they are needed.

An important new provision in the act applies to a certain class of completely disabled workers. Formerly, an employee who in one accident lost a member or suffered the complete and permanent loss of its use and who had a subsequent injury of a similar nature received compensation for the resultant complete permanent disability wholly from his last employer. An amendment provides that an employer in whose employment a partially disabled workman receives an accident of the nature described above is responsible for compensation payments only for the second accident. The difference between such payments and those due the employee for complete and permanent dis-

ability is now made good by payments from a special fund under the supervision of the State treasurer. The new provision in the act requires that in any case of fatal injury, where the employee leaves no heirs, in addition to a \$150 burial benefit (required under the old law) the employer shall pay \$300 to the State treasurer. In cases of complete and permanent disability of the nature above described, the compensation over and above that for which the employer is responsible is paid from the fund thus created. This new provision was passed because it was felt to be unjust to compel the employer of a previously injured workman to bear the total cost of permanent disability. On the other hand, the employer of a fatally injured employee who leaves no heirs, in spite of the additional \$300 required of him, still pays a much smaller amount than the employer not so situated.

Previous to the new legislation, in order to be entitled to compensation it was necessary to notify the employer within 30 days of the occurrence of the accident. This provision is continued, except that in the case of accidents which result in hernia the new legislation requires that notice be given within 15 days. In addition, in hernia cases definite statements are required for the purpose of making certain that the hernia was in the nature of an accidental injury.

The increased appropriation for the general advisory board of the State department of labor, permitting the establishment of the newly organized bureau of industrial accident and labor research, makes possible a more effective administration of the workmen's compensation act. It is anticipated that the increased personnel for statistical work will result in a more complete and up-to-date record concerning every compensable accident and thereby enable the bureau to be of great assistance in seeing to it that all injured employees receive the compensation to which they are entitled under the law. The new bureau will have performed an even more valuable service to the people of Illinois if its activities result in a reduction in the industrial accident rate. In addition, the bureau will continue to carry on the work of gathering, compiling, and interpreting statistical data on employment and earnings in Illinois.

#### REPORT OF INDIANA

The legislature of 1925 of Indiana made no change in the workmen's compensation law of the State, nor in any of the labor activities that are under the compensation commission.

The Associated Organization of Laborers did present a bill to the legislature after it had been checked up by the industrial board. We took a neutral attitude in the matter, and it was a wise thing to do, simply assisting and furnishing information upon those matters to anyone who should want it. The principal desires of labor in the compensation amendment were to secure unlimited medical service following the injury, the choosing of his own doctor by the injured employee, and the raising of the maximum compensation. At the present it is based on the wage of \$24, making \$13.20 the maximum. We shaped the amendment to some extent, not approving, of course, of the choosing of the physician by the injured employee, as we believe that to be the only avenue by which the employer can keep in touch with the injury resulting from the accident.

#### REPORT OF KANSAS

The 1925 session of the Kansas Legislature has made no change in the labor laws of Kansas. Our famous, or infamous, industrial court law, passed in 1920, had its teeth removed by the United States Supreme Court. After

that had been done the last legislature cauterized the gums by consolidating the industrial court, the public utilities commission, and the tax commission, and calling it a public service commission.

As a general proposition we had no change in our labor law, but the women's work has been jumbled by a recent decision of our Kansas Supreme Court, which left us in about the same position that the minimum wage league has been left in several States. Our Kansas Supreme Court has just handed down a decision making void the minimum wage law as far as it concerns the fixing of a minimum wage for adult woman workers.

The administration of the women's work, along with the industrial court work, has been placed under the public service commission and is functioning there as usual, except for the limitation placed upon it by the recent court decision.

#### REPORT OF LOUISIANA

The workmen's compensation act of Louisiana was amended so as to increase the percentage of wages payable as compensation from 60 per cent to 65 per cent, and the maximum weekly benefit was increased from \$18 to \$20. For the loss of a hand the time period was decreased from 200 weeks to 175 weeks, and for the loss of a leg it was increased from 175 weeks to 200 weeks. In making lump-sum settlements the percentage of discount on the amount due or to become due was increased from 6 to 8.

A law creating a State board of examiners for journeyman plumbers was passed.

The law providing for the protection of workmen on buildings and for the safety of the public was amended so as to apply to bridges and other construction and was made a more acceptable statute.

A law was passed requiring that bids be submitted on all public improvements in excess of \$250, and that the contract be awarded the lowest bidder, and prohibiting any kind of public work being done on the "cost-plus" plan.

A law was passed providing for the organization and operation of credit unions, the same to be under the supervision of the State bank examiner, defining qualifications for membership, and fixing rates of interest that may be charged.

A new proposed State child labor law as well as the Federal child labor amendment was defeated.

A strenuous effort was made to repeal the present laborers' lien law, but through the efforts of the labor delegation and certain friendly interests the law was permitted to remain as heretofore.

#### REPORT OF MASSACHUSETTS

Although quite a number of bills were presented concerning labor, the Legislature of Massachusetts passed only three, and these were of minor importance.

Our weekly-payment-of-wages law was extended to include contractors engaged in the business of grading, laying out, or caring for the grounds surrounding any building or structure.

Provision was made that a child over 14 who does not possess the educational qualifications for a regular employment certificate may be granted a limited employment certificate good only during the hours when school is not in session.

Another act relative to the lien of spinners and others to secure charges for work, labor, and materials in respect of certain goods was passed.

The department of labor and industries has revised and will adopt this year new rules and regulations pertaining to the painting business.

#### REPORT OF MINNESOTA

The legislature convened in Minnesota in the early part of January, but passed no legislation affecting labor except to take away from the municipalities of the State the licensing of fee-employment agents and putting under the control of the industrial commission the licensing, and directing and control of employment agencies throughout the State. That is about the only legislation that was passed in Minnesota affecting labor.

#### REPORT OF NEW HAMPSHIRE

There was no legislation of interest to this association in New Hampshire. We elected as governor a young man who stood foursquare on the 48-hour law for women and children and the adoption of the twentieth amendment to the Constitution of the United States, but although he continued steadfast to the end, the child-labor amendment was defeated by a vote of 3 to 1 in the house. In New Hampshire the house is composed largely of farm owners. We do not think that that matter is a dead issue, but one of the factors that had a tendency to destroy any chance of the law passing was the age limit and another was the giving up of local administration of the child labor laws of the State. At the present time we have child labor laws that are second to none in the country. So we can only wait until public sentiment is created by education, so that we may be able to do better at the next legislature.

#### REPORT OF NEW JERSEY

We have been able in the last year to strengthen the labor laws of New Jersey. In the first place, we have been able to register every industry in the State.

We passed a new explosion law last year. There seemed to be some misunderstanding as to what was an explosive. Coupled with that there have been several amendments to the compensation law. We covered occupational diseases—nine in number. This year we cut down the waiting period from 10 to 7 days. We also provide for medical assistance.

#### REPORT OF NORTH DAKOTA

The majority of the amendments to the workmen's compensation act which were made at the 1925 session of the Legislature of North Dakota were for the purpose of clarifying the act and facilitating its administration.

Probably the most important single amendment was that which redefined the term "injury." Heretofore the term "injury" has been defined as "an injury arising in the course of employment." The amendment provides "the term 'injury' includes, in addition to an injury by accident, any disease approximately caused by the employment." This amendment corresponds to the one which was recently made to the Federal act and is included for the purpose of specifically covering occupational disease.

Section 8 of the act, which provides for penalties for failure to pay premiums, heretofore provided for a penalty of 5 per cent for the first 30 days' default and 1 per cent per month thereafter, with a minimum penalty of

\$25 for the first 30 days. The amendment provides for penalties as follows: One per cent for the first 15 days' default, but not less than \$3; 2 per cent for the next 15 days, but not less than \$5; 3 per cent for the next 30 days, but not less than \$10; and 3 per cent for each additional 30 days of default.

Section 4 of the act, which provides for appointment of members of the bureau, has been amended to provide that in the event of the death, resignation, or removal of the representative of employers or the representative of employees, the remaining members may use all the power of the full bureau, provided the employers or employees shall not remain without a representative for more than 30 days.

Section 3 of the act, in which are set forth the provisions as to the various types of disability and as to dependents, has been amended to provide that the compensation of children, on a death claim, shall not be increased upon the marriage of a widow or dependent widower. The bureau has always interpreted the act in this manner, but the amendment was inserted so that there may be no doubt on this question.

Section 7 of the act, which provides for the classification of employments and for the establishment of a system of merit rating, has been amended to provide that whenever an injury occurs to an employee who has been previously injured in a different employment from the one in which he was working at the time of the subsequent injury, the employer shall be charged only with the direct result of such subsequent injury, and in the event the subsequent injury in connection with the previous injury results in permanent total disability, the excess in the amount of compensation over what the employer is charged with on account of the second injury shall be charged to the statutory surplus fund and not to the classification or to the risk to which the second injury is charged.

Section 1 of the act, which provides for the compensation of employees of employers who have no insurance, has been amended. Heretofore this section provided that such employees might file an elective claim with the bureau, and if it was found that the employee was entitled to compensation an award was made against the employer. If the employer did not pay such award within 10 days, the employee was given the right to bring suit against the employer for the amount of the award plus 50 per cent penalty. The supreme court declared this 50 per cent penalty to be unconstitutional; consequently the act was amended and now provides that in such cases the employee may bring suit for the amount of the award, together with reasonable costs and attorney's fees allowed by the bureau for the prosecution of the claim before the bureau, and also such further costs and attorney's fees as may be allowed by the court.

A bill was also passed providing that there shall be inserted in every bond given by a contractor doing work for the State of North Dakota, or any political subdivision thereof, a provision to the effect that the contractor has made or will make prior to the commencement of the work by himself or any sub-contractor of such work, a full and true report to the bureau of the pay-roll expenditure and that the contractor has paid or will pay the premium thereon prior to the commencement of such work.

The other two bills which directly affect the bureau provide, one for the repeal of section 27 of the organic act, which provided for an appropriation of \$50,000 for the purpose of organizing the bureau and that the amounts disbursed on behalf of the bureau be repaid to the State, and the other, that the county superintendents of schools shall report the names of the clerks of the

various school districts to the bureau between September 1 and September 15 of each year.

The 8-hour law was amended and reenacted to allow hearings for small telephone exchanges in the matter of hours of labor instead of setting a definite limit by law. It now also allows for trial in a justice court instead of a district court, in order to facilitate the punishment of violators.

#### REPORT OF OHIO

While Ohio has not and does not pose as possessing the best of laws, yet we do not pose as having the poorest laws.

Our past session of the legislature was not as friendly to us as it might have been, but we have been handling our affairs through a joint committee of labor and the manufacturers.

Through their cooperation we had submitted an agreed bill which carried with it quite a number of amendments as to workmen's compensation and other provisions as to labor accidents which were quite extensive in detail and which are now in print.

The one essential feature brought about was the providing of funds for a research bureau for the prevention of accidents and industrial diseases, that will entail the expenditure of practically \$100,000 annually indefinitely.

We believe we are on the right road to real constructive work, which we will be able to put across, through educational measures for the people, at the next session of the legislature.

The legislature is now in recess, from a desire not to embarrass a friendly governor, which has put us in a more or less embarrassing position along the various lines enumerated because it possibly may handicap us in the proper functioning of the departments which we may have the power to create. But the last session did defeat the child labor amendment, which until the eleventh hour we had every reason to believe would be passed. The entire session was turned into a trading proposition—if you scratch my back I will scratch yours—and while the child labor amendment was defeated, we do not believe it to be a dead issue in Ohio. We expect to have results to show and present to the next session by which we can recuperate anything we may have lost at the last session.

#### REPORT OF OKLAHOMA

The 1925 session of the Oklahoma Legislature passed only one law favorable to labor, that being a law giving the miners a preferred claim over claims for material and supplies.

There were a number of laws passed at this session affecting adversely the interests of labor.

#### REPORT OF PENNSYLVANIA

There was little additional legislation passed by the Legislature of Pennsylvania, which was in session for only three months this year. The position of the department of labor and industry was one of digging trenches to get away from a high-power shell thrown, because of the fact that the child-labor amendment was up for consideration. It was very badly beaten in Pennsylvania.

In the matter of compensation legislation there were certain minor amendments, but nothing of any importance to interest you, except that there was a bill up for additional compensation benefits, which might or might not have

been passed, according to your point of view, if it had not been mislaid the last day it could have been passed in the house of representatives so as to get it to the senate in time for passage there.

However in Pennsylvania we have made great progress during the last year, that progress being due to the fact that we received from this last legislature \$400,000 more to work with for the next two years, or \$200,000 a year more than we had in the two years preceding, and more than the department of labor and industry has ever had to work with before. This is particularly important because the administrative code, which was supported by Governor Pinchot and passed in 1923, has given to the administration of the various State departments the right to spend the money which is appropriated in the way it will do the most good.

We thus have more money than we have ever had, and we can put it where we want to put it. For example, if we want to establish a bureau of industrial standards, which shall be a research bureau, we establish it, as we did last October. We have been constantly adding to the force of that bureau and it will probably spend in the neighborhood of \$100,000 a year in each of the next two years. If we want to establish a section on women and children, we establish it without legislation. Such a section has been established during the past four months and is now operating and I think will prove of great benefit, particularly to the women employed in the State, within the next few years.

The additional money which we now have enables us to add to our factory inspection force, and since April we have added over 25 to that force, bringing it now to well over a hundred, so that we will be able actually to enforce the laws which are on our statute books and which in my opinion are sufficient to cover most of the needs of the State at this time, as the maximum need has been money with which to work, and the means of creating an organization which was workable and which would bring the maximum benefits for each dollar expended.

#### REPORT OF UTAH

There appears to be two things essential in labor legislation—a good law and a legislative appropriation to vitalize it.

Fortunately the Industrial Commission of Utah has great powers with reference to providing safety standards in all industrial, mining, smelting, and other places where men, women, and children are employed.

Our last two legislatures, I might say, have made no noteworthy changes in labor legislation. They could not be expected to when one session had to occupy its time with the momentous question of whether a young man 21 years of age should be permitted to smoke a cigarette, and the next session to determine whether or not the other session had not made a mistake in not permitting him to do so. Of course women and children have to be neglected when such momentous questions are up.

Lining up with the South on the way our law should be presented to you, we have some very good features and we have some very poor ones. We do hope, however, that the time is not far distant when labor legislation will be standard, up to date, and intended to bring about a better feeling and a better relation between employer and employee. And it seems more desirable to try a complete revision than to revise piecemeal.

Utah can not report much progress. It appears that a sheriff was shot and could not get compensation because he was an elected official, so his friends

in the legislature saw to it that in the future if any of his friends who were elected officials get shot or suffer any injury or accident arising out of their employment, they will get compensation.

#### REPORT OF VIRGINIA

In Virginia we have not the best labor laws in the country and we have not the worst, but more important than all is law enforcement. While there has been no meeting of the legislature since the last annual convention, yet we feel that at the next legislature we will be able to continue to improve our labor laws. We have improved the mining laws and a number of the labor laws, as we reported at the last convention, and we hope to continue to improve them. We hope that Virginia and our law-enforcing officials will never become satisfied with the labor laws. We hope that we will never reach the stage where we think we have the best laws, because when we reach that stage we reach stagnation. If this association is ever to amount to anything, we must admit our shortcomings and try to correct them and to profit by the mistakes of others.

#### REPORT OF WISCONSIN

##### LABOR LEGISLATION, 1925

###### CHILD LABOR

Chapter 187 provides that the industrial commission shall have power to regulate the employment of minors under 16 years of age in cherry orchards, market gardening, gardening conducted or controlled by canning companies, and culture of sugar beets and cranberries.

Chapter 256 provides that the industrial commission shall have power to issue certificates of age of minors. Such a certificate shall be conclusive evidence of age of the minor to whom issued in any proceeding under any of the labor laws and the workmen's compensation act of this State.

Resolution: Child labor amendment sustained.

###### EMPLOYMENT AGENCIES

Chapter 400 changes the fee for private employment agency licenses from a flat rate to a graduated fee, based on a percentage of receipts of the agency during the life of the license or its renewal. The minimum fee that may be charged is \$25 and the maximum \$150.

###### HOURS OF LABOR

Chapter 27: Amendment to law regulating hours of employment of women in hotels, for the purpose of clarifying the law.

###### MINIMUM WAGE

Chapter 176 provides that no wage paid to adult female employees shall be oppressive, and provides further that any wage lower than a reasonable and adequate compensation for the services rendered shall be deemed oppressive. The industrial commission is empowered to make findings as to wages which are oppressive and unjust and to issue orders based upon such findings.

## SAFETY AND SANITATION

Chapter 260 provides that no permit to operate a dry-cleaning or dyeing establishment shall be issued to any person, firm, or corporation which shall not in fact own, operate, or conduct a dry-cleaning or dyeing establishment.

## STRIKES AND LOCKOUTS

Chapter 332 provides that a strike or lockout is deemed to exist as long as the usual concomitants of a strike or lockout exist, or unemployment on the part of workers affected continues, or any payments of strike benefits is being made, or any picketing is maintained, or publication is being made of the existence of such strike or lockout.

## WORKMEN'S COMPENSATION

Chapter 171 provides for several administrative changes in the workmen's compensation act. It provides:

1. That in determining the number of employees in a common employment members of partnerships shall not be counted as employees.

2. That an election to accept the provisions of the workmen's compensation act by entering into a contract for the insurance of the compensation provided for in the act shall include farm laborers and domestic servants if such intent is clearly shown by the terms of the policy.

3. That in all cases where death proximately results from the accident the employer or insurer shall pay the reasonable expenses for burial, not exceeding \$200.

4. That every compromise of any claim for compensation shall be subject to be reviewed by and set aside, modified, or confirmed by the commission within one year from the date such compromise is filed with the commission.

5. That epileptics and persons who are totally blind may elect not to be subject to the provisions of the act for injuries resulting because of such epilepsy or blindness and still remain subject to the provisions of such act for all other injuries.

Except as provided in the above provision any nonelection by an employee which was procured by his employer as a condition of employment, or by solicitation, coercion, or fraud shall be void and shall not affect the right of such employee or his dependents to the benefits provided by the act.

6. That whenever the industrial commission shall certify to the State treasurer that excess payment has been made either in the payments made on account of loss or total impairment of hand, arm, foot, leg, or eye, or in case of injury resulting in death, where no person is left who was wholly dependent for support upon the deceased, the State treasurer shall within five days after receipt of such certificate draw an order against the fund in the State treasury into which such excess was paid, reimbursing the payer, together with interest actually earned thereon.

Chapter 384 amends some of the benefit provisions of the act. It provides:

1. In case of permanent total disability aggregate indemnity for injury caused by a single accident shall be for the period that employee may live, with the following limitations: One thousand weeks for all persons under 31 years of age, instead of 900 weeks; for each successive yearly age group, beginning with 31 years, the maximum limitation shall be reduced by 18 weeks, instead of 16 weeks, until a minimum of 280 weeks instead of 260 weeks is reached.

2. Death benefit to children: For child 1 year of age or under a sum equal to the average annual earnings of the deceased instead of five-sevenths of the average annual earnings; for children in each successive yearly age group benefits figured on same fractional basis as before.

3. In case of death of employee leaving no person wholly dependent for support, payment of the amount provided to be paid into the State treasury shall be made regardless of whether dependents or personal representatives of the deceased commence action against a third party.

4. The payment of \$150 into the State treasury in case of loss of hand, arm, foot, leg, or eye shall be made regardless of whether the injured employee, his dependents, or personal representatives commence action against a third party.

5. Increase in number of weeks' idemnity for loss of arm at shoulder from 900 weeks to 1,000 weeks.

6. When the injury is sustained by a minor illegally employed, the amounts to be recovered are as follows: (a) Double the amount otherwise recoverable, if the injured employee is a minor of permit age and at the time of the accident is without a permit; except (b) if the minor of permit age is employed without a permit at any employment for which the industrial commission has adopted a written resolution providing that permits shall not be issued, then the amount recoverable is treble the amount otherwise recoverable; and (c) if the injured employee is of permit age, or over, and at the time of the accident is employed at a prohibited employment, the amount recoverable is treble the amount otherwise recoverable.

Chapter 405 amends the medical provisions of the act. It provides:

1. That every employer shall post a list of the names and addresses of the physicians on his panel in such a manner as to afford his employees reasonable notice thereof.

2. That whenever the commission has reason to believe that a panel physician has not impartially estimated the degree of permanent disability or the extent of temporary disability of any employee, it shall have power to direct the examination of such employee by a physician selected by it and to obtain from this physician a report containing his estimate of such disabilities. If the report of such physician shows the estimate of the panel physician has not been impartial from the standpoint of the employee, the commission shall have power in its discretion to charge the cost of such examination to the employer, if he is a self-insurer, or to the insurance company carrying the risk.

Chapter 399 relates to experience rating by the compensation insurance board, and provides further that any employer who applies or promotes any oppressive plan of physical examination and rejection of employees or applicants for employment shall forfeit the right to experience rating. Determination as to whether there is cause for such forfeiture lies with the industrial commission. If the commission finds that grounds do exist for such forfeiture, it shall file with the compensation insurance board a certified copy of its findings and conclusions, and such filing automatically suspends the experience rating provisions as to such employer.

The CHAIRMAN. That concludes the roll call of the various States in relation to the legislation enacted by the various legislatures since our last meeting in Chicago.

[Meeting adjourned.]

## THURSDAY, AUGUST 13—AFTERNOON SESSION

JOHN H. HALL, JR., COMMISSIONER OF LABOR OF VIRGINIA, PRESIDING

### EMPLOYMENT

The CHAIRMAN. The problem confronting us this afternoon—employment—to my mind is a fundamental labor problem, the solution of which will solve most of our troubles. Employment is the first essential. An unemployed man is neither a good citizen nor a satisfied one, and consequently he tends not only to become radical, but also to disregard laws, monetary obligations and safety laws, and to indulge in many other evils for which industry is often wrongly held responsible.

As a matter of fact, employment is the first essential, and the next essential is satisfactory employment. Under satisfactory employment might be classed safety. One of the first essentials of satisfactory employment is that a man shall be safe in his employment. Under the head of safety comes ventilation and the safeguarding of machinery and the elimination of unnecessary risk.

The first question to be considered is that of the handling of harvest labor problems. I hope that after these addresses are delivered each of you will be free to discuss and criticize the papers. Unless we have constructive criticism our sessions will be in vain. I hope you will ask questions, recite your own problems, and ask the solutions, and also tell us of the good work you are doing along this fundamental line of employment. The first speaker of the afternoon is Claude E. Connally, commissioner of the Department of Labor of Oklahoma.

### HANDLING THE HARVEST LABOR PROBLEM

BY CLAUDE E. CONNALLY, COMMISSIONER OKLAHOMA DEPARTMENT OF LABOR

A brief résumé of the harvest labor problem between the States will show that it was in the year 1914 that an organization between labor officials and representatives of the departments of agriculture of the Middle Western States was perfected. That meeting was called by the Commissioner of Labor of Oklahoma and held in Kansas City, the organization which was perfected at that time being named the National Farm Labor Exchange. This organization is yet in existence, although at present it is made up almost exclusively of agents of the United States Employment Service. Its original purpose was that organization between the States should be established to avoid duplication, unnecessary congestion of labor, the solution of the transportation problem, and the elimination of unreliable publicity, as well as to assist as far as possible in establishing uniform rates of wages.

Like all other employment problems, the harvest labor problem is primarily one of a local nature; that is, it is first a community problem, because if the individual wheat grower has not a sufficient force to harvest his crop and his neighbors have an oversupply, it should not be necessary for him to go beyond the community for additional labor until the surplus in the community has been exhausted. Often, on account of individual crop failures due to hailstorms, excessive rains, and various other local conditions, there are considerable numbers of harvest hands whose services should be utilized by the adjacent farm or community before the call is made for outside help; and to bring about this adjustment is primarily the function of the State through its employment service.

While the wheat growers in the panhandle of Texas sometimes need outside help, Oklahoma is the first State in which harvest hands are needed which can not be supplied locally. Under normal conditions, the time for beginning the movement of harvest labor in Oklahoma is from June 12 to 15, the harvest lasting about two weeks.

The State has established four regular employment offices and during the harvest the office of the commissioner of labor at the State capitol, which is called the central office, serves as a clearing house for all information. During the harvest, emergency distributing offices are established in strategic towns in the main wheat belt.

Organization is commenced by setting up first what is called the "distributing machinery," and later the "finding" organization is established. The distributing machinery is set in motion first because it is through this organization that the final estimate of the number of harvest hands is made and that the hands are distributed to the individual wheat growers. The distributing organization is composed of from 60 to 125 representatives of the wheat growers of the State, depending altogether on the labor market and the growing condition of the crop. Usually the outside-labor problem is confined to about 16 counties which are situated in the north-western part of the State, and generally the distributing organization is confined to those counties. Sometimes there will be 12 or 15 representatives to a county, sometimes less, depending altogether upon the condition of the crop. The representatives selected, who are public-spirited citizens of the community, serve without pay. They must keep in touch with the wheat growers so that at all times they will know the growing condition of the crop; they must also canvass the situation a number of times to ascertain as accurately as possible the number of outside hands which each grower will need, in order that they can inform the central office of the total number of outside men that will be needed in their respective districts. While this information is in process of being determined, the central office has established contact with the "finding" organization, which is composed of public officials and representatives of civic and labor organizations in the industrial sections of the State outside the wheat-growing counties. The purpose of the finding organization is to locate all available unemployed labor in the State that is suitable and willing to "make" the harvest. Next to each community furnishing its own labor, all the State's unemployed labor that is available and needed is expected to be utilized. Because of the nature and conditions under which the harvest is

made, but few harvest hands are able ever to save any money, and for this reason it is a serious injustice to encourage men to travel long distances to make the wheat harvest. Oklahoma has for several years been working on the principle of the State utilizing its own unemployed labor for the harvest and the State has been organized so that it is doubtful if Oklahoma will ever again have to go beyond its own borders for its supply of harvest hands.

After all the representatives of the distributing organization have made a final report as to the condition of the wheat and the number of hands needed, the central office makes a summary of all reports, which is mailed to the representatives of both the distributing and the finding organizations. This report contains information as to the probable cutting date harvest will begin, kind and number of outside men that will be needed, the wages that will be paid, etc. The principal office in the Wheat Belt canvasses the situation each day by long-distance telephone and furnishes the central office (also by telephone) a complete summary of conditions. From this information the central office issues a daily bulletin, which gives a brief account of general conditions, such as the demand for labor in each section, changes in wages, progress of the harvest, and any other information of importance. Both the distributing and the finding organizations are furnished copies of the bulletin, as are representatives in the State of Kansas, at such times as that State furnishes Oklahoma with a list of representatives. It was the original purpose of the National Farm Labor Exchange to foster and promote just this kind of cooperation, and this organization will continue to be of service only so long as it operates in a practical way to assist the States.

While there are many unexpected harvest labor problems which are to be contended with each year, some of the most usual and important ones are obtaining reliable estimates of the number of outside men that will be needed, location, and, at the proper time, arranging for their transportation; the giving out of publicity, especially with reference to the time harvest will begin, and the number of hands that will be needed, wages to be paid, etc.

The railroads have finally been induced to grant rates of approximately one-half fare to harvest hands where they are moved in groups of 20 or more. While this has been of some assistance, the Ford car and truck are proving a very satisfactory solution of the transportation problem. Many hundreds of harvest hands were transported in that manner this year.

One of the worst problems Oklahoma has had to contend with in connection with the harvest is that of keeping a check on unreliable publicity. Nothing will demoralize harvest labor conditions so completely as the giving out of unreliable information. A condition existed this year wherein the Farm Labor Division of the United States Employment Service in Kansas City sent out a bulletin purporting to contain advance information concerning the harvest and making a summary of conditions in each of the several wheat-growing States. This bulletin carried the statement that the State of Oklahoma would need approximately 7,500 harvest hands that could not be supplied in the State. The facts were that there was not more than half that number needed, and all of them were found

within the State. The bulletin also carried the statement that the State of Kansas would need approximately 40,000 outside men. No doubt this bulletin had been mailed to various States, and had it not been for subsequent explanations and changes in later bulletins irreparable damage might have resulted. Judging from newspaper accounts the neighboring State of Kansas suffered a great influx of men who were unable to find employment. The Enid office was flooded with harvest hands from Kansas, who reported they were unable to secure work in that State. This is not only a great injustice to those who were induced to come to the harvest, but it is also a great imposition on the communities to which the labor is induced to come and where, under such circumstances, they always become congested. When the itinerant harvest hand, with little or no money—usually only enough to tide him over to the time harvest is advertised to commence—arrives at the place where the job is supposed to be open, and, because either the cutting date or the number of men needed has been exaggerated in the advertising, finds he is one of a mob which has been thus victimized, he has a right to feel outraged when he is run out of town or thrown into jail as an ordinary harvest bum.

The problem of supplying labor for the wheat harvest is becoming simpler each year. This is due partly to the growing use of "combines," a machine which requires less labor than other methods of harvesting. This machine cuts, threshes, and delivers the wheat into wagons, after which it is hauled to storage or market.

As far as Oklahoma is concerned, for the present at least, the State will continue to handle and be responsible for harvest labor conditions; and any other person or agency which undertakes to misrepresent conditions in this State will have to assume full responsibility.

There is real satisfaction in being able to serve the wheat growers and at the same time assist those out of employment. The least we can do is to deal truthfully with those we serve this year, recognizing as we must that the harvesting of the wheat is an annual problem and that we can ill afford to jeopardize the reputation of our employment service by partiality to either the wheat growers or the harvest laborers.

## DISCUSSION

Mr. STEWART. I want to ask that the latter portion of that address be furnished me in advance—if possible, before I leave St. Lake City. There is no use for me to go into any details or any explanations here of how utterly helpless I am in that situation. I want that statement to take to the Secretary of Labor, and you all know why. I do not want to wait until I receive the official proceedings to have that in my hands.

The CHAIRMAN. I am sure that the secretary and Mr. Connally will cooperate with Mr. Stewart in getting that information to him. Does anyone wish to discuss this matter? Maybe Mr. Wood could give us some additional information.

Mr. WOOD. I would like to ask Mr. Connally if this transportation has ever extended beyond the State line. It is intrastate travel?

Mr. CONNALLY. Do you mean reduced transportation? The railroads had granted it as far as Fort Worth, Tex., for Oklahoma and we really did not use it this year even that far.

Mr. WOOD. The reason I asked that question is that about the time you were calling on everybody for help—I presume you called on others as well as myself—there were no special tourist rates for travelers, and when I would say to a man, “It will cost you about \$150 to go out there,” he would say, “If I had \$150 I would stay in New Orleans. What would I want to go out there for?”

The railroads used to let them ride but now they have those unfortunates arrested for trespassing. It is out of the question—you are wasting your time and I am wasting mine to talk about sending people from Louisiana or Georgia—I speak for the southern country because no one from there is here other than myself. It is impossible to send a man to harvest wheat when he has to pay his way to Oklahoma.

Mr. STEWART. As a matter of fact, what Mr. Connally stated has been, I think, the rule and regulation for some time in the matter. The Interstate Commerce Commission will permit a cut where there are 20 or more in a group. The trouble is that it will not permit a reduction in rate for one man, and it is mighty hard sometimes to get 20 men to agree to go to the same place. Of course, what the Interstate Commerce Commission ought to permit the railroads to do is to issue a harvest-hand ticket at reduced rates, and anything that this association can do to influence the Interstate Commerce Commission along that line it ought to do, although I do not think there is very much use to try as we have been harping at them for years on that subject. The difficulty is that it will not reduce rates for less than 20.

The CHAIRMAN. This is an all-important subject. It deals with our food supply and with our labor supply. Are there any other questions?

Mr. MCGILVRAY. In California we have a severe labor problem in the shifting farm labor. We have more than the wheat problem; we now have labor for cotton coming into the State, and we have the rice problem and squat labor in the asparagus fields. I am wondering just what you do down there about keeping out Mexican immigrants.

Mr. CONNALLY. The railroads are the only industry employing Mexican labor to amount to anything.

Mr. MCGILVRAY. In Los Angeles we have a population of 175,000 Mexicans, the largest Mexican city outside of Mexico, and Mexicans are evading all of the immigration laws and coming in and doing all kinds of labor; they are competing in the open labor market with everybody else, and it is a deplorable situation. I wondered if any of the States on the border have the same problem to contend with.

Miss SHIELDS. May I ask the former speaker, in regard to the 16 counties which he mentioned as sometimes requiring outside workers, what proportion of the wheat in his State is grown in those 16 counties?

MR. CONNALLY. Probably two-thirds. We have had no labor problem in the other counties, except during the war, and in all probability will never have, because the other counties which grow a little wheat have other crops they depend on more than the wheat. It is probable that in the 16 counties two-thirds, or something like two-thirds, of all the wheat in the State is grown.

MISS SHIELDS. You estimate that you can supply from your other counties all of the transient workers needed for your wheat in those 16 counties?

MR. CONNALLY. We had no difficulty this year, and we believe we will have no trouble. It is a question of adjustment within the State.

THE CHAIRMAN. I believe it is the policy of the United States Employment Service to see that the local people are employed, if possible, then those within the State, and then, if impossible to furnish labor within the State, to call on other States to furnish it. This is fundamentally sound, and what we should try to do to adjust our own affairs.

[The following committees were appointed:]

*Committee on constitution and by-laws.*—John H. Hall, jr., of Virginia, chairman; D. H. Bynum, of Indiana; and Dorothy Blanding, of North Dakota.

*Committee on officers' reports.*—Claude B. Connally, of Oklahoma, chairman; Frank O'Brien, of Kansas; Henry McColl, of Minnesota; Frank E. Wood, of Louisiana; and Maude Swett, of Wisconsin.

*Committee on resolutions.*—Ethelbert Stewart, of Washington, D. C.; R. H. Lansburgh, of Pennsylvania; John S. B. Davie, of New Hampshire; Ethel M. Johnson, of Massachusetts; and F. M. Wilcox, of Wisconsin.

*Auditing committee.*—H. R. Witter, of Ohio; Andrew F. McBride, of New Jersey; and John A. McGilvray, of California.

*Committee on credentials.*—E. Leroy Sweetser, of Massachusetts; Frederick F. Hibbard, of Connecticut; Frank E. Wood, of Louisiana; and Alice K. McFarland, of Kansas.

THE CHAIRMAN. The next speaker is George E. Tucker, Director of the Farm Labor Division, United States Employment Service.

### HANDLING OF HARVEST LABOR PROBLEMS

BY GEORGE E. TUCKER, DIRECTOR FARM LABOR DIVISION, UNITED STATES EMPLOYMENT SERVICE

This organization is not concerned, I think, in any controversy between Mr. Connally and myself. This matter need not have come up for discussion in this body, but I will say that, so far as I know, there is only one of the States in which the United States Farm Labor Division operates, for the purpose solely of rendering service, where we have ever had the slightest degree of jealousy or lack of cooperation. Why that is I do not know, because the United States Farm Labor Division has but one desire and that is to do the job it has to do. It does not care one iota what the farmers or the States or the producers of the United States think about the director or any of the men. We are going to do that job because the business interests of the United States depend upon the caring for these crops. There are billions of dollars involved, and these crops have to be converted into money in order that that money may be poured into the channels of trade to keep the wheels of industry revolving. I am not

going to get into any controversy. I do not know what Mr. Stewart had in mind when he wished for a copy of the particular remarks of Mr. Connally in his paper. The bulletin to which Mr. Connally referred in his paper was issued prior to the first day of May, though dated May 1. It might just as well have been issued on the first day of May, 1922 or 1923, because it was not designed to tell what Oklahoma or Kansas or Montana or the State of Washington might need in the way of labor during the year 1925. It explicitly stated that these various States under normal conditions required about so many men, and that the cutting-of-grain dates under normal weather conditions in the States were so-and-so. It is true that almost throughout the entire wheat belt from Texas to Montana the harvest this year has been 10 days earlier than during normal years. That bulletin was issued purely and simply for the purpose of answering every conceivable question that could arise in the minds of prospective harvest laborers throughout the United States, and to save us from answering thousands upon thousands of questions personally—and we do answer thousands of personal letters in a year through our division.

The work every one of us has to do is such a big work that there should be no room for jealousy. The opportunities for service in this country are so great that all of us should put our shoulders to the wheel and perform that service.

Certain sections of agricultural America have undergone transformations during the past few years which were as great as the changes that took place in the map of Europe as the result of the World War. Where but a few years ago I rode in search of steers through endless stretches of short grass and sagebrush, seeing scarcely an acre of crop or of plowed ground, to-day vast areas are in wheat and cotton and the steer and his sister have been crowded from the immense pasture where for years they roamed at will into the smaller but still generous ranches. The cattle are still there, in smaller numbers, perhaps; certainly in smaller herds and divided among more owners. Where a few years ago the towns were but small trading posts for the ranchers, to-day there are substantial cities with paved streets, business blocks, fine houses, beautiful homes, modern stores, strong banks, and effectual, wide-awake chambers of commerce. And throughout that great State of Texas, every chamber of commerce, every sheriff, every State official is cooperating to the limit of his ability in handling this problem of seasonal labor.

Ours is an age of progress. We can not turn back the clock. We can not even prevent the procession of events which are continually crowding upon us. In spite of the fact that the romance of the old days has gone, I do not believe there is one of us who would change conditions if he could, and we could not change them if we would.

The great Middle West was settled largely in the days following the Civil War, mostly in the early seventies. You are familiar with the character of those pioneers whose lives run through the events of our history like a golden thread through a string of pearls. You know some of the hardships and the privations which they endured. They and their sons crowded the frontier line to the westward until it finally disappeared, and to-day little land remains for the home-

steadier. Have we reached the limit of our agricultural possibilities here in America? Has all the virgin soil been turned by the plow and subdued by the hand of man? Not while such transformation as has taken place in the last few years continues.

During the four seasons I have been engaged in this work I have seen millions of acres of mesquite and cactus in southern Texas and millions of acres in the Plains and the Panhandle country plowed up, and put in wheat, and particularly in cotton. I am concerned about acreage because upon acreages we base labor demands. In four years several million acres have been added to the cotton acreage of Texas. Two years ago Texas had more than 14,000,000 acres in cotton and produced over 42 per cent of the entire cotton crop of the United States, and the United States has practically a monopoly on the cotton of the world. Since that time the acreage has been increased so greatly that were the figures given out it would affect the price of cotton.

Some of you who are not directly concerned in agriculture and its problems may think that I have been indulging in a mere flight of idle words. Perhaps I have, but in these days, when the farmer is facing the most serious problem in the history of agriculture throughout the country; when the prices of farm products respond to every idle wind that blows, and to the whim of middlemen and market manipulators; when the farmer has no more to do with fixing the price of the things that he must buy or of the products that he grows for market than I have in determining the latest mode of dressing the frizzly locks of the natives of the Fiji Islands; when crop values, like the mercury in the thermometer, respond to heat and cold; when they are depressed by grasshoppers and boll weevils, the publicity of propagandists, and the brain storms of politicians; when American agriculture is fighting for its very life—it seems to me particularly appropriate and proper that the Government of the United States should perform, if possible, practical service for the American farmer, and that is just what the Government is trying to do.

Agriculture is the mightiest industry of this land. It reaches into every State in this Union. It is so fundamental in its character that one-half of the people of the United States depends directly upon agriculture for its livelihood, and the other half looks to agriculture for that increase in the volume of trade which represents the difference between bare business existence and profitable venture. When agriculture is crippled the whole Nation moves more slowly and business limps along in sympathy, and I tell you that throughout this country agriculture has been seriously crippled during recent years.

The farmers have been so busy producing food and clothing for the rest of humanity that gradually, stealthily, almost without their knowledge, like some insidious creeping malady, there have grown up around them conditions which have compelled them to produce under a heavy handicap, and it seems to me that it is about time that we waked up to a realization of the fact that the interests of American agriculture and the welfare and permanent prosperity of the entire country are inseparably interlinked. In the Wheat Belt, the Cotton States, the potato districts, the sugar-beet district, or any

other given area where some major crop predominates almost to the exclusion of other crops, good crops and fair prices mean just about everything materially worth while. To those on the outside—the railroads, the manufacturers, the merchants—good crops mean the money that is to pay for freight and passenger transportation, food and clothing, lumber and household goods, automobiles and pianos, phonographs and radio sets, and all of the necessities and luxuries that make life worth while for producers, middlemen, and consumers. Upon the failure of any one of those crops the producers go without, the bankers tighten the purse strings, the merchants permit their stocks to run down, and the butcher, the baker, and the farm-lighting company cease to thrive in that particular neck of the woods. It means much to the business welfare of the Nation that crops shall be planted at right times, be properly cared for, and harvested with sufficient labor, in order that they may be converted into money and that money distributed throughout the Nation for the furtherance of the Nation's business and the betterment of the entire people of this country. And that, coupled with the proposition of finding the job for the unemployed seasonal laborer throughout this country, is the work with which I am deeply concerned.

The essential work of the Farm Labor Division is the handling of seasonal labor, and I believe that is a Federal function, for it contemplates the movement of vast armies of laborers throughout the country, from one State to another, to meet seasonal needs. As Mr. Connally said, this can not be done by the farmer himself; so down in Oklahoma Mr. Connally is—and I concede it—meeting the labor needs of his State, and meeting them very satisfactorily. I may say this—and I know whereof I speak—that the difficulty in the State of Kansas was not a surplus but a tremendous shortage from the time harvest started until it ended, until the releases came. There is always a floating element of labor, going back and forth like ants, which you can not control. It is true that when Kansas began to release after harvesting her 9,000,000 acres of wheat and three or four million acres of other small grains, there was a surplus, but even that surplus was pretty well taken care of. Whenever the Farm Labor division fails to hold the confidence of the laboring man, whenever it reaches the place where it can not control the movement of thousands of men, turning them back or leading them on, then the Farm Labor Division has ceased to function. Take away from this Farm Labor Division the confidence of the laboring man, which I tell you we now have, and our service is destroyed; but I do not believe this can be done, because we play square with everybody, every State, never taking men from a State when they are needed in that State. We "tote" fair with every community and every laboring man; we "tote" fair in the stories that we tell them. Weather conditions may, however, come along which upset the program as predicted. I have seen a great shortage of men created in 36 hours and I have seen a tremendous shortage of men met in 36 hours. I have seen the time when 10,000 men, according to the story of the producers, had to be put into a certain section within 36 hours or the crop would be ruined, and I have also seen the time when, through knowing exactly where these men were, exactly the percentage of the crop that was already cut, exactly the number of

men that was going to be available at a given time and that could be moved through the country, within 36 hours five, six, seven, and as high as eight thousand men have been moved through this country to meet that condition, and not a bushel of grain was lost.

I do not say that we did it. No; because the service which we are trying to perform could not be accomplished by us alone on the paltry sum the Government is allowing us, and much of the credit goes directly to the State labor officials, to the county agents throughout the country, to the chambers of commerce, to the sheriffs, to everybody who cooperates with us. We know we are not going to get any credit except the satisfaction of doing our job the best we can.

On this 13th day of August, 1925, 44 men scattered from the Rio Grande River to the State of Washington are trying to solve the agricultural labor problem of this country, or at least to assist in its solution, and fully one-half are putting in from 16 to 20 hours a day, working for \$5 a day, not alone for Uncle Sam, but because this thing has gotten under their skins, because they believe in it with all their minds and hearts.

I believe there is no more important Federal function undertaken by our Government than that of the handling of this army of unemployed seasonal laborers and seeing that as far as possible they get the employment they desire and need. If this service were developed along the lines I vision, I believe that not only that class of labor in this country which is normally unemployed in periods of prosperity, variously estimated at from a million and a half to two and a half millions, but also all of that class of unemployed able-bodied seasonal laborers which results from a period of depression and necessitates soup houses and bread lines, constituting a burden upon the communities where they dwell, would be absorbed.

A tremendously valuable piece of work has been undertaken, based on the selfish motive of its effect upon the general business conditions and prosperity of the country, and it will be a grave mistake if the Government does not extend this seasonal labor division until it meets the needs of all sections of agricultural America, which, I have been told, employs 11,000,000 or more men a year. In vast areas of this country where certain major crops predominate there are not enough people living within that territory or in the towns tributary thereto to meet the labor needs of producers during the period of the year when the crops are usually harvested. So long as this condition prevails the Farm Labor Division of the United States Employment Service has an important work to perform in supplying the emergency labor.

I have tried not to burden you with the details of the organization by which the Government attempts to render a practical service to the farmers of this country, but I believe the Farm Labor Division has justified every dollar expended for its maintenance. The biggest thing we have undertaken is the cotton picking—that is bigger than the wheat harvest in the number of men handled by the Farm Labor Division—but because of the vast area involved and the number of States through which it extends, the most difficult problem is the wheat harvest.

During the year 1924 the Farm Labor Division operated through one-third of the States of the Union, but that third comprised one-

half of the actual area of the United States, and the laborers whom we handled—and these are conservative figures that will stand investigation—numbered 409,137 men. The cost to the taxpayers for the maintenance of this organization—the payment of salaries of all the special agents and permanent officers and all traveling expenses—was considerably less than \$50,000.

## DISCUSSION

Mr. ARNOLD. I was very much interested, Mr. Tucker, in your talk, and I would like to ask for information. You are not confined just to the State of Missouri, are you?

Mr. TUCKER. No. The central office of the United States Farm Labor Division is located at Kansas City, Mo., because it is strictly a field service and Kansas City is practically the geographical center of the United States. We have permanent offices at Denver, Sioux City, and Spokane.

Mr. ARNOLD. Over how many States do you have jurisdiction?

Mr. TUCKER. The Department of Labor says that I have the United States.

Mr. ARNOLD. I thought your work was divided into districts and a Federal officer had each district.

Mr. TUCKER. No. This work is independent. It is under the United States Employment Service, but independent of the Federal-State officers; it is an organization designed to handle seasonal farm labor.

Mr. ARNOLD. That answers the question.

The CHAIRMAN. No one connected with productive labor should feel out of place in a meeting of governmental labor officials. Without our cooperation the United States Employment Service would go out of business; therefore it is as much our problem as yours, a problem greater than that of seasonal labor, especially when such laborers leave the farm and go to the city, and we have to take care of them during the winter. It is our problem, essentially our problem, and I am glad that this speech was delivered for the purpose of giving us the migratory labor viewpoint.

However, I want you also to realize that we would not be here if we did not have a vision. There is no governmental labor official in the United States or Canada with whom I have come in contact who has not had a vision, otherwise he would not be in that work. It is not remunerative enough; there are too many fights to engage in; too much to combat; and there is no return except the one you mentioned, that the job is well done. Consequently, I want you to feel that you are at home here, and we want your constructive criticism and will be glad to have you stay and get some of our viewpoints.

You have stated that farms are rapidly becoming industrialized and that is true. They are using industrial machinery; they are using industrial methods; they are even going into manufacture; and consequently their problem is becoming one of industrial labor and therefore our problem—governmental labor officials' problem.

The agricultural problem, it seems to me, is not chargeable to labor or industrial labor, for without the industrial labor in the cities you would have no consuming public and therefore your farm-labor problem would cease to exist. Your farmers would merely have to produce for their own needs; if you have no market to sell to you have no use for farm labor. Rather, the difficulties as to farm labor, it seems to me, consist in lack of cooperation among the farmers as such. They have no organization such as a chamber of commerce. They have so-called organizations which try to get relief through legislation rather than through economic solution of their problems. They have associations which go to Congress and try to get a bonus put on for this, that, or the other, to try to fix the price of wheat, or something like that. It strikes me that if they had a cooperative agreement to eliminate these middlemen that you speak of and the people who take toll of them and do not produce anything, then your agricultural problems would begin to be solved.

Seasonal labor becomes the problem of the cities from four to six months and probably longer during the year. At the worst time of the year, when it is cold and people require more fuel, more food, more clothing, the cities have to take care of these seasonal laborers—we have to absorb them in the industrial centers. I am sure that the gentlemen here from large industrial centers will bear me out in that, as they have had that problem to solve more than I have had, but I know it is a fact.

Mr. CONNALLY. I want to state that in the reference in my paper to the Farm Labor Division there was no intention whatever to cast any personal reflection on Mr. Tucker, but under the circumstances, after the bulletin in question dated May 1 had gone out, carrying the information that Oklahoma would need approximately 7,500 men that could not be supplied in the State and the newspapers had carried that in flaring headlines, there was nothing for me to do in my paper here but to discuss the matter very frankly. I have nothing at all personally against Mr. Tucker, but I feel justified in referring to the statement that the paper contained.

I have the bulletin in question and also a subsequent bulletin which was issued, and if you wish to go into this matter to find out whether or not I was justified in making that statement in the paper, I shall be glad to submit to a committee the information that I have at hand.

Mr. DUXBURY. I do not think we ought to concern ourselves with that. I think that nearly everybody would feel that this statement was made in good faith and probably with justification, but the whole situation does suggest what has come under my observation once or twice, that there seems to be an unfortunate irritation sometimes between State employment agencies and the Federal Government employment agencies. I was impressed with that thought when the first paper was being read, as it gave me the impression that it seemed to be desirable to confine employment activities to State lines and that Oklahoma would be able to take care of its own troubles along that line and might resent any activities or assistance on the part of the Federal authorities. But these employment problems, especially those involved in these harvesting prob-

lems, do not confine themselves to State lines—it is more a regional and latitudinal question—and I think that it would be wise if States in their activities of that kind would cooperate with the Federal authorities. There is no doubt about the zeal of both parties, and if they could understand each other and work together they would probably get better results. They make mistakes probably in criticizing each other and also make mistakes in each of their individual activities, but they could profit by the same things we all profit by when we get together here and discuss our problems. We would understand each other better, and that works for better results.

Mrs. KEEZER. I would like to ask the gentleman if there is any chance of the United States Farm Labor Division controlling the contractor and keeping him from bringing in the Mexicans and the Spanish-Americans whom the gentleman from California spoke about? Have you any control whatsoever over that field of activities?

Mr. TUCKER. My experience, Mrs. Keezer, is this: There is a heavy demand from your State for Mexican labor. The emissaries of your business organizations go down into the State of Texas along the border about the 1st of April and ship out the Mexican labor which they need for their particular industry. As far as I can see, although it is the only labor that will fit into that particular industry, in a good year for cotton it creates a tremendous shortage in labor in the State of Texas.

I am not going to discuss the immigration problem, but with the new visé tax of \$10 on top of the head tax, it is a problem to get cotton pickers for fifteen or more million acres of cotton. Where are you going to get labor that will go down on its knees to work on your sugar beets with a little short-handled hoe if the Mexican will not do it? The southern European laborer may have been a pick-and-shovel man when he landed in this country, but his son is not going to be a pick-and-shovel man; neither is he going out into the hot sun thinning sugar beets, and doing that sort of labor.

I do not believe that in any State where I have had any dealing with the matter at all the Mexican has become a dangerous problem as a permanent contingent of our population. He is not assimilable, nor will he ever want to be assimilable. He does not care where he goes. He would just as soon be in Michigan as in Texas or in California. It is true that down in San Antonio there are around 50,000 Mexicans, and that in southern California, where they have drifted, there may be a great many, but generally speaking I do not believe the Mexican is ever going to be the danger to this country that some classes are. Until we change our methods or our demands, or get around them in some way, I do not see how we are going to supply this labor for sugar-beet work and cotton picking, which can not be done by the negro or the white labor which comes from the wheat belt, without the use of many thousands of Mexicans.

Miss SHIELDS. Oregon is suffering from the fact that its agricultural employers depend on an annual invasion of families in automobiles applying at their gates for work in harvesting the berries, cherries, vegetables, hops, prunes, and apples.

The Oregon Department of Labor has estimated that we have enough workers now resident in the State to harvest all our crops,

if these workers were properly mobilized in the direction where needed. The department has organized a seasonal employment commission for the purpose of marshaling workers in accordance with the needs of the various crops, from the strawberry harvest in May until the close of the apple harvest in November, and of collecting information about the number of jobs, their requirements, and the surplus or shortage of workers in the various localities, and of disseminating these facts to newspapers, growers' organizations, individual employers of large harvest groups, auto camps, and post offices on main highway lines.

Our agricultural employers report that a higher grade of work is done by harvesters with homes in some community where their harvest reputation may follow them. Such workers constitute less of a problem in health and morals than do the floaters who may leave in the night with the chickens from the roost, canned goods from the cellar, and vegetables from the garden, who leave a trail of disease and moral stain, and who are neglecting the education and citizenship training of their children.

Six of our Oregon harvest centers have established a health and recreation service, with camp sanitation supervision, first aid for minor injuries, wholesome evening entertainments, and day nurseries for the children of harvesters. These centers have demonstrated that child labor is not cheap labor and that parents can accomplish more work if they are not burdened with the care of little children in the field or orchard; that it pays to enlist a higher grade of workers who appreciate proper care for their children, who stay on the job till the end of the harvest and give full service for their wages. Even under the piecework system the employer can not afford to have idlers occupying the camping space needed for efficient workers. The manager of one ranch estimates that the health and recreation service saved him \$15,000 the first season and \$30,000 the second season through holding the maximum number of harvesters without epidemics or strikes and so reducing the period of harvest with its overhead expense.

But it is a slow process to persuade some of our agricultural employers that they do not need a large surplus of floating labor in order to establish a reasonable wage scale. And it is a slow process to persuade them to place their orders for harvest help long enough in advance to obtain workers with established homes in Oregon or near-by States. Because our farmers still encourage applicants at the gate, word has gone out that there is plenty of work in Oregon for all who will drift in during harvest. This has resulted in an intolerable burden on our charitable agencies which must care for the workers who fail to find jobs and for the tramps and beggars who pose as migratory workers.

The East has its tramp and the Middle West its hobo with whom years of experience have enabled them to deal, but Oregon has a new problem which it does not yet know how to handle—the problem of the “gasoline bum.”

We are trying to distinguish between the migratory workers, who are an economic necessity for harvesting our crops and who deserve the respect and gratitude of the communities they serve, and the automobile tramps who work only long enough to keep from starving and that still lower group—the professional wandering beggars.

We need a harvest employment service commanding the confidence of agricultural employers and insuring their placing orders for workers recommended because of proved industry and ambition; we need such a service to replace their present practice of considering as possible employees every harvest applicant who stops at the gate and who may be an industrious migratory worker or some species of tramp, beggar, or even thief.

Suspicion and scant courtesy greet all transient harvesters under our present haphazard method of considering good, bad, and indifferent applicants who drive to the gate to apply for jobs, with wives, children, and all their worldly goods loaded into their cheap cars, and without recommendation from an authorized agency as to their record.

Since we can not remedy overnight the unfortunate condition which permits the planting to one crop of a larger acreage than the local residents can harvest, and since we can not immediately check child labor in certain types of harvests, we must find some means of inducing families to settle down by giving preference in employment to those who establish homes, keep their children in them for at least certain periods of the year, and themselves keep their franchise.

Some of our progressive agriculturists in Oregon realize that the higher grade of workers want continuous employment, and they are asking for assistance in placing their workers in other employment after the completion of their own harvests. An interstate employment service for our type of harvesters would also remedy the present scarcity of packers and other semiskilled workers toward the end of the harvest. For instance, the apple growers complain that the packers leave them in the lurch in order to hurry down to California for the orange packing, while the orange growers complain that the packers arrive there a week or two ahead of the harvest for fear of not being in time to get good jobs.

Ex-Governor Sweet, of Colorado, states that the Mexicans who secretly cross the border, under agreement with labor contractors, to work in the fields during beet harvests, are incapable of finding jobs for themselves and after discharge from a harvest live by pilfering or become dependent on local charities until some other contractor engages them for the next year's beet harvest.

Having learned that the Farm Labor Division of the United States Department of Labor Employment Service, with headquarters at Kansas City, mobilized in 1924, 100,000 wheat harvesters, 200,000 cotton pickers, and other workers, bringing the total to almost a half million for the season, I speak as a private citizen of Oregon to voice the need of my many friends among our agriculturists for a similarly adequate means of mobilizing our resident workers who might become available for harvest work, of bringing in competent workers for whatever jobs can not be filled by residents, and of removing them to other jobs at the close of our harvests instead of permitting them to remain in the community to become dependent during the winter peak of unemployment.

The best intelligence of our Nation is needed to devise winter jobs for the workers needed for the summer and fall harvests.

There is also the problem of the children of the floaters, who are growing up with a feeling that they do not belong anywhere. They

find that the resident children in the schools they enter have been told by their parents, with good physical and moral reasons, to have nothing to do with the "tramp children."

Hood River County, in our apple section, requires a health inspection of all children entering its schools from outside the county, and together with other counties in Oregon is urging all employers to have their harvesters place their children in school in their districts, where additional rooms and teachers are provided during the harvest period.

Miss Georgiana Carden, California supervisor of school attendance, says of the 20,000 children following the crops with their migratory parents in that State:

We are now getting these migratory children into our schools, but we are not educating them because of their shifting to 4 or 5 or even 8 or 10 schools in a year. Three transfers are equivalent to losing a grade. Think what it means to enter a half dozen or more schools in a year besides losing the time in traveling and in being discovered by the school-attendance supervisor in the new district.

We stopped organizing the separate schools for the transient children after the first year's experiment in 1921, and we now place the transient children in the regular schoolrooms where they have some chance of learning standards through contact with resident children. Naturally many of the resident parents object, but it seems the only means of making citizens of the little wanderers.

From my own observation in many States outside of Oregon, I have found the compulsory school attendance problem only a part of the educational need. Many teachers report children coming into the schoolroom after late evening and early morning work too tired to do anything but sleep at their desks.

Delinquency among migratory families is assuming such proportions as to require attention from the courts. Children are used as a means of appealing to the sympathy of the benevolent, are taught to beg from house to house, and even taught to steal. Some wandering adults are even borrowing children to use in begging.

The number of automobile travelers applying to charitable agencies is increasing so rapidly that Oregon held, in June, 1925, a state-wide conference of county judges and other officials dispensing poor relief, which passed a set of resolutions urging all private citizens to stop giving free gasoline in order to get campers away from their gates and to send them to some authorized agency for investigation of their real needs and suggesting that free auto camps be replaced by a system of fee-charging camps, with prices graduated according to the service rendered.

The CHAIRMAN. I am sure that the lady has added several thoughts to our discussion which are very helpful, because, after all, if we have an undesirable citizenship our country will soon cease to function as a representative government.

One of the principal functions of authority is to provide a better citizenship and that does not center entirely around the production of foodstuff. The production of foodstuff is essential, but no more essential than the production of coal, or the mining industry. All of them are allied and should cooperate to get the best results. But migratory labor, such as this Mexican labor, which flits from place to place and has no home, no interest, no connection with the Government, is undesirable labor, in my opinion.

Mrs. KEEZER. The gentlemen did not answer my question. I asked if there was any way to control the contractor of labor. We have no quarrel with the Mexican in Colorado, except that he is becoming an increasing problem, because the white folks think he is undesirable, his children are ostracised, and the Spanish-American is a foreigner in his own country. His blood runs back to an ancestry greater than ours, in a way, but he is a foreigner in his native land.

These people come to us and are left stranded in our large cities, and we have no way of finding out to whom to go to get the problems of these people straightened out. Does the Farm Labor Division have any control whatever over the—for want of a better word I will use it—ethics of farm employment?

Mr. TUCKER. We have no more power over them than you have.

Mrs. KEEZER. Is there no penalty?

Mr. TUCKER. The penalty is largely up to the State organizations. I think it is a very difficult matter to control.

Mr. DAVIE. I would like to ask Mr. McGilvray what the immigration laws of the United States have to say on that particular subject as it relates to Mexican labor in Texas and, of course, California?

Mr. STEWART. Up to the last session of Congress we had no control over bootlegging Mexican labor into the United States, and that is practically what you mean. The last session of Congress appropriated a considerable sum to enable the Department of Labor to stop that bootlegging—that is what we call it; it fits as well as anything else. The reports the agents of the department get are that that has been considerably checked; in other words, it is not as bad as it was, if that is any consolation.

The only power to control that contract system is in the Department of Labor, and of course with that long boundary between the United States and Mexico, the thing is next to impossible. It would have to be patrolled every few hundred yards night and day. We are doing the best we can, and it is being handled better than it was—that is all I can say. I think our immigration reports show that there is probably 50 per cent less bootlegging, so far as we know. We do not catch all the bootlegging, but the department is the only power to control that thing.

It seems to me that we are getting into pretty deep water in this whole situation. After all, labor organizations and labor bodies have always trotted along and sweated themselves to death to furnish the employer, the capitalist, with the labor he wanted. Whenever he wanted a man they gave him one; in case he might not get one just when he wanted one they had two or three there so he would be sure to have one. The farmer is just like the manufacturer who talks about shortage of labor. The latter's idea was that a line a mile long at the gate in the morning was satisfactory. When the number of applicants reached only half a mile he began to get worried, and the minute there was only a quarter of a mile of men, four abreast, waiting to get in to get a job, he said, "My God, what are we going to do for labor? There is a labor shortage. Get in more immigrants. Get in more labor. We want a longer line."

Now, as a matter of fact, the farmer is not very much different. He does not want only the number of men that will harvest his crop; he wants to have in sight five or six times the number of men that will be needed to harvest his crop. Besides, haven't we gotten far enough in the game—I do not know whether we have or not—to say to the employer, to the capitalist, something as to how many men he ought to have to produce the amount of goods that he ought to produce?

We can produce 750,000,000 pairs of shoes in the United States. We can use and sell about 500,000,000 pairs. The boot and shoe manufacturers want not only the men they can use to produce the boots and shoes they can sell, but they want enough men in sight to run every factory full time all the time. Now, there is no sense in that. They know they never did do that, and that they can not do it. They could produce more boots and shoes in a year than they could sell in two.

Look at the coal mines. In 1924 10 per cent of the coal mines in Illinois worked only 40 days in the year. The coal mines claim that they have employed 99,000 mine workers; on the average, they have employed them 139 days in the year. If instead of the 113 coal mines in Illinois, employing 99,000 men once in a while, 84 coal mines with their present equipment were working 300 days in the year and employing about 35,000 men, they would produce 7,000,000 more tons of coal than the 113 coal mines produced in 1924, and then they could not sell the coal.

As to the farmer, of course I admit that he is in a very ticklish position. In the first place he puts in three or four times as much wheat as he has any business to put in; but even if he cuts his wheat down to the number of acres that common sense says to put in, he does not know what he is going to produce. As a matter of fact, he may raise 10 bushels an acre or he may raise 20 bushels an acre. In other words, his acreage is not necessarily a measure of his production. He can not control his production by cutting down his acreage. A manufacturer can. But we are expanding our wheat fields, we are developing acres—and we are proud of the number of acres we are developing—to produce more wheat when we are already producing more wheat than we can use and sell. Now, let the farmer do that sort of capitalistic ballooning; but I do not quite see why the labor element should be so determined to keep up with what the farmer thinks he wants.

As a matter of fact, the farmer in Oklahoma wants a man about four days. I mean the average farmer. Oh, I guess your farms are bigger than that—I am thinking about the farmer back when I was a boy in Illinois.

Mr. CONNALLY. In the wheat district about seven or eight days on the average.

Mr. STEWART. All right. When I was a boy a farmer, if he was a big farmer, wanted a man in the wheat field two days, and then did not give a rap what became of him. He did not give a rap whether or not the man had a job in some other wheat field the next day. After all, we have our problems that we weep over, and sweat over, and fret over. It seems to me it is nearly time to tell the other fellow: Here, now, you have been going at your own gait and speed,

and doing as you please for a sufficient number of years; you have got to do a little bit of thinking yourself.

Mr. MCGILVRAY. I think Mr. Davie is quite anxious to find out how little I know about the problem he has asked me about; I will accommodate him and tell him just how little I do know. I take it that his question was as to whether there was any way this particular bureau of the Federal Government can control the contractor who goes into Texas and there procures a sufficient number of men to transport back to your State to do certain labor there; can it say to that man, "You shall not go down there and do this to the detriment of the State of Colorado. We want to be consulted before you go down."

Mrs. KEEZER. No; we do not object to his going into Texas if he will keep faith with us when he gets back—land the job and take the people back afterwards.

Mr. MCGILVRAY. That is what I mean. You want to be consulted. I take it that your problem is peculiarly a local one. You ought to be able to control the conditions in your State.

In California we do that more or less. We do things out there; we do not worry about them, we go ahead and do them. Maybe we do not get by with them, but we try anyway, and if the court says, "No," we quit then, but not before. On the problem of immigration I think the laws are sufficient to keep out the undesirable aliens, but the money is not available or the officials who have to enforce the law get weak kneed or weak backed or something else, because they do not enforce it.

Down on our California border they bootleg in Mexicans as much as they ever did. I venture to say, on the authority of a lady in the Mexican consulate in Los Angeles whom I know well, a social worker, a very estimable lady, that they are illicitly bringing into California on the average 25,000 Mexicans a year and an equal number are going back. That makes the population about the same. I do not think the fault is in the law. What we need is greater enforcement of the law.

We have a unique way of controlling our labor problem. We have a big State—1,000 miles long and you know how wide. The migratory laborer starts working in the fall at the beans in Ventura and works up until he gets to the asparagus fields in the Sacramento Valley in the spring, and then he gets down to the fruit, so that the migratory laborer in California does not need to go out of the State. He can work all the year round in California.

Mr. HATCH. I want to ask for a little information which I think may answer this question, which has not been answered yet. Is it legal, under the United States immigration laws, for a contractor from Colorado to go down to the border, get 20 Mexicans, not citizens of the United States, and contract to give them labor for a certain length of time in the State of Colorado?

Mr. STEWART. No.

Mr. HATCH. If the United States immigration law was completely enforced you would not have that problem.

Mr. DAVIE. That is what I was aiming at. Then my opinion would be that when I got back to Colorado I would take that matter up with the congressional representative in the district and see to it that the Federal immigration law, as it relates to alien labor, was strictly enforced in the State of Colorado.

Mr. O'BRIEN. You gentlemen evidently assume that this agent goes down into Mexico and gets these Mexicans. They are already in the United States. He goes and gets Mexicans who are in this country; he does not bring them over here. I do not know that he is violating any international law.

The CHAIRMAN. If he is illegally in the country, it is up to the agent to find out whether or not he is a citizen.

Mr. STEWART. The lady from Oregon makes this point, that these Mexicans smuggle themselves in, so far as getting across the border is concerned. These contractors go down and make a contract with Mexicans on this side of the line. Now, that being true, then my answer to Mr. Hatch is wrong. The contractor can not bring a man across the line under a contract, but if the man can get himself across the line (and it is a pretty long line—talk about enforcing the law, that is the easiest thing to talk about that I know of), then these fellows can go down there, hustle these Mexicans together, make a contract with them, and bring them up to Colorado or anywhere else, and so far as I know there is no law against it.

The CHAIRMAN. The answer to that is that the State of Colorado should pass a law regulating employment from without the State. Either that or the United States Government should require every person within the country to have papers showing application for citizenship.

Mr. STEWART. There has been a bill before Congress for some time requiring all aliens to register. That bill has not become a law. That is one of Secretary Davis's hobbies, and he is being opposed by the 100 per cent "Americans." I have seen more of his side of his hobby here this afternoon than he has ever been able to show me. I am willing to say that it does not sound good to me that a man should have to register and then notify the police department personally whenever he is going to change his residence, just as a man has to do when he changes hotels in Berlin.

There is no law requiring the alien to register. When the fellow gets across from Mexico, if we can show that he has not paid the tax imposed for coming across, we can send him back, but we have to catch him first, and before we can catch him the contractor has gone down there, made an agreement with him to bring him up here somewhere, brought him up here, got his money, and the other fellow's money, too—because both sides pay—and then the contractor goes and sees what good stuff he can get from the other kind of bootlegger.

Mr. O'BRIEN. It seems to me that the problem here is not the Mexican laborer but the man who goes down and gets him. If these people can not control the "snitch" they have in their own State, how do they expect to get him in other States? It is that

man the people should get at. It is not too big a problem for a State to handle if the State goes at it in the right manner.

Mr. STEWART. I want to say this: We have no quarrel with Mexico, she has a tight, hidebound law against migration. It is against her law for any of her citizens to leave her boundaries unless they can show that they are going in accordance with the law of the country to which they are going, that they have a contract for a job when they get there—which would prohibit them from coming here—a contract which not only gives them so much work at so much pay, but also brings them back at the end of their work. The Mexican laws are splendid, but they can not enforce them. Neither can we enforce our law on a border line of that length.

Mr. HATCH. I want to add one suggestion to the last thing that Commissioner Stewart said. It seems to me that is the root of the matter; the cure is to reduce the amount of this kind of contract Mexican labor—that is, to get at the thing at the source.

Commissioner Stewart said a few moments ago that the last session of Congress appropriated a substantial sum to enforce the immigration laws better at the Mexican border. As I see it, the practical point which comes out of the discussion is that we ought all to bring pressure on Congress to make larger appropriations, so that the Department of Labor will be in a position to make better progress against the tremendous task imposed by that long border line. That is the only way to reduce this evil—more money by Congress to enforce the immigration laws on the border.

The CHAIRMAN. This discussion is very interesting, but we have another part of the program, and so I am going to terminate it at this time. The other half of our program is concerned with the development of rehabilitation in the United States. The principal thing in labor and industry, to my mind, is employment, the next is safety, and the next rehabilitation. I have the pleasure of presenting to you H. D. Battles, the supervisor of vocational rehabilitation in Illinois, who will address you on the subject of "Development of rehabilitation in the United States."

## DEVELOPMENT OF REHABILITATION IN THE UNITED STATES

BY H. D. BATTLES, SUPERVISOR OF VOCATIONAL REHABILITATION, ILLINOIS

The national program for the promotion of vocational rehabilitation of the civilian disabled has been in operation for about five years. Thirty-seven States are now engaged in the work, and two others will have their services going within the next two or three months. These 39 States represent 87 per cent of the population of the United States. The progress of the national program in actual accomplishments from a statistical standpoint is shown by the following figures giving the number of persons who were rehabilitated and returned to self-supporting employment in the fiscal years 1921 to 1924: 1921, 523; 1922, 1,898; 1923, 4,530; 1924, 5,654. Figures for the past year are not at present available.

Statistics of accomplishments do not, however, give an adequate idea of the development of our State services for reclaiming for

industry the victims of industrial and public accidents. For these figures really to tell the story of the progress of the rehabilitation movement in the United States, there would have to be available accurate annual statistics covering the total number of physically disabled persons in the country who were in need of rehabilitation and whose rehabilitation is feasible. Unfortunately such figures are not available, and estimates are not satisfactory. Estimates made in the earlier years of our work were subsequently found to be too high.

On the other hand it is reassuring to know that there has been a steady increase in the number of rehabilitations without proportionate augmentation of State personnel. This is due, of course, to larger experience and more efficient methods, which come as a result of experience. It must be remembered in this connection that prior to the passage of the Federal act in 1920 a very small amount of work had been done, because only a few States had had their services under way and then for only a very short time. We have, therefore, had to establish our work from very meager beginnings and with negligible experience either here or abroad.

The difficulties and obstacles which have been encountered in the development of the national civilian rehabilitation program have been legion. Our problem has been one of education ever since the beginning. This educational project has been made well-nigh impossible of execution because of "economy waves" which have passed over all State legislatures and because of their natural reluctance to pass certain types of social legislation.

A number of years will be required before the States realize fully their responsibilities in this work. State departments of rehabilitation can not proceed more rapidly in the establishment of their services than Government enterprise and public support will permit. The States and the Federal Government are engaged, therefore, in the promotion not only of the actual work of rehabilitation but also in a program of education as to the problems, needs, philosophy, and objectives of the rehabilitation program.

However, much has been accomplished, especially when it is realized that the rehabilitation work in the States has after a period of pioneering in methods of administration and case procedure been established on a permanent and sound basis. Wherever it has been inaugurated it is now considered an integral part of the State's program for advancement of the educational, labor, and social interests of its citizenry. Exclusive of clerical and stenographic workers the State rehabilitation departments throughout the country now total 164 persons who are technically and specially trained for the work. This does not seem a large group of persons with which to carry on such a tremendous task; but it should be noted that their effectiveness is greatly augmented through the cooperative services of representatives of various State departments whose work touches that of rehabilitation and numerous semipublic and private organizations and agencies who also cooperate in the program of reestablishing the disabled in industry.

It may be pointed out then that the rehabilitation program has become fixed in the country as a permanent policy, a service of vocational reestablishment for a group important and necessary to the

commercial and industrial life of our Nation. Shortly prior to the passage of the Federal act six States, namely, Massachusetts, New Jersey, Minnesota, California, Pennsylvania, and Oregon, had established a vocational rehabilitation service. In one of them the administration of the work was placed in a department of education, in two of them in the department of labor, and in the others in the workmen's compensation commission. Much discussion has been had as to the factors which were most potent in influencing Congress to enact legislation for the promotion of a national program. Of course, the problem of the rehabilitation of our war disabled had brought to the attention of the Nation the equally imperative need for a similar service to those who are injured in industry, but the most influential force in the opinion of many was the conviction of those who had been administering the workmen's compensation laws that these laws provided benefits which, although necessary and effective, were inadequate, in that they did not provide a means through which the disabled worker might be reestablished as a producer. Of course, the original compensation laws never contemplated the work that is now being done by State rehabilitation departments. The benefits of such laws are provided on the basis of what the workman loses in an accident in order that he may be compensated not only for the loss of wages which he sustains during the period of recovery but also for the reduced earning capacity during the remainder of his life. Now, the enactment of the first rehabilitation laws in the States was an attempt to meet the inadequacy of the compensation laws, and to so supplement them that the disabled worker might again become self-supporting and thereby an asset to industry. If this fact is borne in mind by the representatives of State governmental labor departments, they will have a much more satisfactory and adequate conception of the rehabilitation work which is now in progress in the States than if they consider the rehabilitation program only as an independent and distinct State service.

The administrators of compensation laws most generally throughout the country do not desire the administration of the rehabilitation laws, nor do they feel that the administration of them should be a part of the compensation program. However, practically all agree that there should be close harmony and cooperation between the administration of the rehabilitation and the compensation programs, so that the ultimate objective of returning the disabled worker to a position of self-dependency as an industrial worker may be most effectively accomplished.

Experiences in the States during the last three or four years tend to show the constant development of the interrelation between the two programs and the more efficient cooperation of those who administer the laws. Rather than to enter into the details of what has been accomplished in the way of cooperation, it will be my purpose, therefore, on this occasion, to point out to this audience weaknesses in the present plan of cooperation and to indicate further possibilities.

In the first place, it can not be stressed too strongly that those who are responsible for the administration of labor legislation in the States become intelligently informed with regard to the kinds

of cases which should be reported to the rehabilitation department. Not only do labor officials come in contact with disabled persons who are not eligible for compensation, and these should most certainly be reported, but by reason of their contact with those who are eligible for compensation they are in a position to determine not only the needs but the feasibility of rehabilitation. State rehabilitation departments are not engaged in the service for the upgrading of workers, the education of the ambitions of workers, or the readjustment of workers who, simply because of the existence of, or the sustaining of, a slight disability, feel themselves entitled to the benefits of the rehabilitation service. Rather, under the terms of the Federal and State acts, they are interested in and obligated to rehabilitate workers and others who, by reason of accident or disease, can not return to employment. The rehabilitation service is not to be conceived as being applied to the amelioration or improvement of the condition of the shut-in, or the totally disabled, who can never be put in a position of self-sufficiency and self-support. To help such folks is a worthy endeavor, but is not the objective of the State rehabilitation service. Consequently, in reporting cases, be sure that you understand not only the factors which constitute eligibility in your State rehabilitation program, but ascertain completely the objectives of your own State rehabilitation department.

State public employment offices are in a splendid position to assist the rehabilitation departments in making proper placements of the physically disabled. Here again there must be a sympathetic understanding of and a complete cooperation with the purposes of the State rehabilitation service. Our departments are interested only indirectly in keeping the employer supplied with labor or the worker with employment. Our chief interest is in the training of and fitting for new employment those workers who, because of an accident, can not return to their former means of earning a livelihood. Consequently, fitting persons into casual or temporary employment is never the objective of our departments.

Factory inspectors are in a position to secure and do have valuable information with regard to occupations, which information they can make available to the rehabilitation department. Frequently their files have complete information relative to industries and occupations within the State. In their studies of accidents and accident prevention they learn the character of job possibilities, and thus indirectly ascertain opportunities and possibilities for the employment of the disabled. Herein, then, lies a splendid opportunity for departments of labor to render valuable assistance to rehabilitation sections, because nothing is so necessary in the rehabilitation program as a wide knowledge of job opportunities for persons with certain types of permanent disability.

One of the most important developments in the administration of compensation is the satisfactory adjustment of claims for commutation of compensation or granting of lump-sum payments. Experience has demonstrated the imperative need for adequate investigation of the application for lump-sum settlement in order that, in protection of the interests of disabled men or women, lump sums be not granted under conditions which will result in dissipation or loss. Too frequently the disabled person is a victim either of

unsound advice from others or of his own lack of experience and information. For the purpose of selecting the most suitable job objective in the rehabilitation program, the rehabilitation agent seems to be in better circumstances to make an investigation of an application for lump-sum settlement than the investigator in the field of workmen's compensation. Here again the cooperation between the two departments may be mutually helpful, in that it would seem the compensation department should be able to accept the sociological investigation of the rehabilitation department when a lump sum is requested, because the rehabilitation department is the only State department which is in a position to make that kind of a thorough investigation which is required for the intelligent, satisfactory and nonwasteful method of the granting of requests for lump-sum payments.

In conclusion, there are two additional opportunities for effective cooperation between the rehabilitation and labor departments which can not be too strongly stressed. Experience in the rehabilitation of civilians, as well as of soldiers, indicates that frequently, if training is to be made at all possible, some provision must be made for the living maintenance of the disabled person while receiving instruction. Frequently, the requirements are small, but they are none the less necessary. In 10 of the rehabilitation States, legislation has been passed providing living maintenance for persons undergoing rehabilitation. In three of these the source of the maintenance payments is from funds for compensation; that is to say, persons who are eligible for compensation and rehabilitation may receive, as additional compensation, limited weekly payments for living maintenance. This legislation is based on the principle that for the permanently physically disabled compensation benefits are not adequate, and that where rehabilitation is feasible, the disabled person should receive such additional compensation for maintenance as will enable the State to effect his reestablishment in industry. The fact that three States have passed such legislation indicates that it can be done in the remaining States, and no better cooperation could be rendered the rehabilitation department than for departments of labor to assist in securing the passage of legislation to the end that maintenance for certain persons undergoing rehabilitation may be made available.

Again attention should be called to one of the obstacles with which the rehabilitation officials are confronted in many States when attempting to secure the cooperation of the employers in reemployment of rehabilitated workers. Reference is made here to the natural hesitation of the employer to employ a person who has a permanent disability on the basis of the hazard of receiving a second injury which may result in total disability. In a few of the States, in the enactment of legislation providing for the compensation of second injuries the employer is protected, which does away with any hesitation on his part to employ a permanently disabled person. Through the availability of a fund, usually called the second-injury fund, the worker who receives a second injury resulting in total disability is paid for total disability, but the second employer pays only for the second injury, the difference between that and compensation for total disability being paid from the second-injury fund. No

finer piece of cooperation could be provided on the part of governmental labor officials than through assuming the responsibility of initiating legislation and promoting its passage for the purpose of incorporating in the State compensation laws provision for second-injury funds, so that discrimination against the disabled employee may not be continued in industry. Finally, until such complete cooperation as is outlined above is in effect, the rehabilitation programs as well as the compensation programs in the States will not be most effectively administered in the best interests of disabled workers.

## DISCUSSION

The CHAIRMAN. I would like to have at this time discussion on the general problem of rehabilitation.

Mr. LANSBURGH. Our experience in Pennsylvania recently bears out several of the more important points which Mr. Battles made, and I should like just to check our Pennsylvania experience against his Illinois experience; for instance, in having lump-sum payment investigations made by the rehabilitation man. We had been having some trouble in getting satisfactory reports on lump-sum payments, and decided that the proper place to make such investigations was not in the workmen's compensation board but in the bureau of rehabilitation. The rehabilitation adjusters are now making reports to the workmen's compensation board, which has the power of making lump-sum settlements and results are completely satisfactory.

Another of the points on which we check is that there should be close cooperation throughout not only between the workmen's compensation board, or whatever body administers the compensation law, and the rehabilitation forces, but also between the inspectors and the rehabilitation forces.

We have found only recently that by calling the attention of our inspectors to the possibilities of rehabilitation and what the rehabilitation people in the department are trying to do, we have greatly increased the opportunities for placement of rehabilitated persons. Within the last few weeks we have gone so far as to circularize our inspectors with a list of qualifications of people whom the rehabilitation bureau has had under its wing, in the hope that the wider range covered by the inspectors might bring to light opportunities which the rehabilitation men had missed. Of course, in all such cases the inspectors bring the case to the attention of the rehabilitated man and do not themselves attempt to place the rehabilitated person.

Doctor McBRIDE. I want to say just a few words as to the manner in which New Jersey carries on this particular work. New Jersey was one of the first States in the Union to adopt the rehabilitation of injured workers and is probably unique in the manner in which the work of the department of labor is carried out. In our State the commissioner of labor, by virtue of his position, is a member of the rehabilitation commission, being elected director of rehabilitation by the commission; he is likewise chairman of the compensation board and director of the free-employment service of the State. By this you can see it is quite a multitudinous position, but it has its advantages in that we have entire charge of this work, making for

coordination and cooperation of all efforts, and making us able to carry on this work efficiently and economically.

The experience of our department in the granting of lump-sum settlements or commutation of compensation awards has been discouraging in the past, in so far as safeguarding the interest of the injured person has been concerned. I believe I am safe in saying that probably 75 per cent of the cases in which the injured person has had compensation commuted has resulted in the loss of the money through the failure of the business enterprises entered into by these people, who lacked business experience and knew little, if anything, about the work they were to take up. This makes for discontent and much added suffering; the compensation money has been lost, the intent of the compensation act has been defeated, and the injured person still has his or her physical handicap.

This experience has caused our department to insist on the strongest kind of safeguards possible in all cases where commutation is granted, or where lump-sum settlements are agreed upon between the injured and the persons responsible for compensation payments, and to that end a thorough investigation of every application for commutation of compensation, either for part or the entire amount of money due, is carried out in every case. We have prepared a comprehensive questionnaire wherein everything relating to the injured person is inquired into—the name, age, whether married or single; if a married person, the number of children in each family, ages, earning capacity, if any; any other dependents; counsel fee, if any; former employment; the reason for the request for commutation; past business experiences, if any. If the money is desired for the purpose of going into business, the nature of the business, location, ability to handle the business, and every conceivable thing surrounding it, are investigated; if for the purpose of buying a home, we ascertain the true value of the property, if the title is clear or not, and everything relating to it. Many of these applications are made at the instance of the counsel in the case, who, I believe, are actuated by a desire to receive their counsel fees in a lump sum and not by the best interests of their client. All sorts of reasons are given in the applications for commutations by the applicants. No application is granted without an exhaustive investigation having been made, and until we are positively assured that the granting of it will be for the best interest of the applicant.

After the investigation has been made by our investigation forces, under the direction of the assistant director of rehabilitation, the matter is heard by the compensation board (which meets twice a month), where both sides of the question are thoroughly threshed out and where the head of our investigation department is heard at length as to his reasons for recommending either approval or disapproval in each case. By this you can see that New Jersey is doing everything humanly possible to carry out the intent of the compensation act as it relates to the commutation of compensation payments or lump-sum settlements. This procedure is carried out in every instance even though in the settlement of a case both sides agree to have the money paid in a lump sum.

In New Jersey in the case of a person whose injuries resulting in permanent total disability arise out of two separate accidents

while in the course of two different employments, the last employer pays only for the direct result of the second injury. For instance, in the case of an accident resulting in the loss of an eye, the employee is paid for the loss of that eye; if he loses the other eye in another accident, completely depriving him of his eyesight, the person responsible for the second accident is compelled to pay only for the loss of the second eye. The employee, however, receives compensation for permanent total disability, the difference being paid out of a fund created for the purpose, made up by the insurance carriers and self-insurers paying into the department a sum equal to 1 per cent of the money paid out by them during the preceding year in compensation awards. This results, as you can readily see, in a reasonably large fund each year.

MR. McSHANE. I would like to ask Doctor McBride one question for information. Do I understand that your special fund, out of which you pay in case of second injury where permanent total disability results, is raised from a fund of 1 per cent on the premiums the insurance companies collect? Are they required to pay 1 per cent of their premiums into that fund?

DOCTOR McBRIDE. One per cent of the amount of money they pay out in compensation.

MR. MCGILVRAY. Out in California we have a bad situation in rehabilitation. We started in by having \$350 set aside for rehabilitation in each case of death by accident of an employee without dependents. The supreme court knocked that out and we have never been able to reenact that statute in California, but the State does attempt to rehabilitate through the department of education.

About a year and a quarter ago, at the request of the governor, I was one of a body of men who were investigating rehabilitation, to see what should be done, and we worked in close harmony with the Federal board. We had some pretty good men handling it in California locally, and the State board of education was represented. Here is the problem: We came to the conclusion, after our investigation, that rehabilitation, at least in California, was 90 per cent replacement and 10 per cent education. In other words, 90 per cent of the rehabilitated cases either should go back into the same kind of work they had been doing or would eventually go back—no matter what happened they would go back—and 10 per cent were susceptible of education in other lines.

As a concrete example, take the case of a young man who was rehabilitated as a sign painter. He could not do the thing he was doing before in the way he was doing it, but he could learn sign painting—this is a supposititious case—and he actually mastered the art of sign painting, and a job to paint signs was found for him. He lost that position and went right back to the thing he had done before but in a minor position, which he could have done without actual rehabilitation. How many follow the vocation you pick out for them?

MR. BONCER. I believe there is much in what the gentleman from California has said regarding going back to the place of work in which the injured person received the injury. I have seen it in the coal mining fields in Virginia and, having had some experience with

the Federal rehabilitation work, I have also seen it in other States. It is difficult to get such persons away from the old line. I think that is characteristic of the coal miner. We have in our State a number of men who have been badly injured, some with a leg taken off, and yet they have that great desire to return to the mines in which they have received the injury. It is pretty difficult to retrain people of that kind into other lines and to get them to stay on some other class of work.

Generally speaking, I think that the gentleman's experience will be true to a great extent in many of the States where rehabilitation is in effect, and even in the Government service. It is a problem, of course, that can sometimes be handled to a great extent through sympathetic attention on the part of the training officers and the placement man. I found that at times it was difficult to convince injured men that they should take certain classes of training which would be more valuable to them. They would insist on other classes of training which they could never conquer, or in which, if they did, they could never be successful. For instance, speaking of rehabilitating Federal men as an illustration, in the case of a tubercular trainee who insists upon going into the auto-mechanic business, I have sometimes been able to convince him that he should go into another line.

### SALVAGING LABOR THROUGH INDUSTRIAL REHABILITATION

BY D. M. BLANKINSHIP, SUPERVISOR INDUSTRIAL REHABILITATION, VIRGINIA

[Submitted but not read]

We can think of no circumstance more demoralizing socially and morally than a condition of idleness and dependence. The results are perhaps more destructive in cases of enforced idleness than as a result of affluent idleness. Both are bad for the individual.

It is perfectly natural that every self-respecting person should desire to be able to work and to be economically independent. There are several hundred thousand people in the United States who because of physical disabilities are now idle and dependent. It is possible to make at least 50 per cent, probably more, of them self-supporting by giving to them the service of a well-organized State bureau of rehabilitation.

In discussing the subject "Salvaging labor through industrial rehabilitation," it is not our purpose to undertake to give you a fully matured plan applicable to all cases, sections, and conditions. We shall attempt to give you some of our experiences and plans that seem to fit our condition, hoping that you may get from them some helpful suggestions.

Salvaging means literally the saving of that which has become lost or useless and making use of it again. The mere saving or gathering of waste material is not salvaging. It is only when such material is made useful that the real act of salvage is accomplished. No one would spend time or money to salvage an entirely useless cargo, but would do so to save any part which is still useful.

This principle applied to human beings means that as rehabilitation workers we are not to consider what the individual has lost

by accident or disease, but are to consider what he has left, for that is the thing which is valuable and demands our best efforts to salvage and make useful. The best method of doing this is the problem which we have to solve. Its solution varies in different localities according to social, economic, and industrial conditions.

In solving this problem we have to consider many factors and recognize the fact that each person is a separate, distinct, and different personality. Serious and careful investigation should be made into his environment and mental attitude, family traits, and characteristics. To accomplish best results it is frequently necessary to remove the subject from an unwholesome and hurtful community and create and foster a changed mental attitude before actual economic rehabilitation can be started. In many cases this is a difficult process and in some impossible. In the latter case we can only say, "Ephraim is joined to his idols, let him alone."

The industrial cripples or those injured in industrial accidents do not, as a rule, present as difficult a problem as do those in the "otherwise" group. In the case of industrial cripples there is the past vocational experience as a starting point, and in highly developed industrial sections it is comparatively easy to train the cripple in some related vocation where he can utilize his past experience.

In the "otherwise" group, those crippled by disease or congenital deformity, the problem of rehabilitation is more difficult. In most cases their disability has existed since infancy and has operated to keep them from school and they have never engaged in any gainful occupation. Many of them have accepted the lot of a dependent and have no hope of anything better.

One of the first steps in the rehabilitation of those in the "otherwise" group is, in our opinion, a thorough physical examination by a competent orthopedic surgeon. This is necessary to determine the nature of the disability, whether the cause is dormant or progressive and whether or not it can be removed entirely or in part by hospitalization and orthopedic treatment. In order to emphasize the necessity for this course it would, perhaps, be well to give you the history of one case which is typical of many others which have been handled by our office.

Viola B., a young lady 23 years old, wearing an 8-inch extension shoe and using a crutch, applied to the bureau for vocational training. After a careful survey we decided that, notwithstanding the fact that she had only a sixth or seventh grade education, we would place her in a business school for a course in shorthand and typewriting. She attended school several months, during which time her reports were very poor, showing poor application, poor deportment, and poor attendance, with absence credited to illness. We had the young lady come to the office for an interview. She very reluctantly admitted that she suffered constantly with her hip. She was sent to an orthopedist for examination, which included an X ray of the painful joint. The surgeon reported that she was suffering from a congenital dislocation of the hip; that her disability could be almost entirely removed by hospitalization and surgical treatment. This was secured for her. To-day she wears low-quartered shoes, walks flat-footed, without extension on her shoe, has only a

slight limp on account of stiff hip, works every day as a telephone operator, is entirely self-supporting, and, last but not least, has an entirely changed disposition due no doubt to relief from constant suffering.

During the past year we had 1,187 potential rehabilitation cases examined physically. Of this number some declined to accept the treatment and training offered, some were not susceptible of treatment or training, 247 received hospitalization and surgical treatment, while 737 were treated at our local clinics for minor physical defects which if neglected would have resulted in total disability. Of those receiving hospitalization, quite a number were so far restored physically as to remove their vocational handicap and restore them to normal conditions. To illustrate: Janie A., a young girl, came to us walking on her toe, with a decided drop on one side. This was due to a badly contracted tendon. Eventually it would have affected her spine and general health. After hospitalization and orthopedic treatment, she was so far restored that it was impossible to detect which foot was disabled. I had her walk before several hundred men, none of whom could detect any defect.

Another case, though of different type, was that of Donald H., a young man 23 years old who had suffered a fractured leg in an industrial accident. The fracture was midway between the knee and ankle. The bone refused to knit, forming a false joint, bending about in any direction. When he came to us he had already undergone five different operations without success. He was drawing the maximum compensation for total disability under the Virginia law and had done so for three years. The insurance carrier offered to have his leg amputated, pay him for the loss of a leg, and furnish him an artificial limb. We had him examined and treated by an orthopedic surgeon who performed a bone graft, which proved entirely successful, and the young man is now back at work at his former occupation, that of a structural iron painter, with a perfectly good leg.

In conclusion, I will state that we have divided our State into orthopedic zones, with an orthopedic surgeon assigned to each. Clinics are held in each zone at regular intervals, usually one each month. The public health workers, welfare workers, and Red Cross workers cooperate with us. The newspapers carry notices of the clinics, inviting all cripples to attend, but free treatment is given only to those who are indigent. The services of the surgeon are free. His actual expenses and the cost of maintaining the clinic, such as advertising, plaster bandages, etc., are paid for usually by a local organization such as the Red Cross, Kiwanis, Rotary, Lions, etc. Where none of these are available the county commissioners, at our request, have appropriated the funds necessary. Local organizations also supply the cost of hospitalization, as we have no funds which can be spent for either surgical treatment or hospitalization.

Of course training and placement must follow physical restoration before the work of salvage is complete.

[Meeting adjourned.]

FRIDAY, AUGUST 14—MORNING SESSION

O. F. McSHANE, CHAIRMAN UTAH INDUSTRIAL COMMISSION, PRESIDING

## INSPECTION AND SAFETY

[Telegrams of greeting and of regret at not being able to attend the convention from Charles J. Boyd, president of the International Association of Public Employment Offices; John B. Andrews, of New York; and Miss Linna E. Bresette, of Kansas City, were read and ordered spread upon the minutes.]

The CHAIRMAN. The program this morning comprises a number of papers on a subject in which the people of this country are vitally interested, "Are accidents increasing?" and through their consideration we as representatives of the various States and jurisdictions will, I believe, be able to gather some very useful information, take it home, and apply it for the benefit of the working man and the employer equally. The first paper this morning is on the subject, "Cooperation with employers as a means of reducing accidents," by R. H. Lansburgh, secretary of labor and industry of Pennsylvania.

Mr. LANSBURGH. By prearrangement with the secretary-treasurer, Mr. Hatch and I are to touch on rather different phases of the question as to whether accidents are increasing, and I have permission to attempt to give our experience in Pennsylvania in the answer to this particular question, and then to elaborate on certain means which we are using to try to hold accidents stationary.

### COOPERATION WITH EMPLOYERS AS A MEANS OF REDUCING ACCIDENTS

BY RICHARD H. LANSBURGH, SECRETARY OF LABOR AND INDUSTRY OF PENNSYLVANIA

There can be no question that industrial accidents are tending to increase rather than to decrease at the present time. It is only through organized programs of some magnitude that it is possible even to hold the number of industrial accidents stationary, and to decrease them requires almost superhuman effort. There may be a number of reasons for this condition, and I do not feel that we in Pennsylvania are in a position to give final answer to the causes of this condition. Of course, we do know that in coal mining, which causes approximately 30 per cent of the industrial accidents of our State, mining conditions year by year get more difficult. Deeper and more dangerous seams are being mined as the seams which were easier to work become exhausted. We also know that the extension of the transmission of electrical power of high voltage is causing a huge increase in accidents in that industry, and that probably such accidents will continue on an upward curve for some years

to come. We know that as known hazards become better guarded there is no appreciable reduction in the number of accidents. We feel that this is because the additional guarding is only keeping pace with the extension of industrial hazards, and that the additional amount of employment through the extension of industry must necessarily increase those accidents which are caused by lapses of human faculties or through direct and downright carelessness.

In 1924 Pennsylvania enjoyed a reduction of industrial accidents as compared with 1923, comparative figures being: Total accidents in 1923, 2,412; in 1924, 2,209; nonfatal accidents in 1923, 198,023; in 1924, 175,330. For the seven months of 1925 up to August 1, there was a slight reduction in the number of fatal accidents as compared with those of the first seven months of 1924, the figures being 1925, 1,269; 1924, 1,294. There was, however, an increase of 2.6 per cent in the number of nonfatal accidents reported. It is, of course, difficult to compare several years because of the variation in the conditions involved, and I feel that we may say broadly that accidents in Pennsylvania are neither increasing nor decreasing at the present time, but that they are continuing on just about the same level. In fact, the regularity of the number of accidents reported month by month is most surprising. For instance, of fatal accidents reported in the first seven months of 1925, the average per month was 181, while the minimum was 161, and the maximum 201.

Minor variations in the number of accidents reported can be caused readily by administrative measures, such as the steps taken by our department recently to insure that all accidents be reported. Our law provides a fine of \$100 for failure to report accidents within 30 days. We have been advertising this fact throughout the State, with the result that many minor accidents are being reported now which probably have gone unreported in previous years. So let us assume that industrial accidents in Pennsylvania are not materially increasing or decreasing, and discuss rather the means of cooperating with employers to see that these accidents do not increase and over a long period of time will actually decrease.

I feel that one of the most important measures which a State department of labor may take is so to coordinate the various phases of its own work that the employers of the State feel the unity of action which results. For instance, to my mind, it is essential that the compensation work, the development of safety standards and regulations, and the inspection work be closely integrated. Thus, the experience of our compensation bureau, to which accidents are reported, is utilized in numerous ways by our bureau of industrial standards, which has charge of the development of our safety codes. Accident reports now come first to the bureau of industrial standards for careful inspection prior to forwarding them to the bureau of workmen's compensation for follow up to see that compensation is properly paid. This gives our industrial standards bureau an opportunity to make investigation of accidents while the accident is still fresh in the memories of all within the plant, and from these investigations much valuable data are secured concerning the efficacy of present safety codes or the desirability of new ones. Our bureau of inspection works closely with our bureau of industrial standards in the development of new standards and, in fact, operates as the field

force for the investigation of accidents and in other ways assists in routine day-to-day operation. As far as the employer is concerned, we are endeavoring to make him feel that he is dealing with the department of labor and industry and not with any particular bureau thereof, that we are all working for the same end and in close harmony, and that needless complication and red tape have been eliminated. I feel that this is the first step in securing the cooperation of the employer. He must feel that he is dealing with a business organization, with overhead cut to the minimum, and not with a group of State bureaus the interrelationship of which he can not be expected to understand.

And it is, of course, most important that the employer shall know that he is dealing with men who are capable of giving him sound advice and counsel. Thanks to our present governor, Gifford Pinchot, we have been able to professionalize our factory inspection force. New appointments have been made strictly on the basis of the capacity of the individual, without politics being considered. Most of the new inspectors who have been appointed have been engineering college graduates and the remainder have been men with long manufacturing experience. When these men approach an employer, the employer knows he is talking to some one he can respect.

Cooperation of the department with employers takes a number of forms. The first I will mention is in the development of the regulations or safety standards of the department. We feel that it is fundamental that any safety code which does not have the cooperation of a reasonable number of the employers in an industry will be unenforceable or very difficult of enforcement. We therefore take every possible step to secure the cooperation and approval of the employers prior to the promulgation of the safety code or regulation. We feel that regulations must be developed to meet the actual conditions in the industries of Pennsylvania; that they must meet conditions as they exist to-day, not yesterday. We feel that safety codes become out of date rapidly and should be revised frequently. We feel, above all, that safety codes should be developed in direct relation to the accident experience of the industries, and that that is the only basis on which it is possible to sell a safety code to the employers of our State. We are therefore engaged in making intensive analyses of conditions in relation to all codes that we are about to consider. We are revising our power-transmission code and are engaged in the study of 5,000 power-transmission accidents. We are developing a code for paint spraying, and have the professor of industrial hygiene of the University of Pennsylvania engaged in a special study of the hazard of benzol poisoning and other similar hazards of this new and important industrial operation. When our power-transmission code is ready for consideration, we will be able to say, "Five thousand power-transmission accidents show us this." When our paint-spraying code is ready for consideration, we can say, "Scientific study of the hazards of this operation definitely proves these points."

All of our codes are developed in the bureau of industrial standards of our department but with the assistance of representative committees of the industry involved. By representative committees I mean committees on which there is real representation of both the employer

and the employee. The broadmindedness of persons who are willing to serve on these code committees has been most unusual. Finally, before the adoption of any regulations, we send them to public hearings in the portions of the State which are affected, and in these public hearings we receive the open criticism of the employers who are to be affected. These public hearings permit us to eliminate unreasonable and impossible sections from our regulations and give us an enforceable code when it is finally adopted. We do not take all suggestions which are made by employers. In fact, we always have many suggestions made with the immediate pocketbook as the only consideration. However, after the adoption of a code our position is always strengthened in the matter of reasonableness of the regulations when we point out the opportunity which was afforded the industry to question the regulation prior to adoption. Finally, with regard to cooperation of employers in development of regulations, I wish to stress the point which I first made, namely, our feeling that it is necessary to keep open-minded to change. Regulations must change to meet varying conditions.

Another important step in securing the cooperation of the employer in accident-reduction work is the method of approach of the departmental inspector when he visits an industry. Our attitude on this can best be expressed through quoting our standing instructions to our inspectors.

In inspection work each inspector will be required to perform the work in a painstaking and helpful manner. Throughout the visit to an establishment the work must be carried on by salesmanship rather than by the exercise of purely police authority. Inspectors should endeavor, by every possible means, to make the responsible persons in the establishment understand the desirability, from their own interests, of observance of the law. They should be approached not only from the standpoint of cooperation in the enforcement of the laws in this State, but, wherever possible, in such a way that they will see that good working conditions are a good business proposition. The inspector should endeavor, in every way, to have his expert services welcomed.

Only in case of utter and willful disregard for the law or where an attitude of disrespect to the inspector and the law is shown will the inspector be justified in arbitrarily exercising police authority. It should be realized that an attitude of disrespect is frequently caused by the inspector's own attitude. A full knowledge of his duties, basic conditions in establishments, and the profit-making side of law observance, presented in a forceful manner, is bound to breed respect for the inspector.

To assist our professionalized inspection force in carrying out this policy, we are developing very carefully drawn standard practice instructions which will give our inspectors such a fund of technical information that they will, in fact, have something real to sell while making an inspection.

Another important step in securing the cooperation of employers is to indicate clearly that the department recognizes that a large percentage of industrial accidents is caused by workers who not only have disregarded every standard developed by the employer, but, in addition, have been responsible personally for the whole proceeding which caused the accident. For instance, it is interesting to find that so far in 1925 three workers in Pennsylvania have been killed by proceedings which are analogous to crawling out on a limb of a tree and cutting it off. In fact, one of these workers was killed by doing just that, another by relying for support on a hanger

which he was at that moment engaged in removing, and the third, on the new bridge on the Delaware River between Philadelphia and Camden, by sawing off the support of a piece of false work on which he was sitting at the time. Workers jump from moving trucks. They go into locations alone where a sign placed by the employer tells them always to take some one else with them. They engage in repair jobs and sit on a crane way and do not notify anyone else where they are. They refuse to wear rubber gloves which are provided by employers for working on power-transmission lines. They will not wear goggles. They refuse to wear leggings in foundries. They take short cuts through places where it is not humanly possible to provide guards. And they remove guards.

We are engaged in an attempt to educate the workers of the State just as we are engaged in attempting to educate employers. We are attending workers' meetings; we are trying to reach the workers in every possible way. And, when necessary, we are prosecuting workers for failure to utilize guards which are provided, and for removing guards contrary to the regulations of the department. I feel that an important element in securing the cooperation of employers is through making it known that every effort is being made to assist employers in impressing safety methods upon the minds of employees.

The department has turned its monthly publication into a safety organ, to which articles are contributed by employers of the State. We are thus able to show employers what others are doing in safety work and to make them feel close to the department by the thought that the departmental publication is in fact their publication. And then we are making every effort to have individual employers feel that we are close to their daily safety problems and have an interest in them. We exercise a close follow-up of accidents, not only through investigations, but through letters which call their attention to increases in accidents over corresponding periods of a year before, or which commend them for results in accident reduction which are indicated by our records. We write special letters in certain circumstances. For instance, this year we write a letter in each case of infection or eye injury, calling attention to the results of failure to report minor scratches or to use goggles. We make this a personal letter, over my written signature, based on the individual accident, and ask that it be posted on the bulletin boards where the men can see it. This secured the close whole-hearted cooperation of employers. For instance, the Atlantic Refining Co. says, in response to one of these letters, "We thank you for your interest in our problem and assure you of our willingness to cooperate with you." The Keystone Forging Co. says, "We assure you that we are trying to cooperate with your department and feel now as though we will receive better cooperation from employees in the matter of reports." And Hubbard & Co. says, "We wish to take this opportunity to express our appreciation and approval of this manner of constructive criticism and we fully believe that this method, properly displayed, will go a long way toward the education of employees in safety." We have a hundred letters just like these.

I do not believe that you can reach all employers through the methods which I have just described. The big stick is still necessary, but it should be wielded only when necessary. No matter how much cooperation you feel you are securing, complete factory inspection is still necessary, and an important means of reducing accidents. In the first six months of this year our inspectors made 58,739 visits, and 11,193 of these were special inspections for a particular purpose. As a result of these visits 6,420 orders were issued to bring conditions up to standard. All orders are in writing, and there is a time limit, and the time limit is enforced. I want to make it clear that, in my opinion, a department secures better cooperation from employers when they know that the department is rigidly enforcing the laws and its regulations to the letter. We do that, and sometimes we have to prosecute, although we feel that the successful inspector is the one who can secure compliance without prosecution. But in the first six months of 1925 we had 213 successful prosecutions where no other means of securing compliance was possible.

Each of our inspectors is held responsible for the condition of his district, and he must use every means at his command to bring conditions to standard, but I feel that safety can not be secured through police methods. Too large a percentage of accidents is from causes entirely outside of any standards or regulations. It is only through the cooperation of the department, employers, and employees of the State that we can prevent accidents from increasing, or can develop the safety idea, so that accidents will finally show a continuous curve downward.

The CHAIRMAN. The question just discussed is now open for discussion by those present or for questions by those who wish to ask them.

Mr. WOOD. I would suggest that we hear Mr. Hatch's paper before we proceed to the discussion.

The CHAIRMAN. The suggestion is a timely and proper one; and, if there are no objections, we will ask Leonard W. Hatch, director of the bureau of statistics and information of the Department of Labor of New York, to continue the discussion, "Are accidents increasing?"

#### ARE ACCIDENTS INCREASING?

BY LEONARD W. HATCH, MANAGER STATE INSURANCE FUND, NEW YORK DEPARTMENT OF LABOR

Probably before I get done you will all feel that I am not answering the question. I am going to answer it to some extent, but I am going to talk more about how to answer the question.

In the first place, it is a large question. You will recall that Secretary Lansburgh referred to the fact that it was pretty difficult to tell just what was happening as to accident occurrence in the State of Pennsylvania. I know a great deal about New York, and I know it is certainly a hard question to answer there. "Are accidents increasing?" is a pretty complex question. Do we mean in the whole United States? I do not know very much about that. Possibly Doctor Chaney could tell us something about that, but I know that

in some States accidents probably are increasing, in some States they probably are not increasing, and in some States, as Secretary Lansburgh believes is true in Pennsylvania, they are probably running an even course. Do we mean: "Are accidents increasing in all industries?" I know very well that in New York State they are increasing in some, they are decreasing in others, and in still others they are running a more or less level course. Do we mean that accidents are increasing in all plants in any one industry? I know that in New York State (and I think you will find the same thing anywhere else) in some plants they are decreasing, in some plants they are increasing, and in some plants they are holding about even.

The question has to do with a very complex field with a varied set of conditions affecting results, and this geographical complexity, this industrial complexity, and this individual plant complexity make it very hard to get a general answer. Now, how are we going to answer it? I am going to leave the question of how important it is to answer it until the close of what I have to say.

How are we going to answer it? I think Mr. Lansburgh will agree that he was discussing whether or not accidents are increasing in Pennsylvania largely from the point of view of the total number of accidents reported. Now, if accidents are running about an even course in Pennsylvania and employment in Pennsylvania in the first seven months of 1925 was 10 per cent higher than it was in the first seven months of 1924, then I say we ought all to take off our hats to Pennsylvania for accident prevention. But if employment in Pennsylvania was about the same in 1925 as it was in 1924, then Pennsylvania is only holding her own on safety work.

That brings out the first point I want to make, namely, that in any attempt to answer the question as to whether or not accidents are increasing you have to take account of the exposure to accidents—that is, the employment side of the matter. I am not going into that at length. I presume Doctor Chaney will have something to say about its importance before the session is over. I will admit at once that while the proper way to do this is by some form of accident rate which will compare number of accidents or their severity with the amount of employment from time to time or from industry to industry or from plant to plant, that is a difficult thing to get; that is, the exposure side is not an easy thing for a State department of labor in any State of even moderate size to get. I say that out of experience in what happens to be the largest State of all. I know what the problem is in any State to get exposure in proper terms; that is, terms of average number of employees for a year, or better yet, of number of man-hours worked. I am saying that not because you ought not to tackle it. When I get to the moral of my preachment this morning you will see that I am for going after it, but we do want to understand what we are undertaking in attempting to answer this question fully.

But without being able to do that much, without being able to get exposure and rates in complete terms, a great deal can be done toward answering our question by correlating total accidents reported, or total fatal accidents reported, with some sort of general figures as to the up or down of employment. Even if you can not measure the situation by accident rates, if you can tell in your

State that accidents this year have increased in number, and then can tell whether employment has increased, has remained about the same, or has gone down, you are getting a good ways toward finding out whether in the long run we are reducing accidents by all this safety work by public and private agencies, by departments as represented here, by insurance carriers, by employers, and by other organizations. So I urge, as an immediate first step, that we begin to answer this question in our several jurisdictions by taking pains to have all accidents reported, particularly to secure complete reporting of fatal accidents, which is the easiest thing of all to do, and then get some kind of statistical information as to whether employment is moving up or down in the great fields of industry, and compare the two in a general way. For such employment information you should follow along lines which have been followed in a number of States and which are used by the Federal Bureau of Labor Statistics in respect to manufacturing industries. Start with that kind of general comparison as a beginning and then work up toward actual accident rates as soon as you can.

It is worth noting that one of the troubles with this question "Are accidents increasing?" is the demand that it be answered as to the situation right now. We know a great deal more about 1924 as compared with 1923 than we do about 1925 as compared with 1924, and yet it is right up-to-the-minute knowledge that is most frequently called for by all the people who are interested in the question of accident occurrence. For example, the day I left New York a prominent insurance journal called up my office and said: "We are getting very disquieting rumors from all over the country which seem to indicate that accidents are increasing. What is happening in New York?" He did not want to know something about three months or six months ago; he wanted to know about the trend at the present time. So I make one more general suggestion, which is that you get some method going in your statistical bureaus which will give you some clue to the current course of events.

I want to illustrate a little the method I have been urging by some figures for New York State as to what is happening there with regard to industrial accidents, and I shall talk about the first half of the year 1925 as compared with the first half of 1924. I will not go into details of the figures, but what happened as to accidents was that the total accidents reported increased 9 per cent in the first six months of 1925 as compared with the first six months of 1924, and fatal accidents reported increased 5 per cent. That is one side of the picture. Now, we can tell something about what has happened in respect to employment in New York State. We know very surely, by means of an index of employment in representative factories in New York State that represent 40 per cent of the million and a quarter factory wage earners in the State, that in the first six months of 1925 factory employment was 6 per cent lower than it was in the first half of 1924. We know a little about employment in the building industry, not so much as we do about factory employment because we have not developed our information as well, but we know that in the first six months of 1925 as compared with the first six months of 1924, in 23 leading cities the value of buildings for which permits were issued declined 15 per cent. We also know,

and this information happens to come from a private source but is dependable, that building work actually started in New York City in the first six months of 1925 as compared with 1924 was 33 per cent less. In other words, total accidents and total fatalities increased in 1925 as compared with 1924; while, on the other side, factory employment declined and building work apparently declined also. Those are the general facts with which we start. Now, when you get figures like that you are not immediately prepared to issue newspaper summaries. You must pause to consider possible qualifications for which allowance must be made. That is one difficulty with this kind of attempt to answer the question as compared with an answer based on actual accident rates. Nevertheless by this method, if you take account of all the possible disturbing factors, you can get something.

I noted that there was an increase of 9 per cent in all accidents reported in the first half of 1925 as compared with 1924. On January 1, 1925, the waiting period under our law was reduced from two weeks to one week. It has been assumed by some that this has made a considerable difference in the number of accidents reported. Well, it has made some difference. This is a little surprising, because the accidents which were reportable before January 1 and since January 1 have remained exactly the same. All accidents under our law have been reportable for years. Nevertheless, it is probably true that there has been some increase in accidents reported, due to the reduction of waiting period. However, if you stop to think of it a moment, the reduction in waiting period could have had no possible effect on the reporting of fatalities. Fatalities have long been very completely reported in New York, and they are reported under the compensation law so completely that about one-third of them prove to be noncompensable. As above noted, fatalities reported increased 5 per cent in 1925 over 1924. Reduction in waiting period does not explain the increase in reported accidents and fatalities.

What I am trying to do here is to stage a little laboratory exhibit of how you have to try to answer this question in the absence of accurate accident rates. Let us now go on to examine more closely what is the significance of the increase in reported fatalities, and the next point to follow out is whether all fields of industry contributed to the increase. For present purposes we will consider only the five largest, which are manufacturing, construction, transportation, trade, and "service," this last including care of buildings, hotels, etc. Together these account for 88 per cent of the fatalities reported, and the first two alone—manufacturing and construction—produce over 50 per cent.

When we come to analyze reported fatal accidents by industries, we find some contrasts. Most conspicuous is that fact that in manufacturing fatalities from January to June declined in 1925 as compared with 1924. They declined in manufacturing in company with the decline in employment. If it be added that reported fatalities decreased even more than employment it seems possible to say with some assurance that in the factories of New York State fatal accidents are not increasing in 1925.

The number of fatalities reported declined also in one other of the five largest fields of industry, namely, in the general classification of "trade." The decrease was relatively small, however, and, in contrast to manufacturing, was confined to the State outside of New York City, the latter showing in fact an increase. In manufacturing both New York City and up-State showed similar decreases. But in the other three large industry fields, reported industrial fatalities show marked increases, of from 20 to 25 per cent. These increases in 1925 as compared with 1924 were in the construction, transportation, and service groups, and in these groups are found in both the metropolitan and up-State districts. Now the question is, how about employment in these groups? With respect to transportation and service, no data are available as to the course of employment, so I can only note that for them our question, in the sense of whether fatalities are increasing relative to employment, which is the most important sense, can not now be answered. But coming to construction work, which next to manufacturing is the largest field, I indicated that we do know something about employment there. I noted that the data available indicated less employment in 1925 than in 1924. If over against lessened employment there were 20 per cent more fatalities, you will perceive that we have uncovered a situation which, from the point of view of safety, is fairly alarming. So startling is it in fact that it demands closer examination to make sure that we have the facts correctly in hand. This necessary examination illustrates one more complication in trying to answer our question by the method here used, that is, without adequate accident rates.

What I noted above was the inference as to employment suggested by the value of building permits and the value of building work started, both of which declined in the first half of 1925 as compared with 1924. The point here is, do those items really connote a decrease in employment for the period to which they relate? A moment's thought makes it clear that in large measure those items indicate prospective rather than immediate employment conditions. There is some lag between the changes in these items and the consequent changes in employment which follow. This is true especially with regard to building permits. These were unprecedentedly high in 1924. There is reason to believe that their delayed influence on employment carried over to a considerable extent into 1925, so that employment in building work probably continued at a somewhat lower level in 1925 but still at a high level. This would modify the contrast between fatalities and employment conditions in 1925, but still leaves the marked increase in building-work fatalities an outstanding and significant fact, making it necessary to give an affirmative answer to our question for that industry.

So much by way of illustrating the kind of analysis necessary and what can be done to answer the question on the basis of New York figures, about which I know something, and which I venture to think are probably as adequate for the purpose as those of any of the States. I hope this exhibit has made two things clear. First of all, we should all try to answer the question even if the method here illustrated is all we have to use. It will teach us a good deal in a general way. But, second, we should never be satisfied with this

lame method as compared with proper frequency and severity accident rates. To be perfectly blunt and outspoken, I think it is a situation far from creditable that we people here, all of us in these departments, are conducting the enterprise of conserving safety and health in industry and yet are operating without a balance sheet once in a while to tell us where we are going. We ought to know whether or not we are producing results, and the only way to know for sure is by some form of accident rates. I do not know of any other business that is run that way. Every private business enterprise of any account has a board of directors or some similar agency that demands periodically a balance sheet to show whether or not the business is producing results.

I say that the situation to-day, with accidents not declining anyway, and apparently increasing in many spots in our field, challenges our method of measuring the results on safety work. I am a statistician; of course somebody will say, "He is selling his wares." Not at all. I do not care a hang about figures or statistics unless they tell something, but the statistical method is the only method of operation analysis and accounting in this work. And so the moral of my talk is that we ought to be able to answer this question fully. We can answer it only partly, and it is a challenge to all of us to pay more attention to this part of operating efficiency, to develop an accounting method by which we can measure the results of our work and can either tell the world that we can not do this job with the money we now have—that it is worth a lot more money, and that we want more money from the legislatures—or tell the legislatures that we did this much last year—here is the proof of it—we have a long ways farther to go, and we want the resources to enable us to go the rest of the way. That is the practical, down-on-the-ground problem you all have to face. I do not know of any better way to face it than to have some kind of a result analysis which you can show your legislature, proving either your need or your success, because that is the way to apply modern business methods to this great enterprise of saving and conserving human life in industry.

## DISCUSSION

The CHAIRMAN. We have half an hour available for discussing the papers. I think it would be advisable to follow the suggestion of the secretary-treasurer to draft two or three gentlemen for three to five minutes each, and then, after they have spoken, to leave the meeting open for the rest of the 30 minutes we have for discussing these papers. We will ask General Sweetser, of Massachusetts, if he will discuss the paper for from three to five minutes.

General SWEETSER. In Massachusetts we proceed more or less in the way Pennsylvania does. I was very much interested in the last speaker's remarks as to whether or not accidents are increasing. It has been one of the things we have had difficulty in ascertaining in our own State. We have the same means that have been suggested by the last speaker, a record of employment and the number of accidents. I think that inspection work is all important—the character and knowledge of the men whom we select to do that work, a full knowledge by them of their responsibility, and con-

tinued information by each inspector of what is occurring in the district covered by the other inspectors, so that he may keep them well informed.

We hold an inspector responsible for his district, or for the block in which he happens to be or which happens to be his if in a large city. He fills out an inspection report on which has been marked certain general things for him to ascertain whether or not they are right, and on which there is also a place for general remarks, and sends that report in. He should keep a copy to use when he goes to that plant again. He is also required to keep a diary of certain things that take place. This inspector knows that if there is an accident in his district, his last report will be looked at, and if the cause of that accident existed at that time and he did not find it, he will be held to account.

All those accidents are tabulated, but we investigate only those where there is some reason for investigation.

I believe in the method of the last speaker in ascertaining whether or not accidents are increasing and that we ought to know something about it, but it is very difficult for us to ascertain that in Massachusetts because we do not always have money enough to go into the details.

The CHAIRMAN. I believe the convention would like to hear from Doctor McBride, of New Jersey.

Doctor McBRIDE. Until I heard both these excellent addresses I was congratulating myself upon our record of last year in New Jersey. During the last fiscal year we had a decrease in accident frequency of about 4,000 cases as compared with the preceding year. We had a corresponding decrease in the number of fatal accidents during the period, and I felt quite encouraged, because New Jersey has for years waged a very aggressive campaign in trying to educate those engaged in our industries along safety lines. We have carried this campaign from one end of New Jersey to the other. We have endeavored to enlist the earnest support not only of the workers engaged in the industries of our State, but of the plant managements as well; in fact, we have gotten into intimate contact with the actual owners of the various industries of our State, and have, in most instances, succeeded in selling them the "safety" idea as a sound business proposition. We have taken great pains and have gone to considerable expense and labor in our endeavor to cut down industrial and other accidents that come within our purview, and when I found that we had 4,000 fewer fatal accidents last year than in the preceding one, I felt that we had really accomplished something worth while until I listened to the very excellent addresses given us this morning. I now question whether I have the right to congratulate our department, because I have not the actual figures to prove whether the employment level was increased or decreased during that period. I am at a loss because our statistics do not prove that fact. Personally, I believe I might be safe in saying that the amount of employment or the number of man-hours worked in that particular fiscal year corresponds with the preceding one, but I can not say that definitely—at best it is merely a guess on my part. I appreciate probably as much as anybody in the country does the necessity for accurate statistics

which actually prove something and are not merely figures. We should be able to prove exactly every statement we make and to show the reason for making the statement. While I say that I felt quite good about the fact that we had that decrease in the number of accidents and that our campaign had resulted so well, I also agree with Mr. Lansburgh about the safeguarding of machinery and all that. That does not mean that we are not going to have accidents, because, after all, the human element is probably accountable for more accidents than the fact that machinery may not be properly safeguarded. We believe in New Jersey that probably 70 per cent of all accidents would not occur if it was not for carelessness or thoughtlessness either on the part of the individual injured or someone else, and that is the thing we are trying to eliminate. We are working very hard to secure a better understanding on the part of both the employer and the employee as to their respective responsibilities.

I think the papers have been excellent and I am going back to New Jersey more determined than ever to have our statistical bureau built up. At present we have a very good one, and I think it compares favorably with that of most of the States, as from what I have heard expressed here to-day I do not think any of them are perfect. I do believe a State's statistical department should be a perfect one and I propose to make ours in New Jersey as nearly perfect as possible.

The CHAIRMAN. Of course, we must not be too much discouraged if Mr. Hatch upsets our dope, because that is his business, and I want to tell you that if at any time he can not upset it on a statistical basis we are on a pretty sound footing. He makes us resolve to clear up the conditions in our State because he not only places the matter before us in such shape that we can not help but know we are wrong, that we are not doing just the thing we would like to do, and that we have not accomplished the purposes with which we set out, but also gives us a clear, comprehensive understanding of what we ought to do and what it is necessary to do in order to prove that we have accomplished something.

I am wondering if Mr. McColl, of Minnesota, would speak to us a few minutes along the lines of safety and accident prevention.

Mr. McCOLL. Our experience in accident prevention work in Minnesota is similar to that of all of you; we are not able to handle it with the same thoroughness that Mr. Lansburgh indicated exists in Pennsylvania, though we are following much the same lines.

We are handicapped somewhat in the number of inspectors which our appropriation permits us to employ. That I believe is a general handicap in most of the States. The legislature does not seem to recognize the importance of the work it intrusts to the bodies we represent, and many times cuts the appropriation, thereby destroying much of their effectiveness.

In Minnesota our factory inspectors' time is also occupied in other work. A fair percentage of their time is spent in the field work, but in Minnesota every employer of labor is under the compensation law. He must comply with one of its three provisions, either elect not to be bound by the act, become a self-insurer, or take out compensation insurance. The factory inspectors in our force have to call on every employer to find out whether he is complying with the law. That

takes a considerable portion of their time in all of the districts they go into.

We have but 15 inspectors to cover the entire State. Our work, we believe, has shown improvement in the past few years but it is far from being perfect, and I presume we never will attain perfection, but as stated we are making improvement constantly.

One matter in which we are rather deficient in our State is the establishment in various industrial plants of safety organizations. It is a slow process, and with the exception of the steel industry in the northern part of the State, the matter of safety organization is not very complete as yet in Minnesota. We have made a small start with it and are getting some response to our efforts. It is largely a matter of education and the employer, the superintendent, the foreman, and the individual worker must be interested and made to see the importance of thinking and doing his work in terms of safety.

As regards the paper of Mr. Hatch, it is rather discouraging to learn that accidents are constantly increasing. To me it seems that with the time and thought, the effort and money, that have been put into accident-prevention work it is discouraging to have this information given to us by the department. About a year and a half ago we received statements from the Department of Labor in Washington that with all the money, the time, and effort spent in accident-prevention work, records confirmed the statement that accidents were increasing in industry, and particular stress was laid on the fact that changes and improvements would have to be made in the manner in which statistics were gathered and transmitted, and that there should be greater uniformity in the gathering of statistics and tabulation of information.

In Minnesota we were somewhat lax in our statistical department, but since attending that conference in Washington we have put a statistician and a force at work in that division. The force is rather small, but we are making splendid progress, I believe, in statistical work along the lines indicated, following quite closely the methods that the Department of Labor desires to have us follow.

Doctor Chaney was in our State a short time ago and made a slight investigation of our method and seemed to think that from the start we were making in our statistical work we were headed in the right direction. I think myself that some course, some method, if possible, of stressing the importance of reducing the number of accidents in industry is needed to make an impression on those who are engaged in the handling of industrial work. I presume that live and accurate statistics which can be called directly to the attention of the people interested would be better than any other method.

The CHAIRMAN. Connecticut?

Mr. THORNHILL. After listening to the two papers which have been given on the question, "Are accidents increasing?" I think there is not very much to be said. In Connecticut we follow very much the plan that was suggested by the first speaker. We go to the manufacturer, and in going over his plant, if we find some changes we want made, we go into his office and sit down and show him that it is for his interest to have those changes made.

We feel that, with our laws regarding inspection, which we are trying to enforce, this has brought about fewer accidents than we had some years ago. I have no statistics with me; we have statistics which the compensation commissioner keeps, and the manufacturers in our State report all accidents.

The CHAIRMAN. The meeting will be thrown open for general discussion.

Mr. BYNUM. The figures of the gentleman from New York were very interesting. It seems that we have been devoting ourselves in our inspections to factories, but the increase in accidents, as I understood you, sir, was from construction work. Am I right on that?

Mr. HATCH. To a considerable extent.

Mr. BYNUM. I want you to tell me, or maybe the gentleman from Pennsylvania can, what efforts have been made and how they are made with reference to cutting down accidents in construction work.

Mr. LANSBURGH. In Pennsylvania we have no State building code. Building codes provide for methods of erection of buildings, as well as materials, according to records and specifications. We do, however, have regulations of the department governing the construction industry in the same way that we have regulations governing the textile industry or any manufacturing industry.

For want of a better term, it is usually termed our "scaffold code," although it has a large number of other items in it besides those relating to scaffolds and laterals and similar matter. The scaffold code has been in effect about five years. If you were to take a trip through the State at the present time you would find that in most cases of building construction it was honored by not being observed. The department at the present time is engaged in the process of educating the contractors of the State, trying to get them to observe this scaffold code. We are doing that through two means—first, through our inspections of buildings being erected, and second, through the insurance companies, who are also vitally interested in this matter. We have just supplied all of the insurance companies operating in Pennsylvania with a very large number of copies of this scaffold code. At the present time we are engaged in educating the union workers in the industry by special attention at their various meetings, and of course our inspectors handle the construction jobs in the same way they handle manufacturing plants.

It is a very difficult industry to inspect because the job is here to-day and gone to-morrow, and there are very large numbers of free-lance persons in the industry. For instance, a plasterer, who may ordinarily do inside work or something of that kind, may get a job in stuccoing the outside of a building, which he may decide is a good field to enter. He has never been on outside work before, but he throws a scaffold together which can be termed a scaffold only because he stands on it, and proceeds to do the job. In other words, your inspection force, according to our experience, must get knowledge of new construction jobs promptly and endeavor to do a large amount of preventive work. You can not take time on the inspection work. It is an industry in which your code, because

of the nature of the business, will quickly fall into disuse unless you are constantly at it. That is our experience.

Mr. BYNUM. Have you no way of getting the unorganized workmen?

Mr. LANSBURGH. We have found no way of getting the unorganized workman.

Mr. CONNALLY. May I ask what your experience has been with reference to prosecutions for removing safety devices by workmen?

Mr. LANSBURGH. Our experience has been brief, but so far it has been this: In the first place, our law gives us the power to prosecute either employer or employee. In the second place, in order to have a successful prosecution there must be a clear-cut case. For instance, you can not have a successful prosecution where, in a wood-working establishment, which had a guard on a circular saw, a worker, who had been cutting 3-inch boards, failed to adjust that guard to a board 1 inch thick, and was hurt because he did not adjust the guard to the new thickness of board. You say that there might be an automatic guard and I agree with you, but we have not yet gotten that in Pennsylvania.

However, if you find a case where a worker has willfully removed a guard from the saw, and if particularly you can find a witness who can say that this worker has expressed his opinion about the guard being in the way, and that he would not use the thing, and so forth, then you can probably get results from the alderman or the justice of the peace or whoever it is you are bringing the case before. Most of our cases are brought before them rather than the courts, because we can get quicker action.

You can not get conviction on border-line cases. We are attempting at this time to get about 20 convictions in the State and get the publicity, and I think that will be all that is necessary to call the attention of the employees to the fact that they also are responsible for safety devices.

There is just one thing more, and that is that employers in certain sections ask us to prosecute in instances where their employees have removed guards. They offer to pay the costs, saying that they want the example of the prosecution in their plants, and I think that if we can get a few more to work with us in that way that will take care of it.

Mr. BONCER. I believe Mr. Lansburgh in his paper said that about 30 per cent of the accidents in Pennsylvania were in the coal mines. I want to ask him what his observations or their figures show as to those accidents in relation to the decline in employment.

Mr. LANSBURGH. I can give a few figures which may be interesting. As Mr. Hatch said, they do not tell the whole story. They are only suggestive.

As we all know, because of the production in the State of West Virginia and to a certain extent in Virginia, Pennsylvania's coal production has decreased some in the last year, due to the fact that there are more nonunion mines in those communities than there are in Pennsylvania; therefore it is not surprising to find that in the first seven months of this year, up to August 1, the fatalities in the bituminous coal-mining industry in Pennsylvania decreased

from 240 to 199, and nonfatal accidents in the same industry were reduced approximately 900. However, in the anthracite industry, which has not been affected as yet by this condition, but may be shortly, there has been an increase in the fatalities, a very marked increase. In the first seven months of 1924 there were 310 fatalities, as against 355 in the first seven months of 1925, or an increase of 45. For our whole coal industry we have a net increase of 4 fatalities. We have, however, a decrease in the number of non-fatal accidents in the anthracite industry. There is no question that the anthracite industry is working on as large or larger production this year than it was last year, so our decrease of non-fatal accidents is progress; whether our increase in fatal accidents represents a real increase, as Mr. Hatch pointed out, we are not in a position to say.

However, I would like to make one point in that connection. We do not find, particularly in mining, that a shutdown necessarily means fewer accidents, because when a mine is shut down, unless the operators have taken out the pumps and everything else and decided to stop mining forever, ordinarily there are maintenance men around the mine; there are fewer people in the mine; bad conditions come to notice less frequently; there are fewer people to give protection to those who are working. For instance, we may have a case such as happened with the Lehigh Coal & Navigation Co. this year, where the miners went into a seam where they had not been working lately and five people were drowned because they picked through a narrow ledge holding back a large amount of water. In my opinion, the fact that a mine is not working does not necessarily mean that there will be a decrease in the number of accidents.

The CHAIRMAN. If there is nothing further along this line, we will take up the next part of our program this morning. The next number is "The use of rock dust to prevent mine accidents," by Daniel Harrington, consulting mining engineer, Utah.

### THE USE OF ROCK DUST TO PREVENT MINE ACCIDENTS

BY D. HARRINGTON, CONSULTING MINING ENGINEER, UTAH

A very curious situation has arisen during the past few years in connection with the campaign for health and safety in mines. A concerted drive has been made to introduce rock dust into coal mines to prevent or to limit explosions, while an equally determined effort has been made to eliminate rock dust from metal mines, to prevent or limit miners' consumption and kindred diseases. Rock dusts in the air of metal mines have, in my opinion, caused even more deaths and misery among our approximately 200,000 metal miners and their families than have been caused by explosions to our approximately 700,000 coal miners and their families. After nearly 10 years' intensive study of health and safety in both coal and metal mines for the Federal Bureau of Mines, extending from November 1, 1914, to July 1, 1924, and embracing actual underground investigations, sampling of dust and air, making physical examination of miners, etc., in several hundred coal and metal mines in 25 or more States of

the Union, I am firmly convinced that rock dust should be introduced into coal mines, with suitable precautions, and on the other hand rock dust should be excluded or removed from metal mines or metal mine air in so far as is feasible.

The working places, particularly the working faces, of metal mines are usually poorly ventilated, and the air is more or less stagnant, frequently has chemical impurities, such as excessive  $\text{CO}_2$ , or  $\text{CO}$ , or  $\text{SO}_2$ , or  $\text{H}_2\text{S}$ ; and the metal-mining processes such as drilling, blasting, shoveling, etc., tend towards breaking a considerable proportion of the rock into minute sizes and throwing them into the stagnant air, where, on account of their extreme fineness, these minute particles of rock (rock dust) remain suspended for long periods of time, sometimes for hours, and are breathed by workers. It has been determined that under some conditions many millions of these fine dust particles enter the miner's lungs every working shift, and while some are expelled, many remain and gradually fill the lungs and bronchial passages, ultimately incapacitating them, somewhat as a sponge would finally be rendered useless if gradually filled with cement or fine sand.

After several years' actual study of this question, I am decidedly of the belief that any insoluble dust, or dust soluble with difficulty, if in very finely divided form and in suspension in air breathed by miners over long periods of time, will ultimately be harmful; and among these possibly harmful dusts are those from silica, alumina, limestone, iron ore (hematite or limonite), and even coal dust. The work done on dust in mines revealed the fact that annually hundreds of miners, including both coal and metal mine workers, die or are incapacitated by breathing dust, which results in miners' consumption, bronchitis, asthma, etc. The metal-mine workers most likely to be afflicted are those who work on rock drills, especially those which drill dry and more especially on dry drilling of upper holes; other metal-mine workers likely to be afflicted are muckers, timbermen, contractors in dry drifts and raises, chute pullers, etc. Those most likely to be harmfully affected in coal mines are machine runners who operate mining machines, cutting dry coal; however, face workers in dry dusty coal have been found to have much dust involvement of the lungs, and this seems especially bad when this work is such that considerable fine rock dust also comes into the air from roof or floor material, especially when there is necessary considerable drilling of overhead holes into shale or slate or sandstone.

The remedy for health harm from dust in mines is chiefly twofold: Use of water to "kill" the dust and use of ventilating current of fresh air to remove or dilute air dustiness where not feasible to "kill" the dust by water. In metal mines no drilling of any kind should be allowed without simultaneous use of water, and the water should be under pressure and forced through the drill steel so as to "kill" the dust as it is being formed at the face of the drill hole; most mines resist this because of expense of wet drilling equipment and of placing and maintaining water lines and water at all working faces; miners resist because they hate to do anything they have not been accustomed to doing, because the use of water entails new responsibilities, and because the water tends to wet the clothing.

Many other reasons are given by owners as well as by miners why wet drilling can not be done, but in at least 9 cases out of 10, wet drilling can and should be done. In coal mines, the mining machines should be equipped with water spray and to be really effective the water should be piped to the face and be under pressure; here again the operator says it is impracticable, expensive, etc., but the answer to this is, that water lines are being kept at working faces in extensive coal mines in Utah, Colorado, New Mexico, Alabama, and other States, and are being kept at a large number of faces in many metal mines also. In addition to using water on the drilling machines in metal mines, and on the mining machines in coal mines, the water, if piped to the faces, can and should be used by the worker to wet down the broken rock or coal, together with surrounding walls, timber, floor, etc., where dust would otherwise accumulate. This is being done practically universally in Utah's coal mines and in some mines in Colorado, New Mexico, Alabama, Montana, and possibly some other States. It is largely due to the much better ventilation of coal mines than of metal mines that coal miners are less afflicted by dust disease than are metal miners, and it is also due to some extent to the better ventilation of coal mines that it is feasible to introduce rock dust into coal mines to prevent or limit explosions and fires, and yet not unduly endanger health of workers.

However, while I am a strong advocate of rock dusting of coal mines, it appears to me that unless water is used to a considerable extent to supplement the rock dusting, the added health hazard from rock dust plus coal dust, especially at working faces, may in some instances at least more than counterbalance the undoubted benefit of the rock dust in preventing or limiting explosions and fires.

There is a widespread impression among nonmining people as well as some mining men that when rock dusting of coal mines has become general, practically all dangers will have been removed from coal mines. This is a very serious fallacy, although there is no doubt that with effective rock dusting in force in coal mines, there will have been taken a vast forward stride toward elimination of the appalling losses of life and property that occur from coal-mine explosions and fires. However, as to elimination of the numerous individual accidents which cause death or injury to thousands of coal miners annually from falls of coal or of rock, from electricity, from haulage, as well as from many other causes, rock dusting of coal mines will help very little, except in so far as the better illumination of rock dusted regions will aid in avoidance of these individual accidents. Hence, rock dusting is by no means a "cure-all" for coal-mine accidents, nor will rock dusting eliminate entirely the explosion or fire hazard, unless it is renewed frequently and is supplemented by other up-to-date precautionary measures and methods.

Rock dusting of coal mines is still in the experimental stage, especially in the United States, and as yet has not been given any real try out, though the experimental tests made by the United States Bureau of Mines at Bruceton, Pa., indicate that where rock dusting is done effectively, explosions which have been started can be stopped, and also that much can be done toward preventing explosions from getting a start.

The theory of rock dusting of coal mines is that if finely divided noncombustible dust be spread throughout coal mines in sufficient amount to transform the combined rock-dust and coal-dust mixture in coal-mine air and on coal-mine surfaces into an incombustible mixture, there will be removed any danger of ignition of dust by flame or of feeding of combustible dust to flame or to an explosion which may be started from explosive gas. The rock-dust particles, in addition to being nonignitable or noncombustible, are supposed also to cool any flames which might get started. It is generally believed that to be effective the rock dust should be finer than 50 mesh and that at least half of it will go through 200 mesh; that it will not have very great specific gravity, hence can be readily thrown into the air and will remain in suspension and be carried by air currents readily; that it will have minimum combustible content, the maximum combustible being 10 per cent, though usually fixed at 5 per cent; that it will have minimum tendency to absorb moisture from humid air or from damp surfaces; that the dust will not be inherently or actively harmful to health or to the mine; and that when placed on coal-mine surfaces the dust will be light in color and thus aid illumination. Generally, it is stipulated that rock dust for coal-mine purposes shall have some minimum content of silica, such minimum being usually around 25 per cent. However, I am fully convinced that restriction of silica content is needless, as there will not, under normal coal-mine conditions, be sufficient rock dust in coal-mine air to be breathed by workers so that any danger to health need be feared, especially if water is used at the faces and at other critical points, and if ventilation is at all adequate. In fact, dust with high silica content satisfies practically every qualification above mentioned as desirable, and in some respects silica dust is more effective than is limestone, which is so much recommended and used.

In the United States, rock dusting of coal mines is decidedly new, and while some general tentative standards for rock dusting have been adopted by the American Institute of Mining and Metallurgical Engineers, actual practice varies, and each company, in fact each mine which rock dusts, now has its own practice, the main intent being to introduce sufficient noncombustible dust into the most dangerous places in mines or at critical points to prevent or at least to limit explosions. The percentage of rock dust necessary is held at 50 per cent minimum, but in my opinion should be at least 75 to 80 per cent. Eastern general practice seems to be to purchase crushed limestone, most of which will pass through 100 mesh, and to blow the dust into the air currents of mines and to a certain extent blow the dust against walls, roof, and floor of workings, using low-pressure electrically-driven fans or blowers mounted on trucks and transported along mine tracks by electricity. Some eastern or central State coal mines crush their own rock, but in general it has been held impracticable to crush rock at the mines or by the mining companies. However, one Colorado company has a machine which crushes shale and the same machine distributes the dust into the mine air. In Utah and to some extent in Colorado and New Mexico, compressed air is used to force pulverized rock dust (limestone,

gypsum, and leucite) at high velocity against mine surfaces, plastering the pulverized dust in layers up to one-quarter or even one-half inch thickness, instead of the thin film found where dust is distributed chiefly by ordinary air current. The general, though not universal, western practice demands use of water at working faces to "kill" dust as it is being formed, then rock dusting the open parts of the mines away from the faces. Eastern practice relies very little on the use of water, and the intent is to carry rock dusting up to the faces. I think this rock dusting to the face poor policy, as this introduces additional dust at the faces, where, according to General Manager Neale of the Pittsburg Coal Co., 95 per cent of the dust in coal mines is formed. In my opinion, this adding of rock dust to the already coal-dust-impregnated air at working faces will bring about a very serious health problem. Moreover where cutting of coal is done dry, much very fine coal dust is thrown into the air, settling later on surrounding surfaces, and blasting and shoveling also throw much fine dust into the air, later to settle on walls, timbers, roof and floor; and if 1 or 2 per cent of methane (explosive gas) is present, there must be 80 per cent or more of rock dust (almost impossible to maintain) to prevent ignition of the coal dust of some of our coal mines. Rock dusting at and near the face is not nearly as effective as use of water in preventing ignition of dust or in preventing propagation of flame from methane ignition at or near the face; and rock dusting at faces, in addition to being inefficient, will as heretofore stated probably add to a health problem (from dust in air) which is already much more serious than is generally believed.

In many western mines, surface soil called "adobe" is spread along floor of main intake haulage ways, acting as good track ballast and at the same time giving much inert dust which is thrown into the air by passing men, animals, and coal trains, and upon settling out of the air on surrounding surfaces tends toward keeping the dust on these surfaces of a noncombustible nature. There are at least 100 miles of haulage way in western coal mines treated with "adobe." Some mines mix surface soil with the water and have machines which throw a comparatively thin mud against underground surfaces, with the idea that the mud will "kill" any coal dust with which it comes in contact and when dry will act as does the dry rock dust in prevention of coal-dust ignition or of coal-dust propagation of explosions. While there is some question as to the efficacy of the "muddite" method in acting as dry rock dusting upon becoming dried, there is no question that muddite "kills" the coal dust on surfaces when the mud hits them, and the mud crust or layer also tends toward preventing crumbling or disintegration of coal surfaces into small pieces and into dust.

Another rock-dusting practice is to place concentrations of rock dust on shelves or troughs or boxes, called rock-dust barriers, these concentrations of rock dust sometimes amounting to a ton or more and being so arranged that a wave of force in air, such as precedes an explosion, would dump the large amount of fine, dry dust into the air and smother the flame of an oncoming explosion. Barriers are somewhat costly; it is difficult to make them of the correct sensitiveness to insure operation when needed, and the dust in them

tends to consolidate by settling or by moisture absorption, and they are being used only to a limited extent and then essentially as a reserve precaution.

The total cost of rock dusting runs from less than 1 cent to as much as 4 or 5 cents per lineal foot of underground entry or tunnel. The dust itself where purchased costs from as low as \$3.50 or \$4.50 per ton to as high as \$10 per ton at the mine. Total cost of placing the dust in the mine, including cost of the dust itself, runs from around one-half cent to as high as 2 cents per ton of coal produced. Amount of rock dust introduced into mines varies up to as high as 700 tons to an annual coal production of around 200,000 tons. As heretofore indicated, rock dusting is largely experimental, and it is confidently expected that when fully systematized, cost of rock dusting per ton of coal produced will be held much under 1 cent, yet fairly effective protection be afforded.

### CONCLUSION

Rock dust should be removed from or its formation be prevented in metal mines, and under certain restrictions it should be used in coal mines.

In coal mines rock dust, if used efficiently, will aid in prevention or at least in limiting of fires or explosions, but it will aid very little in prevention of the large number of individual accidents which occur in our coal mines.

If rock dusting is introduced to any considerable extent at or around dry dusty working faces in coal mines, it is likely to precipitate a health hazard from dusty air which will cause greater loss of life and vitality than do explosions and fires. Use of water at and around working faces and rock dusting other open dry portions of coal mines are the ultimate solution of the combined health-safety problem in coal mines as regards prevention of widespread explosions and fires.

Rock dusting is by no means a panacea for coal-mine ills, and even as to explosions and fires rock dusting will fail to eliminate them unless it is renewed often enough to keep incombustible content of dust to 60 per cent or over, and unless it is assisted by other good up-to-date methods and practices, such as exclusion of open lights from all mines; keeping adequate ventilating currents at and past all working faces and in fact in all open parts of mines; restrictive use of electrical equipment in gaseous and dusty places. Where electric equipment is used it should be of latest up-to-date permissible variety and always kept in safe condition and underground wiring should be even more carefully done than surface wiring. Miners must be educated to use safe methods and practices, and to respect and preserve safety equipment and installations. Mine managers, superintendents, foremen, and fire bosses must get away from the only too prevalent idea that methods, practices, and equipment of 40, 30, 20, or even 10 years ago are applicable to-day. Politics, unionistic restrictions based upon prejudices, and favoritism of various kinds must be eliminated from our State inspection forces and other State officials governing the coal-mining industry. In fact, while there are hundreds of things to be done in addition

to rock dusting in our coal mines in order to make them safe, yet effective rock dusting is one of the best of the recent proposed aids to safety in coal mining.

### DISCUSSION

The CHAIRMAN. The paper just given by Mr. Harrington is now open for discussion. I am sure that he will be glad to answer any questions.

Mr. HATCH. I would like to ask one question. It is a bit extraneous perhaps, but I would like to ask whether these diseases resulting from rock dust in metal mines are easily recognizable. Are they generally understood, generally known diseases, and clearly traceable to the dust in the mines, or are they hard to get at?

Mr. HARRINGTON. That is a little bit difficult to answer. During the last six years of my employment at the Federal Bureau of Mines I spent most of my time on a study of that question. We found that in certain localities—for instance, Butte, Mont., and Joplin, Mo.—miner's consumption is a real scourge, while in general it is not recognized as being particularly bad in coal mines. We had an opportunity of going into some coal mines in Alabama and in New Mexico, making a study of conditions there as to dust—dust in the air—and then making physical examinations of the miners. Old-time miners were chosen for the physical examination, men who had worked 15 to 20 years, and, as far as it could be done, men who had worked in those specific mines. Of the men chosen, about one-fourth of all the men in the mines, we found from 30 to 50 per cent afflicted with miner's consumption. They were not afflicted to the same extent as they would be in metal mines, and sometimes it required an X ray to discover the disease, but it was there, absolutely. Here in the West it seems to be a little more intense in connection with mining industries.

There is a record of men working in coal mines on underground cutting machines which throw into the air an enormous amount of very fine coal dust, and in some instances these men have been incapacitated in less than a year's work on those machines.

The CHAIRMAN. Will you explain what the practice in Utah is with reference to meeting that condition?

Mr. HARRINGTON. The new regulations which this gentleman spoke of a moment ago provide that a water spray shall be used simultaneously with underground cutting machines. The water spray should be used with the working of the machine. That applies also to underground loading devices. The water must be used in such a way as practically to eliminate the dust, and it does eliminate the dust.

Mr. BONCER. Being a mine inspector I am very much interested in the subject which the speaker was covering. I do not know much about rock dust particularly, except what I have read, because in the State of Virginia we have no coal operators who have found it necessary I suppose to adopt that plan. Whether it is as good as recommended by some experts I am not prepared to say. I do be-

lieve, however, that the use of rock dust has its value, both from the point of preventing explosions and as an aid in illumination of mines. That is my conclusion from what I have read. I believe I agree with Mr. Harrington, if I understood him correctly, that at present a more important thing is the reduction of dust in the production of coal. Speaking particularly of coal mining, I think that the sprinkler system or water in the drilling and cutting machines is one of the very important things that should be put into effect. The sprinkling of the coal before it is loaded will also, I think, be another great advantage in keeping down dust, because, as anyone who understands the production of coal knows, the loading of dry coal by machines and its transportation on swiftly moving trips from the face to the outside create air currents, and such air currents are bound to be a great factor in the distribution of the coal dust from that trip of cars. For that reason the keeping down of the dust at its source is one of the greatest things that can happen. The question of accidents in the mines has been brought forcibly to my mind on more than one occasion, particularly when men have been seriously injured or killed, when I see the operator immediately get out a blue print describing the fall of rock which had injured the person, and telling how it happened. From some observations I have had, it struck me as very peculiar to have such a thing as that done, and also the placing of "safety-first" signs throughout the mine as well as on the outside, while at the same time permitting the condition to exist which caused the accident that killed or seriously injured the man. Of course, the poor fellow is blamed because he is killed, and they say it was carelessness, and it may have been carelessness. It may also have been a condition which had existed, and which could have been prevented by those who put up the safety-first signs, and those who made the blue print. On the other hand, it may have been the result of a very dull working period in the mines, where the man who was killed or seriously injured was making a special effort to make enough during that day so that he could get scrip to get his supper, or supper and meals for the next day for himself and family. Or it may have been that he had ordered timbers to protect his life, and they had not been supplied to him, and, in an effort not to lose another car, or get the necessities for his family, he has made a special effort and taken a chance to get out a car of coal.

In connection with accidents in the mines, those are some of the serious things that we have to take into consideration. In my opinion, in the present industrial depression in the coal mines, the conditions are such that men are straining themselves to keep body and soul together, so far as providing for their families the actual necessities, let alone any luxuries, is concerned; and it does make them do some things probably that they would not do if they were able to maintain appropriate standards of living and provide those necessities.

I mention these few things because I think all of us ought to keep in mind the big thing back of it all, and that is the thought the miner has of providing at least ordinary comforts, and in many

instances the bare necessities, and the chances he feels he must necessarily take to do that. That does not mean that in taking those chances he will then provide the things needful to give his children a schooling or to give them other things they ordinarily should have, as acknowledged by all of us, but just that they get something to eat from time to time.

I know of instances to-day where men, when they come out of the mines at night, have to apply for scrip; and, if their day's work has not been turned in, they are unable to get the scrip until it is. When they get the amount that they have earned that day, they get their supper that night and also the meals the next day. Where that condition exists and continues, whether it is in one State or another, there is going to be a continuous number of accidents in the mines, if not an increase, particularly during dull periods in coal mines.

The CHAIRMAN. I agree heartily with the gentleman who has just spoken. Industrial conditions in the bituminous coal fields in the West, and I can speak of those, are certainly such as tend to accidents. A man who works 140 days a year and must project the earnings of that 140-day employment period to 365 days' sustenance for himself and his family certainly is thinking of something besides his own safety when he has an opportunity to get out a car, load a car of coal, or to cut coal.

We also have other conditions in coal mining. That is, there is another condition among the coal miners that is different from other employments. They go many miles from civilization—20, 30, or 40 miles, in some instances. There are no other habitations. There is not a possibility of their earning a dime from any other source. They are fixtures in that field, and if the field works only 140 days a year they must earn enough in that time to support themselves and their families and to give them what comforts can be furnished in those out-of-the-way places and the schooling and the recreation and amusement to cover the entire year.

Certainly the coal miners, under present economic conditions, are at a disadvantage. We have between six and seven hundred thousand bituminous coal miners in the United States who, I understand, are situated similarly to those in the State of Utah. Yesterday when we were discussing the question of meeting seasonal labor problems in harvesting, the thought arose in my mind that our problem is not one of labor shortage but of a distribution of labor. I believe that that is the crux of the situation, that the question is not so much one of amending our immigration laws to permit cheap foreign labor to come in, as it is one of being economical of the labor we have here within the United States.

If the labor in the United States were utilized properly I believe that we could change the standard of living of thousands of laboring men in the United States. Through being able to give full-time employment to these men we would make better citizens out of their children by giving them the opportunities they ought to have in this country and the opportunities which we possess.

It is not in a spirit of criticism that I am making these remarks, but I do feel that it is a very serious problem which confronts our

coal miners, and also a serious situation which confronts the operators. We will not store coal, we can not do that, and the operator has to have a sufficient organization and force to meet the demands of the buying public, so there is no intention to criticize the operator. If somewhere there is a Moses who will rise up and lead us in the coal-mine situation and solve the coal-mine problem, he will be a real benefactor to the people of the United States, because it is a serious problem.

One other question, and one on which Mr. Harrington did not touch—I hold in my hand the supplement to the coal-mine safety orders adopted by the Industrial Commission of Utah and which were the outcome largely of the terrible explosion that occurred at mine No. 2 of the Utah Fuel Co., near Castle Gate, on March 8, 1924, where 171 lives were snuffed out and one of the rescue men later lost his life.

While these make our safety standards very complete, we do not feel that we have solved the problem of industrial accidents in our coal fields. The things which Mr. Harrington has mentioned are very important. We know that after all has been said and done—hundreds of thousands of dollars have been spent in rock dusting, in rewiring, in bringing water lines to the face, and in eliminating the open-flame lamp—the greatest safety factor in any mine is a careful man, so we are not going to get away entirely from accidents.

Our conditions in Utah differ from the conditions in Virginia. Our coal here in Utah is very friable; it is highly inflammable; our altitude is high; the atmosphere is dry and the intake currents of air are constantly robbing the mines of their moisture. That gives us an entirely different problem than the condition in Pennsylvania and Virginia. So we do not feel that we have laid down anything that can be adopted in the United States; we have simply met our own condition.

Mr. STEWART. I want to ask one more question. Does this rock dusting make the bug dust useless?

Mr. TAYLOR. I will try to answer Mr. Stewart's question. The bug dust, as regards our miners, does not cut any figure. It is not bug dust we are trying to eliminate; it is the dust that is generated by cutting. Bug dust is a kind of slag and the miners could always load bug dust just the same. The rock dust is to eliminate and cut out the dangers created by the fine particles of coal dust which are suspended in the air at all times from the working faces and the moving trips.

Mr. STEWART. In other words, the dangerous dust is a finer dust than the bug dust?

Mr. TAYLOR. Yes.

The CHAIRMAN. About three years ago the Industrial Commission of Utah, feeling that many hundreds of our metal miners were being seriously affected through the use of dry machines, started a campaign to eliminate them. I am going to ask Mr. Hodges to tell you what success he has had in making Utah wet, so far as metal mining is concerned, in drilling.

Mr. HODGES. Three years ago the metal mines of Utah were about 50 per cent dry drilling. We have made quite a campaign on that line, and to-day the mines of Utah are practically 100 per cent wet drilling. We feel that we have eliminated the hazards—miner's consumption, as well as lead poisoning—in our mines very largely by this means, so to-day we feel that Utah stands about first in the matter of wet drilling in the metal mines. Our mines are also all well guarded and sanitary conditions have been largely attended to.

[John Crawford, coal-mine inspector of Utah, gave a short talk on how sprinklers were instituted in the Utah mines and explained their effectiveness.]

**Meeting adjourned.**

**FRIDAY, AUGUST 14—AFTERNOON SESSION**

**AGNES PETERSON, ASSISTANT DIRECTOR UNITED STATES WOMEN'S BUREAU,  
PRESIDING**

**WOMEN AND CHILDREN IN INDUSTRY**

[A telegram from H. C. Hudson, second vice president of the association, regretting his inability to be present and sending his best wishes for the convention, was read and it was voted that proper recognition of the telegram and the best wishes of the convention be conveyed to Mr. Hudson. The chairman of the credentials committee reported the number of delegates registered.]

The **CHAIRMAN**. The program this afternoon is divided into three sections, discussion of the present status of minimum-wage legislation, migratory children in agriculture, and a short discussion on the problems pertaining to home work.

The present status of minimum-wage legislation is, I believe, of much interest to those attending this conference—it is I know of special interest to those of you who come from States having such a law.

We had hoped to have Mrs. Edson of California with us. We are sorry indeed that she could not come for Mrs. Edson has been actively engaged in the administration of the California minimum wage law since it was enacted in 1913. Her long experience in this work has placed her foremost among those who are qualified to speak authoritatively on the subject. We have, however, with us another expert on minimum-wage legislation. We have therefore asked her to read the paper which Mrs. Edson has prepared on "The present status of minimum-wage legislation in this country, with particular reference to the California experience." I take great pleasure in calling on the assistant commissioner of labor of the Commonwealth of Massachusetts, Miss Johnson.

**PRESENT STATUS OF MINIMUM-WAGE LEGISLATION IN THIS  
COUNTRY, WITH PARTICULAR REFERENCE TO THE CALIFORNIA  
EXPERIENCE**

**BY KATHERINE PHILIPS EDSON, EXECUTIVE COMMISSIONER CALIFORNIA INDUSTRIAL  
WELFARE COMMISSION**

[Read by Ethel M. Johnson]

This period of our national history, when even the legislatures of many of our States have refused to ratify the child-labor amendment for the prevention of the exploitation of the youth of this country, makes it seem rather hopeless that one could expect courts and legislatures to do anything for the protection of the motherhood of America.

The past 10 years have seen a slow but steady gain in labor legislation of all kinds throughout the United States. This has been particularly true of labor legislation for women. Various laws for the curtailment of the working day and for bringing better standards in places of employment have been passed by the different States of the Union.

Since women gained the vote, the movement for the passage of minimum-wage legislation has been strongly urged by all the organized women's groups of this country. This effort has had its result and at one time 14 States of the Union and the District of Columbia had some kind of minimum-wage legislation—some good, some not so good, and some very poor. However, the movement was hopeful, and it was not until April, 1923, when Justice Sutherland, of the United States Supreme Court, handed down the minimum-wage decision in the case of the District of Columbia that this type of legislation was dealt almost a death blow.

It was a great shock to the proponents of this legislation throughout the United States, for since the Brewer decision in *Muller v. Oregon* in Oregon and the sustaining of the minimum wage law of Oregon by the United States Supreme Court in *Stettler v. O'Hara* in 1917 there seemed to be no valid reason for expecting that there was any adverse constitutional question involved in the passage and administration of such legislation.

Justice Sutherland's decision brought down this whole body of legislation like a house of cards. The employers, first in one State and then in another, challenged the right of the States to pass similar legislation. The Federal courts declared the Arizona law unconstitutional. Miss Mary Anderson, Director of the Women's Bureau of the United States Department of Labor, has summarized the present legal status of all State minimum wage laws as follows:

*Arizona.*—*Sardell v. Arizona*: Law declared unconstitutional by Federal district court (ninth circuit), 1923. Appeal to United States Supreme Court, to be heard October term, 1925. Attorney general wires law is being enforced while appeal is pending.

*Arkansas.*—*West Nelson Mfg. Co. v. Industrial Welfare Commission*: Injunction granted this one firm and law held unconstitutional by Federal district court (eighth circuit), 1924. No appeal taken.

*California.*—*Gainer v. Industrial Welfare Commission*: Law declared constitutional by superior court of California, 1924. Appeal to Supreme Court of California. Case dropped by plaintiff before decision was rendered.

*Colorado.*—No court case.

*District of Columbia.*—*Adkins v. Children's Hospital*: Law declared unconstitutional by United States Supreme Court, 1923.

*Kansas.*—*Topeka Laundry Co. v. Court of Industrial Relations*: Law declared constitutional by the Kansas district court, 1920. Appeal to Supreme Court of Kansas (not taken until after *Adkins* decision). Law declared unconstitutional July, 1923.

*Massachusetts.*—*Creamer v. Holcombe*: Law declared constitutional by Supreme Court of Massachusetts, 1918; *Boston Transcript v. Commonwealth*: Section of law requiring newspapers to publish firms who do not pay the minimum wage held unconstitutional by Supreme Court of Massachusetts, 1924.

*Minnesota.*—*Williams v. Evans*: Law declared constitutional by Supreme Court of Minnesota, 1917; attorney general's opinion, June, 1925, held law unconstitutional.

*North Dakota.*—No case.

*Oregon.*—*Stettler v. O'Hara*: United States Supreme Court rendered 4-4 decision 1917, so that decision of Supreme Court of Oregon declaring law constitutional held.

*Porto Rico.*—*People v. Alvarez*: Law declared constitutional by Supreme Court of Porto Rico, 1920; *People v. Lournage & Co.*: Law declared unconstitutional by Supreme Court of Porto Rico, 1924 (based reversal solely on Adkins Case).

*South Dakota.*—No court case.

*Utah.*—*French v. State*: Law declared constitutional by District Court of Utah; appeal to Supreme Court of Utah; case dropped due to death of plaintiff, 1914.

*Washington.*—*Spokane Hotel Co. v. Younger*: Law declared constitutional by Supreme Court of Washington, 1920.

*Wisconsin.*—*Folding Furniture Co. v. Industrial Commission*: Injunction granted this one firm, and law held unconstitutional by Federal district court (seventh circuit), 1924. No appeal taken.

In July, 1923, an injunction was brought against the California Industrial Welfare Commission to prevent the enforcement of the orders of this department. It is well to know this case so that one can thoroughly understand the forces that are pressing court action.

The injunction was brought in the name of a young woman named Helen Gainer. The attorney general of California entered a demurrer, which was sustained by the lower courts. Senator Thomas C. West, attorney in this case, was said in the newspapers to be the attorney for certain members of the California Manufacturers' Association, although it was not publicly nor officially known to be in the case. It is hard to believe that Senator West, with a great zeal for constitutional procedure, would go to the trouble and expense of finding a little "tool" like the girl in question to bring this suit just for his own personal interest in seeing that justice to employers might be done. The fact of the matter is, he was the spokesman in the legislature for certain reactionary interests which have opposed everything progressive that the people of California have put on the statute books in the last 14 years.

Senator West appealed the case to the State supreme court. Because of the necessity for the preparation of a brief which would not only carefully defend the California law but also represent the attitude of the other minimum-wage States, the California Industrial Welfare Commission requested the National Consumers' League to aid in the preparation of a brief on the facts. This was done; and Felix Frankfurter, professor at Harvard University, assisted by Miss Mary W. Dewson, then research secretary of the National Consumers' League, prepared a most convincing brief, which answered in detail the objections brought by Justice Sutherland. Whatever might have been the experiences of the District of Columbia as cited by him in this adverse opinion was proven by California's experience, as well as the experience of the other two Western States—Washington and Oregon—to be absolutely without foundation.

I am not familiar with the working of minimum wage legislation except on the Pacific coast, but probably farthest from the facts was the statement made by Justice Sutherland broadly that now that women had the vote they were not interested in protective legislation. Women's organizations on the Pacific coast have been the proponents of all protective legislation for women with the exception of the 8-hour day in California, which was proposed and fought through by organized labor in this State in 1911. To silence this misstatement the different women's organizations of California which

had originally been the proponents of this legislation, and which are its advocates and defenders at the present time, asked permission to present the Frankfurter-Dewson brief to our State supreme court, and this was done. These organizations were the California Federation of Women's Clubs, the California League of Women's Voters, United Garment Workers of America, Local No. 125, of Los Angeles, Waitresses and Cafeteria Workers Union, Local No. 639, Los Angeles; Women's Christian Temperance Union of Northern California; and Women's Christian Temperance Union of Southern California.

Warren H. Pillsbury, of the Industrial Accident Commission, also presented a brief as *amicus curiae*, and of course the deputy attorney general, R. Lee Chamberlain, presented a brief in defense of the law.

No one could ever find this Helen Gainer. Unsuccessful efforts were made by the different newspapers to locate her, and they began to feel that she was a myth, if not a fiction. However, on December 30, less than 10 days before the supreme court was expected to hand down its decision, Helen Gainer appealed to me in Los Angeles to assist her in getting this case dismissed. She made the charge that she had been used by Senator West with no understanding whatever of the importance or the purport of this suit. She was a typist in a detective agency. Senator West appeared and asked for an operative to go to a certain candy factory. The girl, who had never acted as an operative before, was asked to go, and was told that this factory was violating the minimum wage law and they wanted to "get the goods" on the firm. She was told what to say, went and asked for employment, and was refused employment, as they said they did not take apprentices (this is a firm employing practically no apprentices because of the necessity for good work). Then the girl offered to work for \$6 a week. She was informed by the forewoman that she could not hire her at \$6 a week, as that was against the regulation of the Industrial Welfare Commission. The girl went out and made this report to her employer. The next day she was asked to sign some papers and was told that these papers had to do with the case she had been out on the day before. She signed them without any knowledge of what they meant, and then in a short time went to Los Angeles to get into motion pictures as an "extra."

When the publicity appeared in reference to the hearing before the State supreme court, in October, 1924, friends of hers sent the clippings to her in Los Angeles, and not until then did she understand how her name was being used. The girl was working in an attorney's office as a stenographer at this time, and through his assistance she made every effort to get Senator West to dismiss the case. This he refused to do. She wrote to the Supreme Court of California telling them of her plight; but in California—and I suppose elsewhere—no one may appear before the court except through his attorney, so the girl found herself helpless. She then appealed to me for help, and with the assistance of her new attorney and an attorney secured in San Francisco we were able to get a substitution of attorneys and then had the case withdrawn from the California Supreme Court.

There is little question in my own mind that, if the case had gone to a final decision, with the decision of the District of Columbia

staring us in the face our court would probably have called this law unconstitutional. However, we feel now that with Justice McKenna (who was of the majority opinion) off the bench, and Justice H. F. Stone, who is a new appointee, there is a possibility that the opinion of the United States Supreme Court may be reversed.

The industrial welfare commission, through Warren H. Pillsbury, submitted a brief as *amicus curiae* in the defense of the Arizona law. This case has been postponed until the October term of the United States Supreme Court.

California has had the minimum wage law since 1913. It has been in active operation in all industries since 1917, and in the canning industry since 1916. During that time not an employer in the State of California has challenged the authority of this commission, and as is well known, California has the highest minimum wage law of any State in the Union, \$16 per week.

If there has been one thing in which the California Industrial Welfare Commission can claim to have succeeded better than similar departments in other States, it has been in securing from the organized employers an excellent degree of cooperation and support. This has been done by close cooperation on the part of the commission in holding innumerable conferences and discussions, so that the orders and regulations which we finally adopted and made the law were thoroughly understood and supported by the large and representative groups of employers before they became effective. In this way we had in each industry a group of representative employers who, in a way, stood as supporters and defenders of the commission's work. The commission always has held a number of conferences and interviews with the working women throughout the State in each industry.

There are 150,000 working women under the protection of this law. No changes have been made in the orders of the commission since 1923, when the minimum of \$16 per week was sustained. The commission's orders guarantee a certain minimum wage to every experienced woman and minor worker in the mercantile, laundry, and dry-cleaning industries, in general and professional offices, unclassified occupations, factories, and hotels and restaurants, whether such work is performed on a time-rate basis or on a commission, a bonus, or a piece-rate method of payment. Special regulations, which will be discussed later, control the minimum wage in the fruit, vegetable, and fish-canning industries. Minimum rates for apprentices are established, the length of apprenticeship period varying from one year for adults in the mercantile industry to three weeks in unskilled and unclassified occupations and two weeks for time workers in the fruit and vegetable canning industry.

I should like to call your attention to the method of controlling the apprenticeship problem in this State. We believe that the registration and licensing of apprentices in the industries where there is a long apprenticeship has probably been the most effective part of the work of this department. After two weeks' employment employers are obliged to register their woman workers with the department.

In the manufacturing industry there is a six months' apprenticeship with a graduated scale of payment. This scale is marked with great clearness on the registration blank, and a follow-up system is maintained in the office of the industrial welfare commission. Employers in the mercantile, manufacturing, and laundry industries are notified monthly of the names of the women and the dates on which their wages are to be raised and the minimum amount that they may be given. This has been a tremendous protection to the women as well as to the employers. If the woman leaves her place of employment or is discharged, this registration blank which the employer holds is returned to the commission and kept on file. If the woman goes to a new place of employment of a similar kind, she is given credit for the amount of her previous experience. This is not as great a clerical burden as one might expect. The industrial welfare commission has been exceedingly fortunate since its beginning in having an almost adequate budget for its support. I do not suppose that any State or Federal department ever existed which had as much money as it thought it needed or which did not see more work to be done that was important.

The commission requires that for statistical purposes there must be filed with the commission at an exact time every year a certified pay roll of all woman employees, their rates and earnings, and the number of hours worked per week. This is certified as being a true and correct copy of the pay roll by the employer. Many of these pay rolls have been carefully checked up in the offices of the firms and in only a few instances has there ever been fraud practiced on the commission. From these pay rolls we find, on October 25, 1924, that only 4.3 per cent of the women in the mercantile industry in California are receiving less than \$16 per week. This industry employs 38,102 women. The minimum apprentice rate in this industry is \$12 for adult women and \$10 for minors. Every year the number of women receiving rates above the minimum grows larger. In this industry there are 26,878 women, or 70.54 per cent of the total, receiving \$17 a week and over. This proves most conclusively that Justice Sutherland's statement that the minimum would become the maximum and that the whole policy of minimum-wage legislation would be to equalize the wage to the detriment of the more efficient woman, has been proved not to be a statement of fact. We should like to call your attention to the exhibit of the California Minimum Wage Commission and the effect of the minimum-wage orders in this State.

The commission has been able to regulate with much effectiveness the great canning industry of the State. The output of this industry last year in dollars and cents was \$87,508,785. This great industry has been a problem because 85 per cent of the total output of canned fruit in California is put up within a period of seven weeks. This, therefore, requires an enormous concentration of labor in and around the canneries for a short period. Because of the perishability of the fruit two things have been found necessary—(1) overtime must be worked; and (2) to get highly stimulated production a piece-rate method of payment is necessary. To meet these problems a basic 8-hour day was finally arrived at, with rate and one-quarter for all time after 8 and up to 12 hours, and double-time rates for all work

after 12 hours. This made a most effective penalty, and the hours of labor have been enormously reduced by this method; yet it has been possible during the peak of the season for farmers to have their fruit cared for, and the women in turn have received a considerable additional sum for their extra work.

The industrial welfare commission would not have tolerated this overtime if it had been a regular year-round industry. Most of the women working in the canning industry in California come from the casual labor group—housewives, young women attending high and normal schools, and even college girls go into our canneries for summer work. Around San Francisco Bay we have a large Italian and Portuguese population, and women from this group are most effective and skilled workers. They are not women who work much in the other industries of the State.

In southern California the same conditions exist, with the exception that there are many Russian and Mexican women. This group is not as rapid nor as skilled as the Italian and Portuguese group of the north. In order to arrive at a piece rate that will be fair and approximate a living wage, the commission has provided that the piece rate paid on each product on which the women work must be high enough to yield to 50 per cent of the women working on it not less than  $33\frac{1}{3}$  cents an hour, which is the hourly pro rata of the \$16 minimum wage. The commission feels that 50 per cent is a fair margin, because in all other industries of the State, except certain unskilled and unclassified occupations, an apprentice group is allowed, not to exceed  $33\frac{1}{3}$  per cent of the whole female working force. However, in no industry in the State do anything like  $33\frac{1}{3}$  per cent of the women working in it receive less than  $33\frac{1}{3}$  cents an hour.

To make sure that this piece rate is fair, an audit system has been installed in the canneries, and auditors of the commission make a weekly audit of the pay rolls in all canneries working on a piece-rate system. This involves on the part of the canner his written agreement to work under this system and the payment of a fixed amount, based on the number of cases packed, to cover the cost of this audit. The money is paid into the State treasury and is drawn on by the commission through the board of control, as are all State appropriations.

The auditors doing this work are chosen from the civil-service list and are under the complete jurisdiction of the commission.

The adjustments required by this system ordered by the auditors of this department, so that 50 per cent of the women received not less than  $33\frac{1}{3}$  cents an hour, totaled \$145,791.37 in 1924. In 1923 the total was \$71,553.21. This is in addition to the increase in piece rates which in many instances have been raised over 100 per cent since the commission started its work in the canning industry in 1916. This method of work has been with the full cooperation and support of the Canners' League of California. The total cost of the audit per year is approximately \$7,500.

The minimum-wage order governing the fish-canning industry gives the employer a choice of operating on the guaranteed-time-rate basis or on a piece-rate basis under a weekly audit similar to the system established for the fruit and canning industry.

The orders of the industrial welfare commission cover all women employed except women in domestic employment, telephone and telegraph operators, and women in agricultural occupations. The telephone industry in California is standardized so that the women throughout the State receive a wage as high as the California minimum wage, and in many instances the apprenticeship promotions are more rapid. Therefore there was little reason for the commission to take this industry under its regulation. Domestic service is so highly paid in California and the difficulty of getting domestics is so great that the law of supply and demand has brought a wage that far exceeds any minimum that could be set by law.

In the agricultural occupations the industrial welfare commission made regulations during the war. This covered such occupations as hop picking, cutting and spreading of fruit in dry yards, and the picking of fruit and berries. It was found that this legislation was practically impossible to enforce, not only because of the casual nature of the employment, but because of the fact that most of the work was done in family groups where the women's time and earnings could not be kept separately.

I think I am safe in saying that to-day 95 per cent at least of the women in California who work are receiving the rate of pay provided by law. It is amazing the amount of cooperation we are receiving at the present time from the employers in California for the maintenance of the wage scale in spite of the weakness of the law from which we are suffering because of the United States Supreme Court decision. It seems almost unbelievable that for the sake of a legal fiction five men in Washington could set aside the laws of these Western States which have been of such benefit to woman workers and that they are so ignorant of the modern trend of industry that they do not know that such a thing as equality of bargaining power between a working woman and the great industrial combination by whom she is employed is, to say the least, a pleasant fiction.

It gives one great pleasure to know that such men as Chief Justice Taft and Justices Holmes and Sanford see clearly the fallacy of this decision, and were brave enough to file strong dissenting opinions.

## DISCUSSION

The CHAIRMAN. Mrs. Edson's paper brings out very clearly the fact that the present status of minimum-wage legislation is uncertain, to put it mildly. She has also brought out another question of vast significance to those interested in social legislation, namely, that we must face squarely and openly the fact that the status of minimum-wage legislation at the present time is a concrete example of the extent to which the legal minds of the country can differ in an interpretation on a point of law. That Chief Justice Taft and Justices Holmes and Sanford could find the facts on which to base their dissenting opinions when Justice Sutherland and his associates in the same briefs could find facts on which to base the majority opinion is assuredly beyond the understanding of the average lay person.

I wish I had time to quote at length from the brief submitted by Warren H. Pillsbury, of California, last April, when the Arizona

law was on the calendar of the United States Supreme Court. Since our program is so full I will give only a short summary of Mr. Pillsbury's reference to the small number of judges in the country, including our Supreme Court Justices, who have held the law unconstitutional. "In the lower courts 38 judges believed the law referable to the police power and 4 only thought it unconstitutional." In the earlier cases several of the decisions rendered by the supreme courts of the States were unanimous. "If to this be added the votes of the members of the Supreme Court of the United States in the two cases mentioned—*Stettler v. O'Hara* and *Adkins v. Children's Hospital*—44 justices of the courts of last resort have upheld the law and 10 opposed it." It is, then, a case of three judges who have held these laws to be constitutional to each judge who has believed the laws unconstitutional.

Minnesota is, I believe, the only State in which the law is held to be ineffective because of a ruling of the attorney general of the State, and I am going to ask Mr. Duxbury to speak briefly on that situation.

Mr. DUXBURY. This minimum-wage question, with reference to its status in the State of Minnesota, is pretty hard to answer. It is a little up in the air. I can only state to you in a general way what the situation seems to be.

Before I do that, might I be permitted to make an observation about my feeling when courts decide things not in accordance with my ideas? I am older than I once was, and I have come to realize, as I have told my clients many times—I have practiced law and I have some of the legal attitude—when they wanted to be advised very positively about what would be the result of some matter in dispute, that lawsuits are uncertainties; if they were not, they would not be lawsuits. We do not have lawsuits about things on which people do not differ, and it is an unfortunate attitude of mind, it seems to me, to be in rebellion against the decrees of the courts upon questions which are close. If they were not close and if there were not room for differences of opinion between persons of reasonable judgment, the courts would not have to bother with them at all. It is that sort of thing which occupies the courts. I know it is human when a judge decides a case the way I contend it ought to be decided to have a lot of respect for his ability, and when a judge decides contrary to my contentions, to question his wisdom and to point out where I think I can demonstrate that he has the frailties of humanity, and consequently to soothe my conscience to endure the results. That observation applies to some of us who probably had an unusual amount of zeal for the work we were engaged in. If you did not have that zeal in the work which you were doing, you would not do it well, but these things which seem to be unfortunate, like decisions of courts which affect our job, may, after all, be blessings in disguise; something may work out of that that will get us on a higher plane, because I am free to admit that the Minnesota minimum wage laws were not absolutely perfect and probably not an unmixed blessing.

Let us not get excited about this state of the minimum-wage law. If the good in the minimum-wage law in its present form is not sustained we will get something better. I have that faith, and so I am

not going to get irritated about the present situation. I have been beaten in lawsuits too many times and have learned to take my medicine.

The minimum-wage law in Minnesota was passed in 1913 and it had a rather checkered experience in court, the State court finally sustaining its constitutionality. The law does not fix the wage. It created a commission known as the minimum-wage commission, and vested that commission with the power to fix wages for women in certain industries. It also gave the commission the power to vary the wage in different classes or in different parts of the State. In the State of Minnesota that was quite important because we have a rather unusual condition. We have highly developed agricultural conditions in the southern part of the State, similar to Iowa and Illinois, with well-built-up towns and cities. Then we have the metropolitan conditions of St. Paul and Minneapolis where the social conditions are similar to those of the large cities of the East, St. Paul and Minneapolis, the twin cities, being about equal in population to the city of Baltimore, and, of course, an industrial and economic center. So we have there the peculiar economic and social conditions of the larger cities. In the northern half of the State we have pioneer conditions in many parts, with the pioneer just starting out with his log house and trying to dig a farm out of the wilderness. It is pretty hard to make a law which will apply happily to all those varying conditions, and to work out a rule which does not create more or less irritation in its application to such varying conditions.

This minimum-wage commission has done about all that has been done under the minimum-wage orders in the State of Minnesota. At present the minimum-wage law is administered by the industrial commission, as in 1921, when the law was passed creating the industrial commission, the old minimum-wage commission was abolished, and its functions and duties were transferred to the industrial commission, being placed in the division of women and children, over which Miss Schutz has presided ever since, so that she has been at the head of the administration of the minimum-wage law, with such suggestions and advice as I might be able to give her as the member of the industrial commission to whom was assigned for special attention matters relating to that division.

Shortly before that time (I think the commission commenced to function in June, 1921) the minimum-wage commission had entered order No. 12, which went into effect January 1, 1921, and that order has never been changed or modified by the industrial commission. That is why I say that the industrial commission, as such, has had very little to do with the situation and the conditions which existed. That order is not perfect. In fact, it has very many crudities, but it has been left as it was because of the uncertainty of the situation threatening the minimum-wage law after the decision affecting the law in the District of Columbia.

We went on under the law, and it was being quite generally observed as one working much good, but we felt a great deal like the fellow who was wise enough not to stir up sleeping dogs, and we let the matter drift along and kept things going. We took the position that the minimum-wage law was not directly involved in the adjudication

in the United States Supreme Court, and got away with it until about six months ago. A case came up in our supreme court which involved a claim for a deficiency in the wage under the minimum-wage order, and the court sustained the verdict for the deficiency. But it happened that in this particular instance the claimant was a minor, and the court went almost to the extreme in indicating that if it were the case of a person who had reached majority, of course, under the decision of the Supreme Court of the United States, there would not be any question about the matter at all.

The lawyers and advisers of the employers' association found that out—they sometimes read the decisions of the Supreme Court up there in Minnesota—and we were up in the air. We had to do something. We had a lot of cases pending for adjustment, and the employers were advised by their attorneys that they were not liable if the employee had reached majority, which in Minnesota is 18 years for women and 21 years for men. Of course that indicates that women are better able to take care of themselves than men generally, which makes us wonder why special laws are made to take care of them. In view of that situation the commission thought it best to get an opinion from the attorney general as to the state of the law with reference to workers who had reached their majority. On the authority of the case in Minnesota (the St. Claire case) and the Adkins case in the District of Columbia, the attorney general, without any hesitation at all, advised us that the law was not affected as regards any worker who had not reached majority. So in Minnesota we can require the employer to pay the minimum wage to a girl 17 years old, but when she gets to be 18 years old she can make her own bargain. That is the state of the law in Minnesota, so far as I know, with reference to its application.

The commission has been criticized by some very zealous persons for asking the attorney general for that opinion. I am not here to defend the commission. It might not have been our duty, but under the circumstances we felt that it was our duty to find out what the proper constitutional authorities thought the law to be, and we governed ourselves accordingly.

The CHAIRMAN. I am going to ask Mr. Wilcox, of Wisconsin, to tell us about the status of the minimum-wage law in Wisconsin. Miss Swett told us yesterday something about what they are doing in Wisconsin, but her time was very limited. We hope that Mr. Wilcox will give us some of the details in regard to their efforts to prevent the development of complications in Wisconsin because of the Adkins decision. We want especially to know about the changes made in the wording of its law.

Mr. WILCOX. I think, with Senator Duxbury, that when a similar law of another jurisdiction has been declared unconstitutional by the United States Supreme Court there is not much advantage in undertaking to enforce your own law on a program of actual continued administration, but rather that our purpose should be to present to the court a statement of facts with arguments sufficient to convince that court that minimum-wage legislation is after all a necessary and desirable thing.

I have not the words with which to express my surprise and chagrin at the argument of the justice who wrote the decision in the

District of Columbia case. He does not know woman workers, he does not know their problems, or he would not have said the things that are said in that decision.

We are up against a situation and are seeking relief. I need not say to this group that the law dearest to the hearts of the commissioners in Wisconsin is this minimum-wage act, and we do not propose that the principle shall go down. We are going on until we find some type of legislation which will accomplish the purpose and be determined by a court of last resort to be a constitutional act.

That is exactly what we undertook to do in Wisconsin at the 1925 legislative session. I do not know whether we have hit upon the right thing, but we have more plans in reserve which we will come back with when the time comes, if it does come. I feel certain there is some type of law that will reach the end sought and to which courts will be forced to give approval. If we can not do anything else, we can do what they have done in Massachusetts. Those who presented the minimum-wage case to our Federal district court said to us: "But you know the Massachusetts law, requiring newspapers to give publication of the information in that State, has been held to be unconstitutional." We replied: "Yes, but there are a lot of papers in Wisconsin that are looking for an opportunity to publish exactly the thing that the law in Massachusetts contemplates should be published."

In Wisconsin women are not counted of age until they are 21, so this Federal case did not amount to a lot so far as administration was concerned. The great majority of woman workers are minors, and the law, so far as they are concerned, is still enforceable. Our department administers the permit laws and all the other various types of labor legislation, and I am frank to say to you that we do not allow any child under 17 years of age, male or female, to work for an employer who does not pay a living wage to his adult women. Employers in Wisconsin are told that they need not expect anything of that kind. Discretion is imposed upon the commission to guard the welfare of the child in the issuance of permits, and a place where they do not pay adults a living wage is no place for a child to get started. That is our theory.

At the last session of the legislature, in order to meet this very decision, it repealed the minimum-wage act in so far as it affected women over 21 years of age, and enacted a law in its stead providing for the very same type of administration, the first section of which reads like this:

No wage paid or agreed to be paid by any employer to any adult female employee shall be oppressive. Any wage lower than a reasonable and adequate compensation for the services rendered shall be deemed oppressive, and is hereby prohibited.

I know that there are those who insist that this law will also be declared unconstitutional, but I think that there is good reason for believing it will be held to be valid, and for this conviction I am reasoning from the very words of Justice Sutherland. Maybe I am wrong, but this much is certain: We could not enforce the law as to adult women, just as Senator Duxbury has said, and the question with us was whether this was an opportune time to go to the United States Supreme Court. We did not know but what some other

judge would resign before we got there. At the hearing in our State one of the Federal judges said that while the District of Columbia decision was the law of the land to-day, it probably would not be by the time we got there, and I hope that is so. At any rate, we believe that we can uphold this law. At the least calculation it relieved the State of Wisconsin from the necessity of going to the United States Supreme Court at this time and undertaking to uphold the minimum-wage law as to adult women.

I think this new provision prohibiting an oppressive wage was most disappointing to the opponents of wage legislation. They were clearly disturbed when they found we were not going to the United States Supreme Court. They wanted us there right away while a majority of the members of the court adopted their line of reasoning. We are ready to go to the supreme court of our State or to any court on this new proposition.

As to administration, there are only two groups, as I see it, in Wisconsin—and probably it is much the same with you—that give us much concern—home workers, whom we can control under our licensing system, and a few of those industries which employ none but adult women, generally elderly women. You usually find in the low-wage-paying institutions minor female laborers. Generally we are able to control the situation by not letting permit children go into those institutions, and so we keep them on a decent plane. But there are a few institutions in which that will not work. Home work is one of them.

We have not done anything on the administration of this law except to say to the people in Wisconsin that if they pay a living wage to their adult women, and what they are required to pay to their minors, then that should serve the purpose for the present. But the time will probably come when, as respects tobacco workers and a few other classes, we will have to call our advisory board together and make findings as to what point in wage reduction the agreement becomes oppressive.

**THE CHAIRMAN.** AS USUAL, Wisconsin leads the way. I will call on Miss McFarland next. Miss McFarland will you tell us about the Topeka Laundry Co. and Topeka Packing Co. cases against the Industrial Court of Kansas?

**MISS MCFARLAND.** Yesterday I mentioned briefly the decision as it was handed down by the Kansas Supreme Court on July 11 of this year.

To go back in the history of the cases, those cases were brought by the companies as members of the Associated Industries of Kansas immediately after the orders of the State industrial court affecting woman workers had been revised. It might be well to mention that the Industrial Welfare Commission of Kansas was abolished in 1921, and the duties of the commission placed under the court of industrial relations. So from the time that was done by the legislature, the industrial welfare work was complicated by its relation to all the litigation in connection with the court of industrial relations.

The cases were brought when only two orders, the laundry order and the factory order, had been revised, and were heard in the district court at Topeka. The cases were in the nature of a request for a restraining order, and a temporary order had been granted restrain-

ing us from enforcing the two orders. When the case was heard it was a question whether the injunction should be made permanent, but the question of the whole order was brought into the case, not only the minimum wage but hours and working conditions. The decision of the district court upheld the orders of the court of industrial relations in every respect, so we felt entirely safe and went on with the work until the Adkins decision came.

After the Adkins decision was handed down by the United States Supreme Court, the Associated Industries of Kansas, through these two companies, appealed its case to the Kansas Supreme Court. The case started in 1922. It was not heard by the Kansas Supreme Court until December of last year, and we received our decision July 11 of this year. It was a three to four decision, and of course we know that there was a very hard struggle in the Kansas Supreme Court before that decision was handed down. The opinion clearly indicates that the Kansas Supreme Court is in favor of minimum-wage legislation, and that the judges in their own minds disagree entirely with the Adkins decision, but the majority of the court felt impelled to hand down a decision in line with the Adkins case, and that was done. The chief justice of our supreme court dissented from the opinion of the majority. The decision was rather complicated because it stated that the decision of the district court was reversed although the opinion all the way through had stated that minimum-wage legislation was void in Kansas only so far as it affected adult woman workers. The decision, as stated in this general form that "the decision of the district court is declared reversed" might have thrown out the two orders affected completely, but before the official mandate was handed down the court interpreted its decision so that it does not affect our two orders except in respect to adult woman workers. However, we are in the same situation now as Minnesota and Wisconsin. We can enforce the minimum-wage regulations as to workers up to 21 years of age, under the general definition of minor in Kansas, except in the case of a married woman, as a married woman becomes of age at 18, and that brings in a complicated situation.

The law under which the industrial welfare commission acted defined a minor as being any person either male or female under 18 years of age. That definition was thrown out of the industrial welfare law when it was amended and the commission placed under the industrial court, but it still remains in our general labor laws, and it is very likely that we will hold to the old definition although we might hold to the Wisconsin position.

The CHAIRMAN. I know you all want to hear again from the assistant commissioner of labor of the Commonwealth of Massachusetts. Miss Johnson, will you tell us about the efforts made in your State to set aside the minimum wage law by order of the court?

Miss JOHNSON. As Mrs. Edson pointed out in her paper, the decision of the United States Supreme Court in the District of Columbia case apparently represents a turning point in minimum-wage legislation in this country. Its effect is naturally most marked in the case of the States having mandatory laws. It has not, however, been without its effect on the minimum-wage situation in Massachusetts. It has affected that situation both directly and indirectly—

directly, it checked the movement for an amendment making the law mandatory; indirectly, it stimulated action looking toward another court case.

You may perhaps recall that the constitutionality of the Massachusetts law was tested in the highest court of the State several years ago, and that the decision of the court, given in September, 1918, upheld the law in its essential provisions. No appeal was taken to the United States Supreme Court, and the time for such action expired prior to the date the decision was given in the District of Columbia case. Directly after that decision, however, an effort was made to institute a new case. It was the intention to base the proceedings upon an injunction restraining the minimum wage commission from publishing the names of noncomplying firms. The publication took place, however, before the opponents of the law were ready to act. At least that was the ostensible reason for the failure of the case. The more cogent reason, however, was the lack of enthusiasm on the part of employing interests to support the case, and the conviction on the part of a number that the United States Supreme Court would hold the Massachusetts law constitutional.

A test case of another nature, however, was started in the State courts almost immediately after the District of Columbia decision, which was given in April, 1923. The following month the Boston Transcript refused to publish the commission's notice of a non-complying firm, with the express purpose of testing the validity of those sections of the law not covered in the opinion given in 1918.

That case, *Holcombe v. Creamer*, involved the commission's right to inspect to determine compliance with the minimum-wage decrees. The court not only supported this right but upheld the entire law with the exception of two sections, on which judgment was specifically withheld, thus raising the question as to their possible validity. These sections were those compelling newspapers to publish at their regular rates the commission's notices and purporting to exempt them from libel proceedings for such publication. The court said significantly in its first opinion that even if it should appear that the legislature had exceeded its authority in enacting these sections the rest of the law would not be affected. No attempt, however, was made to test these provisions until the District of Columbia case was decided. The case was then entered and carried on appeal to the Supreme Judicial Court of Massachusetts. The opinion given in June, 1924, held that these provisions are not constitutional.

This opinion is not, I think, generally understood. It does not in reality weaken the Massachusetts law, but rather strengthens its position. The powers and duties of the minimum-wage commission remain the same. The commission has still the obligation to publish noncompliances. The decision merely means that a newspaper which declines to carry the publications is not liable to criminal prosecution. The court, in giving its opinion, stated that it was inconceivable that the commission would be unable to find newspapers to carry its notices, and as a matter of fact there has been no difficulty in this respect.

The commission this year, for the first time since the opinion was given, published the names of noncomplying firms. The adver-

tisement of retail stores, laundries, and paper box firms was carried in 45 papers in the State, including 4 of the Boston dailies. Several papers, it is true, declined to carry the notices; but, on the other hand, several asked the commission for the privilege of publishing noncompliances.

In another respect the position of the law has been strengthened, for its constitutionality is now definitely assured. The Supreme Judicial Court of Massachusetts has twice affirmed the constitutionality of the law; and the opinion of 1924 not only reaffirms that of 1918, but points out that the decision of the United States Supreme Court in the District of Columbia case does not affect the constitutionality of the Massachusetts law, since that is recommendatory and not mandatory in so far as wage decrees are concerned. It should be remembered in this connection that the law as it now stands contains certain mandatory provisions which help in securing compliance with the minimum-wage decrees, and that these are covered in the court opinion upholding the constitutionality of the law in its general provisions.

Since the United States Supreme Court decision was given, a good deal of attention has been directed to the Massachusetts law, as it is felt by many that this is the only form of minimum-wage legislation the Supreme Court as now constituted would uphold. Fear has been expressed by some as to the effect of such legislation. My personal opinion is that while such a law is more difficult to enforce than a mandatory law, nevertheless it is effective. I believe that a good deal has been accomplished for the welfare of working women by the Massachusetts law, and accomplished under serious difficulties, and I believe that a great deal more can be accomplished.

There is, I think, a tendency to overemphasize the importance of particular details of a law and to overlook some of the more vital factors. Yet no law, however perfect, can enforce itself. Its success or failure depends, not only upon its provisions, but also upon the appropriation provided for its administration, and above all upon the intelligence, the sympathy, the character, and the courage of the public servants who have the duty of its enforcement.

The CHAIRMAN. The discussion has suggested a number of questions on which additional time should be given. Our time is nearly up, so I will take time only to quote briefly from Mr. Pillsbury's brief on some of the outstanding aspects of the present status of this kind of legislation.

Minimum-wage legislation is ineffective in Kansas and in Minnesota because of the decision rendered by the Supreme Court of the United States in the Adkins case. A great many people feel that each minimum wage law should be considered separately. There is now before the United States Supreme Court the question of the constitutionality of the Arizona law, in connection with which the State of California has submitted a brief in *amicus curiae*, presenting arguments showing the very different circumstances governing the California statute, a State law enacted by the legislative body of a sovereign State. I will quote Mr. Pillsbury's brief on the point of taking up each State law separately as follows:

The Supreme Court in *Adkins v. Children's Hospital* passed on, and purported to pass on, solely the legislation which was before it and the environ-

ment in which that legislation was found. The Supreme Court, that is, passed upon the District of Columbia minimum wage law in view of the circumstances disclosed in regard to that statute and did not consider nor purport to consider, and therefore did not pass upon, the California minimum wage law, with the very different circumstances governing that statute. A different case and a different statute, therefore, are now before this court from those the Adkins case dealt with. \* \* \* For there are decisive differences between the terms of the District of Columbia law and the California law, the facts to which they are applicable and the circumstances by which they must be judged.

The court, therefore, will soon pass on the constitutional rights of the State of Arizona to decide that there is a real connection between the health and morals of woman workers and a wage below a living wage. Therefore, the United States Supreme Court has before it at the present time a very definite question, namely: Does the decision in the Adkins case affect the mandatory minimum-wage laws of the States or is a sovereign State free, where economic inequality exists, to enact legislation to minimize evils exercising a harmful effect upon women and the public welfare? We may, therefore, hope that when the United States Supreme Court renders its decision in the Arizona case, now pending, it will help to clear up the present tangle as to the legal status of minimum-wage legislation.

I do not believe any effort has been made to question the constitutionality of the law in North Dakota. I will therefore call on Miss Blanding, the secretary of the Minimum Wage Commission of North Dakota, to tell us how the people of that State feel about their law.

MISS BLANDING. The minimum-wage law in North Dakota was enacted in 1919 and placed under the supervision of the workmen's compensation bureau, although it is supported by direct appropriation of the State. The law has not been changed since first enacted.

Minimum-wage schedules were first established in the year 1920, after thorough investigation of the living conditions in the State, as set out by law. This method called for a conference composed of three representatives of the employees, three representatives of the employers, and three representatives of the public to hear matters related to living conditions and costs of maintenance. This conference recommended its findings to the bureau and after a period set aside for the filing of objections to the recommendations, 12 schedules of rates were established, with \$16.50 a week as a basis for experienced workers. An injunction was issued against the enforcement of two of these orders by the telephone and laundry companies of the State on technicalities arising in issuing the orders.

As nearly a year had elapsed since the first investigations of living costs were made, and a change had come about, the bureau decided to make new investigations and hold new conferences. Rates from this conference were somewhat lower, placing \$14 and \$14.50 per week as a basis for an experienced worker. Rates were set in only five industries—public housekeeping, manufacturing, mercantile, laundry, and telephone—since these were deemed the most in need of regulation in this State. These rates, which went into effect April 4, 1922, have not since been changed.

The bureau has seen no need for a change in the rates, and the only requests registered were from the North Dakota Laundrymen's Association. It wished a change in the hourly rate for part-time

workers. Interviews with separate employers brought out the fact that they were not agreed on what change was wanted—whether on rates or greater leniency in the hour law. Consequently, the matter was dropped for lack of agreement among the applicants.

Wages paid to employees in North Dakota are, as a rule, somewhat above the prescribed rate, averaging from one to three dollars a week higher in the public housekeeping occupation, and two dollars a week and up in the mercantile occupation.

The only court case started against an employer for violation of the minimum-wage law was for including gratuities as part of the wage paid employees. As the matter was settled out of court it never came up for hearing.

Mr. WILCOX. I am wondering whether organized employers in these States are actually found backing the attack upon the laws. We did not find it so.

The CHAIRMAN. The executive board of the Manufacturers and Mercantile Association of Oregon issued a splendid resolution urging Oregon employers to support their law. In California, I believe, the employers have backed the law strongly. The opposition seems to come from individual employers, rather than from organized employers.

Mr. DUXBURY. Generally, the better employers are very much in favor of the law, and heartily cooperate. Most of the organizations and associations cooperate in every degree. It is only unorganized employers or individuals which cause some trouble.

The CHAIRMAN. Mr. McGilvray has promised to tell us about Mrs. Edson and her fight to uphold the California law. I regret that we can give him only two minutes.

Mr. MCGILVRAY. Mrs. Edson is fighting with her back to the wall, trying to put over the minimum wage in California and there she has a problem. There are a great many women employed in that State; it is a State where employment of women is not unusual on account of its climate. As you know, we have half a dozen departments handling subjects that should all be in one department. Recently Mrs. Edson came to me and asked if she might have Mr. Warren Pillsbury, attorney for our compensation department, write a brief in this matter, to be presented first in California and then secondarily in the Arizona case. We said he would be glad to, and Mr. Pillsbury is giving his services in the matter.

The CHAIRMAN. I regret exceedingly that the time allotted to this section of the program is now up and we must move on to the second section of the afternoon's program. We will therefore take up the subject of migratory children in agriculture.

We are fortunate indeed to have Mrs. Keezer, of Denver, here to present this subject to us, because in Colorado they have been doing some splendid work. They have in fact, tried to study and analyze the cause and effect of migratory children in agriculture with special reference to their economic and social significance. It is a pleasure to introduce Mrs. Keezer, of Colorado, as the first speaker on this subject.

## MIGRATORY CHILDREN IN AGRICULTURE

BY MRS. FRANK M. KEEZER, ACTING CHAIRMAN COLORADO CHILD LABOR COMMITTEE

Let us take an airplane trip for a few minutes and see the condition of migratory children in some of our States. I would start in Massachusetts, except that I am so ashamed of Massachusetts that I can not speak about it, because it is my native State. It was always supposed to be a little ahead of other States in the Union in forward-looking legislation, but Massachusetts, when the referendum vote was taken, turned the tide against the child-labor amendment. So we will start in New Jersey. From the airplane it will be hard to determine the line where New Jersey begins and Pennsylvania ends, just as it is in the courts, but you will see there in all of the rural districts little settlements, little shacks, little children, with little that makes life worth living. While here and there, thanks to the Council of Women for Home Missions, you will notice camps that are better than the others, you will also see dirty women, dirty children, dirty clothes, and dirty dishes, and you will wonder a bit how the consumers of America can be willing to use the berries, the beans, the cranberries, and the various crops that are picked by these dirty children. You will see the padrone going up and down looking things over. He does not impress you pleasantly. I have a letter here that states that a survey is being made by the New Jersey Labor Commission. That is fine. Surveys have been made by the interchurch council and by other departments; surveys have been made by the child-labor committee; surveys have been made by the schools—but no one seems able to get anywhere. This condition goes on and is spreading. These migratory families come out from the slums of the city to the worse slums of the country. It is terrible enough to have slums in the city, but it seems to me unpardonable to have slums in the country.

If we go on into Maryland we will find conditions perhaps a bit worse because of the heat and the water. The living conditions are terrible. You will find in the migratory settlements in Maryland college girls, sent out by the Council of Women for Home Missions, trying to do their bit to clean up these places and to furnish recreation for the little children, who are left in any old place; trying to encourage the mothers to stick on the job a little longer. Those girls have made most marvelous reports of their work—pictorial reports that appeal to the hearts of the American people—but nobody gets behind to follow them up.

You will find these children, some of them, migrating from Maryland into the States farther south. You can see, as we journey along, children in the cotton-growing sections carrying heavy loads, much heavier than they should. You can see them in the canneries in the Gulf States, doing work under conditions which are absolutely fearful. You will say, "Do human beings live in those shacks—shacks with bare boards, many of them open to the weather, with little tables on the outside and a little stove on which they may cook what food they have?" You will see children with sore fingers, sore feet, and sore faces, and heads that you would not want to touch.

Then we go on our journey through Georgia, on across the Gulf to Texas, and you find that that great and glorious State of Texas has its migratory labor problem. And then, thank God, there is a little sunlight in southern California. Out in California they seem to do things whether the law says this or the law says that. They seem to have in places the spirit of cooperation. In southern California the school people, the industrial boards, and various splendid citizens have gotten together and are cleaning up southern California. You have heard that California has a cotton industry. There are 13 seasonal crops in California which may be taken care of by women and children. The camps are being cleaned up and the school commission is trying to put schools in some of these camps where the children can go to school from about 7.30 in the morning until noon, after which they can go to work for a short period, and, wonder of wonders, it has been found that the right thing to do is also the best thing to do. The children work a great deal better in the afternoon and the parents work a great deal better in the morning when they are relieved of the children. California has found that in doing the righteous and good thing it has also done the economically sound thing. The plan may be experimental, but it is hopeful.

Then we go up into Oregon. I do not know the conditions in northern California, but I imagine Mr. McGilvray will tell you they are much the same as in southern California. I do not know how much migration there is, but, as he said, as there are 13 crops to be gotten in the migratory worker can work the year round in California. The migratory problem is a State problem, and the Mexican problem makes a greater complication. In Oregon there are various crops to be garnered and Miss Shields from Oregon tells me that the Council of Women for Home Missions has gone into Oregon, carrying on its splendid work, especially the recreational settlements for migratory children. They are trying to clean up Oregon. Arthur Gleason, in Hearst's, tells the story dramatically of California's clean-up, and Oregon will follow. Some of the other Northern States do not have the migratory problem as pronounced as the States we have gone over.

Then, as we come back and before we land in Colorado, I want you to know that in the Middle States this migratory problem is getting to be tremendous. The "tin lizzie" or "flivver" is a wonderful instrument of progress, but it is also a wonderful instrument of trouble. I notice here in Salt Lake City that if I wish to drive back to Denver I can get a good secondhand Ford for \$50. Almost any family that is inclined to migrate, any family that has the wanderlust, can raise \$50 and migrate; and that is what they do all over this western country.

Utah has kept a schedule of its migratory problem and the number of people who go through this State in their flivvers and become more or less of a problem is perfectly amazing. When they start out they are very sanguine that they can get work along the way—that the children can get work, as in this group of people there is a most wicked exploitation of children. Let the children get out and rustle, and no questions are asked. Sometimes the children do rustle exceedingly well. They rustle all sorts of provender from

the farms—eggs and chickens. Just how much Utah has done with its migratory problem, just how much it is bothered by the Mexican situation, I do not know, but as I take you into Colorado, whose migratory problems I do know about in no uncertain way, I might say, as Arthur Gleason says, "that in the last analysis the whole problem is the same in every State." The migratory problem in one State is identical with the migratory problem in another, and it seems to be the business of nobody in particular except the school people, to put a stop to it, and in the Western States the school people have not money enough to provide adequate truancy departments to bring about compulsory education. In our own State of Colorado, Mrs. Mary C. C. Bradford has worked for 30 years in an effort to make Colorado free from illiteracy, but she is always handicapped by the money situation.

In Colorado we have the Mexican and the Spanish situation in no uncertain form. I asked the question yesterday, which was not answered, which we all batted at a little but did not answer—where shall we put the blame of the exploiting of these children through contractors? If to the victor belong the spoils in the fine things of life, why shall not to the contractor belong the burden of this great migratory problem? How can we place the blame on the man who goes down to though perhaps not across the border, and gathers in these poor uneducated Mexicans? I have no quarrel with Mexicans as such. I always want to wash one when I see one, but his dirtiness is not his fault; he has never been taught any of the fine things of life. These contractors rush the mothers and the fathers and the children through to our State. It amounts to smuggling.

In four school sections of Denver, Colo., the teachers tell me that you could close your eyes and know when the latter part of March is coming. The children begin to get uneasy, Mexican children especially. They think that to be out of doors would be preferable to being in school. They migrate just as surely as the birds migrate, and our four schools have almost empty rooms in April. They do not come back to us until late in November. Between November and March these splendid teachers of ours have to clean up these children. One of the principals of our schools is a very remarkable Italian woman. She said: "We Italians have learned better. We do not let our children go to the beet fields. Why? Because several of them died from water contamination, and that was enough for our priest to say that our children should not go." She said to us who go to visit her: "The children look pretty well to-day. We have been months cleaning up these heads; we have been months restoring these thin bodies, and now the children look pretty well, but they are going out in a few days, and the thing will have to be repeated. Many of these children have been four years in one grade because they never get enough schooling to get ahead."

That is in one school district. In another school district of Denver we have Mexican families living as many as 16 in two small rooms. Where did these children come from? Nobody seems to know; nobody seems to be responsible. They just drifted in from the beet fields. Is there no one who contracted to return these children to the place they were brought from? No; here they are, and social agencies must take care of them. In another family 12

Mexicans were living in one room. They had absolutely nothing to go on and we had to take care of them.

Another difficulty arises from these migratory children. They do not speak our language well. We have no interpreters properly to interpret the Mexican to the American, so they are always at a disadvantage. The Spanish-American, as I said yesterday, with blood of splendid ancestors, is a foreigner in his own native country. He can not speak our language well. We have many instances of arrest for vagrancy. The children and young men and girls are not vagrants at all, but they are frightened to death.

Another situation exists in all of these migratory spots where there is a foreign element, and that is mistrust by the poorer white people of the poor foreigner. That mistrust is growing so in our part of the country that it will in a few years create a very serious race condition. The native Mexicans are gentle people; they are musical people; they are rather shiftless people, but they generally mind their own business and are inclined to draw away from others. But all the time the white population in the settlement is resenting and finding fault with them and trying to find reasons to run them out. So the Mexican in our country is between the devil and the deep sea.

In the report of the survey that Miss Peterson spoke of there will be some very illuminating and technical facts. We can not release that report until about October. That survey was made by the child labor committee, working in conjunction with the university professors of sociology and economics in Colorado. I can tell you one or two things found in that survey which are of great interest. The northern beet fields of Colorado pay very much better wages than the southern beet fields. Evidently there is not a uniform wage scale in the State. The most that a plain Mexican family, unskilled, the father and mother and possibly two children, can make in southern Colorado is \$390 a year. Those four people have to live on that \$390 during the year, including the idle period. If by any chance the father has ability enough to go into the smelter, he can get a little more money; but in innumerable cases the average was \$390. Now, I say that it is absolutely impossible for a decent family to live on such a sum, no matter if they do have nothing to eat but black bean soup and black bread. I can not conceive how such a family can live on that, nor can you.

Professor Abbott told us of conditions in some of the southern Colorado colony places that were terrible. Those poor people out of that \$390 must pay \$2.50 each month for water, and the professor said that if he was any judge many of the receivers for water had not been cleaned for years, as he saw dead animals and live animals in those cisterns. They have to use water by the spoonful in southern Colorado, and if there is a drought, as there was the last six months, the situation becomes impossible.

For four years I was head of the woman's division in our community chest drive and had a great deal to do with raising money for the philanthropic work of Denver. In order to loosen up the purse strings and touch the hearts of the citizens of Denver, we had an illustrated lecture on the untoward circumstances of poor fam-

ilies, and frequently showed on the screen the picture of a migratory child. At that time the word "migratory" had not been used and I used the word "floaters." Throwing that picture on the screen constantly, the girl finally fascinated me, so that I wanted more than I wanted anything else to understand her complex. She was a girl of perhaps 13 or 14 years, very completely developed, as the southern races develop and mature early. She had a face as hard as flint, but a very good face, too, very good features. She had a shock of black hair, bobbed, and she had an expression in her eyes that seemed to say: "I defy the world to touch me. It has given me a rotten deal and I am going to get back at it some time." And mark my word, she will get back at it. That girl is an outlaw; she has been made an outlaw by untoward labor conditions. She can evade any truancy officer we ever had in Denver. She comes to Denver periodically; she escapes the same way. She comes back to the beet fields over and over again. Some day she will reproduce children like herself, and some day our courts will be burdened with her problems. I use her simply as an example. Our social service workers spend hours with these children, and I contend that it is not the job of social service workers to be stretcher bearers for this untoward labor condition, but that it is up to the States, if they will not let us have the child-labor amendment, to clean up this migratory problem in labor.

In this group here to-day you have the machinery to get this story over to all of your States. You can not close your eyes to this situation of the children. They are your future citizens. In California there are, I think, 40,000 migratory children. Probably that is the largest number in any State, but there are migratory children in every State. In my own State of Colorado there are thousands of these migratory children. They are illiterate because no one seems able to create sufficient sentiment to give the school board money enough to enforce its laws. As one gentleman said yesterday, it is law enforcement that is important. I ask you as a group to place the blame where it belongs, and then help us to clean up the job. I think, after listening to you here, that labor officials could do a great deal to help us. The American Federation of Labor has done a great deal. In Colorado we did create a tremendous sentiment and we supposed up to within a few weeks of the closing of the legislature that we had a chance, but the Ku Klux issue came up and everything else went by the boards.

I ask you, as thinking and earnest people, to think a great deal about this migratory problem. The gentleman from Minnesota is optimistic; so am I. I believe all things will come out right in America in the end, but I do not think it is quite fair to let a million and a half children go to the dogs while we are waiting for things to come out right. I feel a sense of responsibility to these children. Because I had a glorious childhood on a beautiful country estate in Massachusetts, where I literally grew up in a garden—a heritage no one can take away—I feel, as Herbert Hoover said at Providence, that every child in America has somewhat the same right as I had to a happy childhood, and that anyone who denies that to children is placing himself on the side of things that are not fine for America.

## DISCUSSION

The CHAIRMAN. I am sure we are very grateful to Mrs. Keezer for the splendid address which she has given us. She has drawn a picture of a condition which must be tackled immediately and intelligently or the problem will get beyond control. There are at present a number of persons who are tackling this problem in their States, and I will call on Doctor McBride, of New Jersey, to open the discussion.

Doctor McBRIDE. The laws of New Jersey exempt agriculture from the provisions of the child labor act. Outside of the agricultural problem New Jersey has adjusted the child-labor law as well as it is adjusted anywhere in the country. I do not think there are fewer children engaged in mercantile and industrial establishments anywhere in the country than in New Jersey. Our inspectors are very vigilant and very competent, and they cover the field very thoroughly. Some time ago, for my own information, I decided to make a survey of the State of New Jersey regarding migratory children in our agricultural districts. I was actuated by a desire to know personally the exact conditions. Prior to that time I had several conferences with the officials of Pennsylvania to see if some solution could not be found whereby the children coming to New Jersey from Pennsylvania might at least have the advantage of receiving an education while in our midst, and have sanitary surroundings in their living conditions there.

We have some migratory children working in New Jersey—fewer, however, than most of the people of the country believe. We do not take unto ourselves any particular credit for this because the installation of machinery is probably responsible for it. I know the living conditions are infinitely better than they were, because I personally looked up that very important subject.

I have taken up with the school authorities, who have no jurisdiction over children from other States, the question of educating these children, making it compulsory that we should educate them. While my survey is only partly completed, I shall in a very short time, as soon as the agricultural season is over, be able to tell not only this assembly but any assembly in this country the exact conditions as to migratory children or any other children in the agricultural parts of New Jersey. It is our purpose to clean up these conditions. We are not going to ask for help; we are going to point out to those responsible for the conditions the evil effects therefrom, and if, after having the conditions pointed out to them, they do not clean them up it is our purpose to find some means to do it.

I believe the child labor laws in New Jersey are excellent, much better than in many of the other States in the Union, and equal to the best, and that the question of child labor is receiving as much consideration in our State as anywhere in the United States.

The CHAIRMAN. I think that Doctor McBride is going at his problem in the right way, placing responsibility first, then following it up and holding the guilty persons responsible. This is an effective way of stopping some of these evils. We need more publicity on this question and Doctor McBride will be able to help all the States by publishing the result of his study.

I will call next on R. H. Lansburgh, secretary of the Department of Labor and Industry of Pennsylvania.

Mr. LANSBURGH. Pennsylvania's problem in connection with migratory children is on the sending end. We have some migratory children coming into Adams and Franklin Counties from Maryland in the apple-picking season. Conditions are, I think, fair. The season starts about September 15.

The head of our women and children's bureau, Miss Carr, and her assistant, Miss McConnell, three inspectors, and the chief of the attendance bureau of the department of public instruction will be in those counties this year, beginning with September 15, to make sure that conditions are good. If they are not good we want to make them so.

Our child labor law does not touch agriculture but our school attendance law does, and any child who is inside of the State of Pennsylvania—and that includes gypsies in the State—must go to school. The department of public instruction has seen to it that the gypsy kids, as well as the rest of the children, go to school.

The American Federationist published a cartoon about two months ago which showed Pennsylvania standing on one side of a fence, marked Delaware River, and New Jersey standing on the other side. Pennsylvania was saying to New Jersey: "They are working for you," and New Jersey was saying: "But they're your kids." Now, these kids go to New Jersey about April or May; some went this year in March to pick early asparagus. They stay through November. Whole families go—mother, father, and all the children. They are mostly Italian families with many children. Why they are Pennsylvania's children we do not know. The parents do not vote in Pennsylvania. The father and mother do not do any work in Pennsylvania when they get back. In fact, I think they are New Jersey's children, wintering in Pennsylvania.

If one parent stays in Pennsylvania we can make these kids go to school or put the parent in jail, but the parents have found that out, and no longer does one parent stay in Pennsylvania—the whole family moves over. If some one comes to Pennsylvania to take these children to New Jersey at \$1, or \$2, or \$3 a head, he comes within our private employment agency act, which provides that no private employment agency may receive any money for placing children under the age of 14; so, theoretically, we can get such people there. Nowadays, while the padrone comes to Pennsylvania, he does not receive one nickel from the children or from the family, but according to our information, which I believe is correct, gets his pay from the New Jersey farmer.

Furthermore, sometimes we can scare the parents by placing our agent at the ferries crossing the Delaware River; we have taken the household goods off, and found children inside of bureau drawers, but these people found out that we were doing that and now the household goods go across one day and the family goes across two or three days later, by an entirely different route. The furnishings may go across the ferry between Philadelphia and Camden and the kids go across at Trenton.

This is a school-attendance proposition. If these children are sent to school they will not be taken to New Jersey, because it is not profitable to take them to New Jersey and also to send them to school.

How many of these children there are we do not know, but we do know that in the Italian district in South Philadelphia, as in Colorado, whole schoolrooms are practically empty in April and do not fill up again until November.

The New Jersey Department of Justice, I understand, has said that these children can not go to school in New Jersey because they are foreign children, and quotes the decision in the case of Mansfield Township Board versus State Department of Education, rendered on July 20 of this year. This case which it quotes was the case of a New York child in New Jersey, with the father resident in New York. I say that that case has nothing to do with the situation, because in these cases the so-called Pennsylvania child's father, mother, and whole family are in New Jersey; if they would only leave the father resident in Pennsylvania either the children would go to school or the father would go to jail.

The CHAIRMAN. They have been busy studying and meeting this problem in Wisconsin and I will call on Miss Swett to tell us about her problems.

MISS SWETT. In common with other States, agriculture was not originally covered by the provisions of the child labor law in Wisconsin. But as agriculture has changed in its phases the work done by the children is practically, in a measure, the same as work done in a factory, or store, or any other place employing children; it is done within set hours and under the supervision of foremen, etc., and there is no reason why these children should not have the protection of the law the same as children employed in other branches of industry. For a long time we have tried to secure an amendment to the child-labor law to bring in these forms of industrial agriculture. This year we were successful; too late, however, for us to do much this year.

Forms of industrial agriculture in our State are the cherries, cranberries, and gardens controlled by the canning companies, and largely the bean fields and the beet fields. Our biggest problem in establishing reasonable rules and regulations for children under 16 is that we find a different problem in each industry. In the cherry orchards we have the housing of children in camps. We do not have migratory children except in the beet fields, but we do have that migratory problem there. We made a survey last year of 165 families in 15 counties of the State which were employing such beet workers. I do not think it is necessary for me to go into the way in which these children come into the State, but we found them, as you all know, coming all the way from Canada to Texas. The majority came from Nebraska. Most of the families came from Lincoln, and when I asked them why they came from Nebraska to work in Wisconsin and did not stay and work in Nebraska, I found it was because their transportation both ways was paid and they got \$2 more an acre. Bringing families from Texas, Canada, and Nebraska into Wisconsin seems like an inefficient method of harvesting the beets.

Even within the State itself we have families migrating from one section to another.

We found that the majority, almost 62 per cent, of the workers in the field were children, and if you added the children who stayed in the house to take care of the other children and do the housework the percentage would be higher. The big evil here is the denial to these children of an opportunity to secure an education. They come into our State in late April or early May, depending on the season—sometimes quite early in May. They do not get away until early in November, so that they are out of school the end of one school year and the beginning of the other. It is true that some families did appreciate what schooling meant and tried to send the children to the district schools in the place where they were, but going four or five weeks in one school, and then going to another, losing six weeks between, did not help very much, because those schools were not adapted to these particular children; they were for children who went regularly.

In these 165 families we found that nearly 50 per cent were retarded in their schooling in some degree, and nearly one-third (31 per cent) were retarded three years or more. As I said in the beginning, it is too early for us to tell you how we are going to solve this problem, but we do know this, that as these families got into the State again this year, a survey made this year will probably show the same conditions. By another year they will not be coming in that way.

The CHAIRMAN. We have heard about the children in the East, the far West, and the middle West. I will now call on Mr. Wood to tell us about the children of his State, for the migratory child worker of Louisiana is called on to do a different kind of work.

Mr. WOOD. We are not troubled with the migratory child labor question. We have all the Greeks, dagoes, Italians, and other foreign elements, and pickaninnies that we want or need; we can take care of the situation, and everybody is working. As I stated yesterday we should tell about the bad conditions, as the good ones will take care of themselves. We hear about the cream of things, but we are here to learn of the bad conditions, and I feel we should tell them with the hope of betterment.

I feel that the present child labor law of Louisiana is obsolete and 10 years behind these progressive times. In admitting this I will also state that I am unable to change it; at least I have failed up to this time. With all my efforts and labors we still have the obsolete 10-hour day for child workers. For the last nine years I have done everything possible to have a new law enacted, but am frank to admit that I do not feel we will ever get anywhere while the child worker on the farm and in domestic service is exempt under the law. I am not looking for any immediate relief unless it is secured through Federal agency, because Louisiana is an agricultural and not a manufacturing State.

In our manufacturing establishments we are getting along very nicely. As a matter of fact, by cooperating with the department, the industries have virtually reduced the hours of work from 60 to 54 a week. But I doubt if we will get any relief so far as farm

help is concerned, as the State is dominated largely by agricultural interests.

Mrs. Keezer says she has seen as many as 16 persons living in one room. I thought I held the banner as I have seen 13, but she is ahead of me. I have seen some of the conditions of which she spoke, and so am glad to say that we recently had a joint conference in the city of New Orleans composed of representatives of certain industries, the State board of health, and myself, seeking to better conditions and to arrive at some solution of existing conditions by legislation at the next session of the law-making bodies. In the meantime certain changes are to be made looking to the betterment and care of workers, and more especially to the welfare and protection of woman and child workers.

While the laws are not as good as they might be, I have no trouble in enforcing them with the average employer—the larger the interest the easier the task. We experience the most of our troubles in some of the canneries located in isolated places. It is impossible to reach some of these plants except by using the company's boat, which conveys the raw materials from the Gulf to the cannery and the finished product from the plant. We can not drive to these plants, and many are not on or near a railroad, so we get there as best we can. Under these conditions, unless the employer wishes to respect the law, it is next to impossible to enforce it. We can not keep in touch with conditions at all times, or as often as we would like, as we are limited as to force and funds. We never let these plants know when we are coming, and invariably find some kind of a violation.

I agree with the brother who said yesterday that he believed in handling violations first in a cooperative way. I have found by actual experience that when we go to the average employer and make known violations or obnoxious conditions violative of laws, we can and do accomplish quicker and more lasting results by laying the cards face up on the table than by legal procedure. We read the law, discuss the violation, and then ask "Will you be a man, law abiding, or will you force me to put you in jail? You can take your choice." We have handled 518 violations of various kinds since I have been on the job, and in only 11 cases have we had to have the offender arrested, and we convicted every one of them. We have done more than we could have done through legal procedure, especially since court action is slow and the courts are—well, you all know what.

These are the conditions under which we are laboring in Louisiana, and I find them pretty much the same everywhere. We are hoping to improve the law the next time the legislature meets, and as long as I am on the job I will keep fighting. I am not afraid to fight when I am right; the man who is afraid to stand up and fight for what is right is not fit for the job, because it will be a matter of only a short time when both he and the job will be classed as a nonentity.

I hope that when we meet again I will be able to report a better law and more favorable conditions concerning the woman and child workers of the State of Louisiana.

The CHAIRMAN. We will now call on Mr. McGilvray, of California, to tell us how California has met this problem.

Mr. MCGILVRAY. We cooperate in California. To me, that seems the keynote of this afternoon. I want to draw that out a little more forcibly. So far in these conferences we have not had a slogan, a keynote. If we are going to get anywhere we ought to have a slogan to work by, and I think we are going to find that in this particular problem it is "cooperation." By cooperation I mean that term in its fullest sense—cooperation with all of your agencies, with your legislative bodies, with the employers, and with the employees.

As to the school problem in California, we have a compulsory attendance law which is very well worked out and very well enforced, and we have some very efficient people in charge of it. It is very well financed, too—plenty of money to operate it, and it is operated very successfully. We find that the parents cooperate to a great extent. The problem of the migratory worker and that of the child are intertwined, because whenever you find the child you find the parent gainfully employed, more or less. In California the true migratory worker works the year round in the various occupations he follows. So we can practically take care of the school problem.

In a general way, it is not the child problem so much as it is the problem of the worker himself. He is the problem that should be considered. To me, the woman migratory worker is the one who really suffers. She has to take all of the burdens on herself. It is not very pleasant, nor profitable, nor enlivening to her. She feels for the child and carries the burden of the family, and it seems to me that something more should be done for her than has been done. I recently spoke of that phase of the problem to interested people in California. A great many agencies in California are cooperating. We have a social agencies conference which meets once a year; it is composed of delegates from the various civic organizations, the Jewish Relief Association, and others who are very much interested in the problem. These questions are discussed and we find a spirit of fullest cooperation at these meetings.

If you go back to your States with the thought of cooperation rather than that of the use of police methods, you will find that you will get farther. If you can interest people in the problem you will get farther than if you go out with a big stick and try to beat it into them, because there certainly is to-day a wave of resentment over our Union over the restrictions on the personal actions of people. A great many people think they are regulated to death, and I sometimes agree with them that in our work we go too far. I think we should cooperate.

Miss SWETT. In the schools for the children of migratory workers do the children attend part of the day?

Mr. MCGILVRAY. Those that are of school age must attend school when they are in the place where the school is; therefore they go throughout the day.

The CHAIRMAN. A branch of this problem started to take root and sprout in Ohio, but I think they feel that they have stamped it out there. Mr. Witter, may we call on you?

Mr. WITTER. In discussing the question of migratory child labor, I will say for Ohio that we do not pose as a 100 per cent State,

though we have procured good results in the last two years by enlisting and cooperating with the various departments of education, both State and county, and we are really getting somewhere with this procedure.

Our most serious violations, from our investigations, seem to be the migrations from the back hills of Kentucky, where the world of progress has not as yet penetrated.

When our field men find existing conditions to be insanitary the local board of health is appealed to, and it invades the territory reported and insists upon a general clean-up. Our field representatives then follow up and see that the cleaning is made permanent. Our experience has taught us that invariably where we find migratory child-labor violations no respect is given to sanitation either. Personally I do not believe the violators of the migratory child labor law can long exist where cleanliness is demanded.

Our records show that we have had less trouble the past year in this respect than ever before, and, as said before, while conditions are not perfect, we have and are accomplishing good results, and believe the methods adopted are going a great way, and eventually will clean up the situation.

We have been having the finest kind of cooperation from the educational departments, and they advise us that they can invariably tell when our inspectors are in the neighborhood, because of the absence of truancy among the youngsters.

The CHAIRMAN. We would like to know how long you keep children in school.

Mr. WITTER. The last legislature made some changes as to rural communities, and our laws now make school attendance compulsory to the age of 14, and certificates are demanded in all instances.

The CHAIRMAN. We will give Mrs. Keezer five minutes more if she has anything else she would like to tell us.

Mrs. KEEZER. I wish that that five minutes might be extended into a five-hour round table. I want to tell you just one thing—how we created sentiment in Colorado. We had child-labor round tables, to which we invited the key people of some 52 groups. At these round tables, which were held every two weeks, we had an attendance as high as 40.

Some one here spoke of the "laboratory" process. My belief is that the only way to settle this question is by the laboratory process. Take up every situation, look at it, put it in its category, and then proceed toward cleaning it up. In many instances I have thought we had a solution of some problem and then I would come up against a blank wall—a person would tell you so much and no more. I believe that America is so constituted that if we would inaugurate in every State this laboratory process we would get along much faster with our cooperation.

Education, of course, enters into the matter. You spoke this morning of educational methods. Of course it is an educational process, but if we could only hurry up the process just a bit. You have heard, perhaps, of the two Irish women who swept out their dooryards, and as the paths came together one said to the other: "Good morning, Mrs. O'Flannigan. How are you feeling this

morning? Not that I give a damn, but just to start the conversation." There are thousands of people in America who are in Mrs. O'Brien's mood—they just start a conversation; education has no appeal to them, much less migratory children.

I want to tell you another story. A little boy was pushing a heavy load uphill in a wheelbarrow, and a very benevolent old gentleman came along and said: "Little boy, if you would zigzag that wheelbarrow you would get up the hill." And the little boy said: "Say, Mister, if you would give me a lift, I would get the darned thing up anyway." That is the whole thing; that is active cooperation.

I like California's spirit, but I also love America, and I like to think that I belong to a Nation which is big enough and fine enough to protect its children.

The CHAIRMAN. We have exceeded the time allotted for this section of the program and must move on to our next subject, but Miss Shields, of Oregon, has asked to speak on this subject for a few minutes. We have profited by her contributions at other sessions, and I regret exceedingly that we can give her only a few minutes.

MISS SHIELDS. Children who travel with their migratory parents from crop to crop furnish the important part of the agricultural child-labor problem, rather than those of families which live in one place and must meet standards set by their community in regard to school attendance, morals, church privileges, proper clothing, health, and relationships to other families in the community.

Even sadder than the back twisted by burdens too heavy for its immature strength, or hands misshapen by rough tools or maimed by the "beet topper"—yes, sadder than mental dwarfing by ignorance and prejudice—it seems to me, is to hear my little friends who follow the harvest say, "We don't belong nowhere. The kids in this here school treats us dirt because we don't have no home!" And this, too, in the more favored States where a school attendance supervisor brings into school the migrant children for their few weeks in the community.

And these children who say "Nobody wants us"—are they foreign born? At least 90 per cent of those who are following the crops in Oregon are of American-born parents who have been unfortunate and who need a steadying hand. An interstate exchange of information about seasonal jobs would enable those who want work to make connections between jobs for a large part of the year and possibly to establish a home base for return between crops. Such an employment exchange would lessen the chance for the floaters to secure jobs by driving up to the gate of the employer, and would induce some of them to settle down and give their children a chance for American citizenship training.

I have been thrilled by your reports of rehabilitation of the physically handicapped—more fascinated than by any novel I have read for 10 years. I want to ask you who are administering so well the hundreds of thousands of dollars intrusted to you for physical rehabilitation and from which you are getting such gratifying returns, if it does not appeal to you as tremendously worth while that you should rehabilitate the men who are not physically but

socially disabled, who do not need an expensive building up of bone or tissue or adaptation to a new livelihood, but who need only a little friendly direction as to the place where there is a job which needs them? Does it not appeal to you, this great opportunity to salvage the man power which is now human flotsam and jetsam on the industrial and agricultural waves—power to the number of two or three millions of migratory workers?

I take a moment to pay tribute to the Council of Women for Home Missions, composed of churchwomen of 21 denominations, which did not wait for me to ask but telegraphed its offer to pay my expenses in helping the neglected children of migratory workers in Pacific coast agriculture. This council is ready to cooperate with the governmental labor officials in an effort to determine the causes of interstate migration, and, as far as possible and advisable, to influence if not to regulate it.

The CHAIRMAN. We will now take up the third subject of the afternoon—home work. Mr. Lansburgh, will you open this discussion by telling us what you are doing to control this problem?

### INDUSTRIAL HOME WORK

BY RICHARD H. LANSBURGH, SECRETARY OF LABOR AND INDUSTRY OF PENNSYLVANIA

We have the rottenest conditions in Pennsylvania in industrial home work that there are anywhere in the United States. Our investigation shows that all of the bad conditions which formerly existed in factories in Pennsylvania and which we think we have driven out of the factories fairly well, have localized themselves in the form of industrial home work, which has for some years gone practically unsupervised. We have had regulations governing industrial home work but they have been totally unenforceable because they have depended on certificates of health from and inspection by the local board of health. There are local boards of health throughout Pennsylvania, but most of them do not function.

I am going to take just a minute of your time to prove the statement that I have just made by reading to you some of the conditions and then I will take another minute to tell you what we have hoped to do about it.

Home work on stringing tags in Philadelphia: Mother and five children working; children aged 14, 11, 10, 6, and 3. Family makes about \$18 a week altogether, all these children stringing tags.

Chewing tobacco, manufactured in York, Pa.: Colored children, aged 12, 14, and 10, stripping tobacco from the leaf, packing leaves in regular form. These children were found working in an utterly filthy, dark, damp cellar.

Tag manufacturer, Westchester, Pa., a small suburban community: Working—mother, children aged 9, 8, 6, and 5. Have strung as many as 100,000 tags a week. Information secured from 9-year-old girl. She said the whole family had to get up and start work at 5.30. She had 8,000 tags on her wagon, bringing them home from the factory, when I saw her. She said they would be finished and returned in the morning before school. Counting time off for meals, children probably did not work more than 52 hours a week.

Coat manufacturer, Philadelphia: Children, 13, 12, 10, 8, and 6; operation, felling. Children stated that they play only when work is slack. Father promised them that their home work would be discontinued when he finished paying for house improvements; electricity being now installed. No work for two days, but subcontractor informed inspector that family had ruined one

coat, so he did not know whether he would give them any further work. Father promised better work when new lights were installed.

What we have done is to develop regulations governing industrial home work which leave the responsibility with the department of labor and industry and do not depend upon the local health boards to help. What is good in these regulations we have borrowed from the State of Wisconsin. If there is anything bad in them, we did not borrow it from Wisconsin. These regulations provide, in the first place, for a manufacturer's report on home workers to be furnished the department four times a year.

They provide for an application for an industrial-home-work license to be made before any home work is done, and manufacturers outside of the State must appoint an agent within the State who will be responsible for conditions jointly with the manufacturer outside. I do not know whether we will ever be able to get the man outside, except possibly to exclude him from operating, but the man within the State we can hold definitely responsible. The regulations require an agent to be appointed by the manufacturer in each place where home work is done, who shall be jointly responsible with the manufacturer for the observance of the women's law and the child labor law within that home, and when that agent's name is on file we can hold him or her—be it mother, father, or oldest child, if the child is of legal age to work—jointly responsible with the owner of the goods for carrying out the child labor law and the women's law.

Then, based on this report of home workers, we will check to see that the child labor law and the women's law are being observed. The owner of the goods is responsible for the goods, no matter how many subcontractors they pass through, which is an important condition because I assure you that the reputable manufacturers of Philadelphia would not allow such conditions to continue with regard to their goods if they knew the home conditions, but now they pass the goods out through a cubbyhole to a subcontractor, and do not care to follow them into the home. The manufacturer's name must be attached to the goods, and both the owner of the goods and the agent in the home will be held responsible.

In conclusion I want to say that we have been promised full and complete cooperation by the Manufacturers' Association of Pennsylvania in the enforcement of these regulations against what it considers unfair competition, and these regulations will go into effect on September 1, 1925.

## DISCUSSION

The CHAIRMAN. The women's bureau of the New York State Department of Labor has been making a survey of home work in New York State. This study includes, in addition to an extensive survey of the conditions under which home work is carried on and the extent to which it is practiced, a very careful study of the many aspects which make it difficult to enforce laws regulating home work. Mr. Hatch, do you know whether the women's bureau has completed this study?

Mr. HATCH. No; that is not yet completed. It is now in progress and is going to be a very complete report, an attempt being made

to get into it real economics of home work—the reason for its existence.

The CHAIRMAN. Twice this afternoon I have been mentally taken back to Bridgeport, to an Italian home I visited when we made our survey there. I can see the little bean can on the stove, the children coming in at noon, and all they got was a slice of bread with a few wet beans sprinkled on it. The little Italian girl told us, with tears in her eyes, that the children liked Sunday because they could go to church in the morning and could play a little while late Sunday afternoon, while on other days they had to hurry home from school to work. In some homes six or seven children were employed. They all sat around a table with plates on which lay their work. On one plate were small rubber rings; on another plate small pieces of metal. The children would slip a rubber ring on a metal piece, and put it on a third plate; the mother would take her work from the third plate, put it in the foot press and, lo, she had made a button, the kind of button you have on your garters. There were cases where children operated the foot press also, but most of the children did the first operation only. Many of these children were very young, and it was heart-rending to see them sit in the house at work when they should have been outside at play. Home work is on the way, going into more and more houses each year.

If when you go home you ask the teachers of your State to find out whether or not home work is creeping into your State I think you will be perfectly appalled at the extent to which this problem is spreading throughout this country. I sincerely hope that those of you who feel you have not this problem will make a sincere effort to find out whether or not there is such a problem in your State.

This ends our program. We are very grateful indeed to those who have contributed to the discussions this afternoon.

[Meeting adjourned.]

*FRIDAY, AUGUST 14—EVENING SESSION*

**FRANK O'BRIEN, MEMBER KANSAS PUBLIC SERVICE COMMISSION, PRESIDING**

Leifur Magnusson, American correspondent of the International Labor Office, read an address entitled, "The International Labor Office and possibilities for American collaboration," as follows:

**THE INTERNATIONAL LABOR OFFICE AND POSSIBILITIES FOR AMERICAN COLLABORATION**

**BY LEIFUR MAGNUSSON, AMERICAN CORRESPONDENT OF THE INTERNATIONAL LABOR OFFICE**

The purpose of your association, as set down in your constitution, is "to act as a medium for the exchange of information for and by the members of the organization; to secure better legislation for the welfare of women and children in industry and the workers in general; to promote greater safety to life and property; to promote greater uniformity in labor-law enforcement, establishing of safety standards, compiling and disseminating labor and employment statistics; and to more closely correlate the activities of the Federal, [and] State, \* \* \* departments of labor"—to quote that part of your constitution which relates to American activities. As respects membership, you are employees of the Federal and State departments of labor, and of employment services. As State officials and representatives of your Commonwealths you are primarily interested in the enforcement and supervision of labor laws.

If you were to add to this group of governmental labor officials from the different States—assuming that only two came from each State—a representative of each State federation of labor nominated by that federation and appointed by the governor, and a representative of the manufacturers' associations or the chambers of commerce in your State similarly designated, and if we were to bring these representatives together in such a convention as this, we should have almost an exact analogy of the international labor conference created by the treaty of Versailles in 1919 and ratified in January, 1920.

If, again, we were to assume that this convention elected from among its body of delegates a certain group to act as a board of directors or executive committee to carry on the activities of the organization between conventions, we should have established a group analogous to the governing body of the International Labor Office. This board of directors would probably have to be representative of less than 48 States participating in the conference, in order to secure the requisite administrative efficiency. Instead of representing 48 States, a certain permanent group might represent the States of chief industrial importance; that is, such States as New York, Pennsylvania, Massachusetts, and Ohio would probably get permanent representation, and to make up, say, a body of 24

members the conference would select from the other States, by rotation, members to fill up the quota of 24 directors, representing, like your hypothetical conference, governmental, employers' and workers' interests.

But a board of directors can not remain in session constantly; it would naturally have some staff or office personnel (secretarial staff) engaged in administrative and routine work under its direction. You would therefore provide a permanent office. Assume, for example, that you were to use the Federal Department of Labor as such an office, with the head of that department as a director of that staff or research agency. He would make draft plans for action or approval by the governing body, which would meet frequently, say quarterly. He would suggest matters for consideration by the conference as a whole, subject to the approval also of the board of directors. He would execute the plan of the board of directors as respects the need of discussing or formulating some new kind of labor legislation which would be made applicable in all States of the Union. This permanent office would undertake and carry on the necessary research on which all legislative action would be based. It would function as an interstate labor office.

If next you were to call a convention as your organization is now constituted, namely, a convention of the different States and the Federal Government, and were to put this hypothetical change in your organization in the form of a new constitution; and if you were to present it to the State legislatures and governors for acceptance through legislation and approval by the governor—that is, for ratification—you would have created what is in effect an American Interstate Labor Organization analogous to the International Labor Organization. Your membership would constitute 48 semi-sovereign States, meeting in annual assembly to agree and decide upon what you shall do in the way of extending, improving, and harmonizing your labor laws.

With this analogy before you, I think it will be possible to describe directly the nature and character of the International Labor Organization and its constituent elements.

The International Labor Organization is one of three separate peace-promoting agencies set up by the chief nations following the disastrous World War of 1914-1918. The Versailles Conference of 1919 was more than a peace-making body—it was also a sort of world constitutional convention assembled for the purpose of drawing up a scheme of organization for world peace, for promoting general welfare, and international tranquility. The three organizations created for the express purpose of supporting international amity were the League of Nations, the Permanent Court of International Justice, and the International Labor Organization. The two last named, it is true, were coordinated to the assembly of the league, which, in the case of the World Court, constitutes an electoral college and, in the case of both World Court and labor organization, the agency through which money for their support is appropriated. The purse is the bond of unity and mutuality. As regards powers and functions, the three are quite distinct, each having its own field of operation—the league, political; the court, judicial and arbitral; the labor organization, economic and social. Furthermore, all three rest upon treaty

obligations. To that extent they are not iron-bound prison chambers; their limits are by no means coterminous; their membership is not entirely identical. Thus, 48 nations have undertaken obligations with the World Court, 55 with the league, and 56 with the labor organization.

The setting up of the Commission on International Labor Legislation as the constitution-making body of the International Labor Organization was one of the first acts of the Peace Conference in 1919. This commission, presided over by the late Samuel Gompers, drafted a constitutional scheme of international labor collaboration, and added thereto a statement of certain principles of labor legislation which should be applied in practice among all nations. In fact, the machinery of organization built up becomes merely the means for applying these and other principles of labor legislation according as circumstances demand and permit.

The annual conference, which is the head and center of the labor organization, is analogous to a national legislature, but the basis of representation is novel and quite different. The conference is made up of delegates of the 56 nations which comprise its membership. Every nation is a member by virtue of membership in the League of Nations. Germany is also a member, having been admitted at the first or Washington Conference of 1919. Here again we see the independence of the labor organization upon outside political considerations.

Each nation sends two government delegates, together with an employers' and a workers' delegate. The employers' and workers' delegates are appointed by the respective governments from the organizations of workers and employers most representative of their group in each country.

The basis of representation is such as to guarantee the nonpartisan character of the organization. The government delegates may be looked upon as representing the consumer as well as the home government, which must ultimately give application to the labor standards suggested by the conference. Each delegate votes individually and not as a representative of any government. The government delegates being as numerous as the employers' and workers' delegates combined, the public interest therefore gets dominant representation. Moreover, neither group, whether employers' or workers', can cause a deadlock of the conference, as no group controls more than one-fourth of the vote, while a two-thirds' majority is required to pass a draft convention or recommendation of the conference. In other words, employers and workers alike must convince the government delegates of the justice of their cause. Hence, the labor standards laid down by the conference and recommended for enactment into law carry additional weight with the home government as their official representatives have really had the dominant share in formulating those standards.

The center of immediate control in the labor organization is found in the governing body or board of directors of the International Labor Office. Here also the principle of group representation prevails. The governing body consists of 24 members, 12 of whom represent governments, 6 represent employers, and 6 represent workers. The government delegates to the governing body include,

among the 12, 8 representing the 8 countries of chief industrial importance. The workers' and employers' representatives on the governing body are all elected by their respective delegates to the annual conference.

The labor office is the permanent administrative and research body of the International Labor Organization. It is a fact-finding agency, so necessary because the only effective and practical sanction which the International Labor Organization has is the appeal to the fact and the ability to harmonize on a basis of justice the interests of employers and workers.

How far removed the labor organization is from the purely bureaucratic is nowhere more clearly evidenced than by its appeal for assistance to numerous committees and commissions of experts of various kinds. These bodies have explored future fields of social action, conciliated interests, studied special problems bearing upon the general work of the office, and been of invaluable assistance. There are, for example, the international emigration commission, the agricultural advisory committee, the committee on anthrax, committee of experts on questions concerning the disabled, joint maritime commission, committee on industrial hygiene and safety, and a committee to consider questions affecting refugees. On some of these bodies Americans have acted as official observers of the United States Government.

As a further example of inviting outside advice and collaboration may be cited the international conference of labor statisticians, which met for the first time in 1923. A second meeting convened in Geneva in April of this year. These conferences have had for their purpose the standardization of methods of statistics, to bring about international comparability of labor statistics and information. Thus far the conference experts have agreed on the minima of information and presentation for statistics relating to industrial accidents, wages and hours, cost-of-living index numbers, certain limited comparisons of real wages, and unemployment statistics. As a result of the second conference of statisticians, if everything goes well, new household budget inquiries not later than 1928 may be expected in countries which have made none since 1920 or 1921, and it is quite possible that most countries will accept a new and uniform base, viz, 1930, for their calculation of cost-of-living index numbers. The great task ahead is the securing of the acceptance of the proposals of the conference.

In its relations with its member States the labor office has authority to circularize the respective Governments for all necessary data underlying its work. It asks and receives the opinion of these Governments as respects all pertinent problems of labor legislation; it gathers the facts throwing light upon the matters dealt with by the labor conference, hours of work, wages, prices, industrial education, sanitary legislation, etc. There is here a world-wide pooling of informational resources that has unquestionably saved money to the less wealthy nations who can not command the services of a well-paid and far-flung diplomatic or consular service.

The results of its research work and information gathering is of course given out to the public in the shape of publications. The range of publications is again indicative of the lines of research and

interests which it has developed. There are its regular periodicals, the monthly *International Labor Review*, the biweekly *Industrial and Labor Information*, the *Official Bulletin*, and the *Legislative Series*. In the *Labor Review* are published not only quarterly wage statistics, data on immigration, summaries of reports and inquiries, employment and unemployment figures, bibliographical notes, and the like, but also special articles by experts in particular lines of labor and industry. There were, for example, such articles from persons in the United States as "The problem of seasonal unemployment in the building industry"; "The city workers' spare time in the United States"; and "Production and labor in the United States coal mines," the latter having been written by Dr. Edward T. Devine, member of the United States Coal Commission in 1922-23. Other articles covered such broad subjects as bank credit and unemployment; tendencies of employers' organizations; the rights of emigration and immigration; freedom of association and trade unionism; hours of work and output; influences of housing conditions on the use of leisure time; workers' gardens; methods of calculating index numbers; wages and allowances for workers' dependents; the 1924 meeting of the labor conference; financial systems in social insurance; labor conditions and regulation in China; the 48-hour week and industrial efficiency; night work in bakeries; alien workers under workmen's compensation legislation in the United States, etc.

Other labor office publications include the annual *International Labor Directory*, *Encyclopedia of Industrial Hygiene*, *Industrial Safety Survey*, reports of the director and other important documents of the labor conference. To date there have appeared more than 100 different studies and reports, under 13 general departments, as follows: Industrial relations; economic conditions; employment and unemployment; wages and hours; workmen's compensation; disabled men, etc.; industrial hygiene, accidents, safety; cooperation; women and children; education; agriculture; professional workers; and statistics.

To recapitulate at this point, there are two aspects of the work of the International Labor Organization, corresponding to the two major constituent elements in the organization: First, the work of the labor conference, or "legislative" assembly of employers, workers, and the public; second, the work of the International Labor Office, or administrative research agency. The first is concerned with harmonizing the conditions of life and labor among the different nations, just as in this country we attempt to harmonize and standardize the labor laws of our different States through reciprocal State action, through joint State action, through constitutional amendment, and in general through publicity and propaganda. In the International Labor Organization this legislative standardization is done through the formulation of draft conventions or draft treaties, which may be accepted or rejected by the constituent nations. The labor organization is a promulgator of standards, but exercises no sovereign powers. Its sanctions, or force, rest in the voluntary agreement of Governments, employers, and workers, who vote to impose on themselves the labor standards in question.

The second aspect of the work of the International Labor Organization centers in the activities of the International Labor Office at

Geneva, with its cosmopolitan, polyglot staff of 300 workers, representing some 30 nations. The collection of information, rearrangement and clarification of it, and subsequent dissemination, form the essential raw material of reform and are obviously indispensable for the future success of any system of labor legislation. It is the duty of the International Labor Organization to examine all ideas sent in from the different States of the world, to select what appears to be the most practical and profitable, and to reproduce them in precise and logical form, and, finally, to secure their examination by the governments of the world who have power to act. It is a process of refining of ideas, crushing them from the coarse grain of industrial fact, and sifting them as the fine flour of labor legislation and human welfare.

Now, it seems to me that it is work of this character which is of keen interest and capital importance to the United States, and merits your attention and support. In a certain sense the International Labor Organization has been shown that interest on your part in a generous and ready exchange of publications and in response to letters of inquiry. Some of you no doubt have received letters of inquiry from the Washington branch of the labor organization. (We have a small office there, I may add parenthetically, whose duty it is to interpret the American industrial and labor situation to Geneva, and in turn to interpret the Labor Office and its work to those in this country who may be interested.)

It is an extension and completion of this collaboration between the International Labor Office and your Federal and State Governments which I have presumed to make the central theme of this paper. All that has gone before I have ventured to point out in order that there may be no misunderstanding as to the nature of this new international machinery of social collaboration and coordination in the use of labor resources.

As to collaboration in the past on the part of the United States it will be recalled that the American Government contributed to the work of the semiofficial International Labor Office at Basel, which, as respects its information and research functions, is a lineal ancestor of the International Labor Office. To the work of research and translation of labor laws, the American Government contributed \$1,000 annually until some two years ago.

As respects the new official International Labor Office there has been a certain degree of collaboration on the part of America. Aside from American initiative in the work of the commission on international labor legislation of the peace conference, the organizing committee which prepared the way for and carried through the administrative and secretarial work of the first international labor conference, held in Washington in 1919, included such Americans as the late Samuel Gompers, president of the American Federation of Labor; Prof. James T. Shotwell, of Columbia University; Dr. John B. Andrews, secretary of the American Association for Labor Legislation, and Mr. Ethelbert Stewart, now United States Commissioner of Labor Statistics. Secretary Wilson of the Department of Labor presided over the deliberations of the first conference held at Washington. Dr. Manley O. Hudson, professor of international law at Harvard University, acted as legal adviser. Miss Grace Abbott,

chief of the Children's Bureau, acted as secretary of the committee on employment of children, and Doctor Andrews as secretary of the committee on unhealthy processes in industry. In October, 1921, the United States officially appointed Dr. Marion Dorset, of the Bureau of Animal Industry of the Department of Agriculture, to serve as a member of the anthrax committee, set up by the International Labor Office in 1920. Mr. Dorset acted in an unofficial consultative capacity. Furthermore, at the start of the labor organization in 1919, the American Government replied to the questionnaires sent out by the International Labor Office for information concerning labor legislation in this country, information desired for the use of the first conference in its deliberations, which took place at Washington. Furthermore, this form of collaboration has now been renewed and the American Government has stated that it will answer the questionnaires sent out by the International Labor Office, which will confine itself to requests for actual information, rather than opinion and recommendation.

So much then for present and actual collaboration. As to future possibilities it seems to me that there are open opportunities to both the National and the State Governments for the widest kind of assistance and cooperation. Such collaboration would involve no political commitments or violation of any accepted precedents. I have noted the precedent for contributing to the activities of the old International Labor Office at Basel, engaged, as is the present official International Labor Office, in the translation of the labor laws of the world—an exceedingly burdensome and expensive task; there is, secondly, the precedent of American participation on the anthrax committee, and the general declaration of the Government that it is willing and ready to cooperate in international activities of a humanitarian character. The whole work of the International Labor Organization is humanitarian and social and what semipolitical treaty-making aspects it may have are severable from its research activities.

Through its research activities it seeks ideas and suggestions. To secure these ideas and suggestions, to mature and weigh them, it sets up advisory commissions and committees upon which it seems to me American members as technical experts and advisers should be sitting. Take, for example, the international conference of labor statisticians organized under the friendly auspices of the International Labor Office. Here is a purely technical body of governmental labor statisticians assembled to bring about if possible, or nearly so, a uniform classification of industries for the purpose of labor statistics, which seeks a comparable basis for international comparison of wages, standards of living, unemployment statistics, etc. Surely the greatest industrial country in the world has an interest in such matters. One need not have had 10 years' experience in the American Department of Labor to realize that there is much in foreign labor statistics that one would like to see improved and bent to meet the informational needs of users in this country. From the point of view of the other side, my four years with the International Labor Office at Geneva and in Washington have made it equally clear that we can make changes in our labor statistics to suit the informational

needs of other countries as well as our own. There is indeed a mutuality of interests which calls for a sitting down together, the comparing of notes, and interchange of ideas and practices. I may be permitted then to express the hope that not only the Federal Government, but also representatives from some of our States may find both the means and the opportunity to associate themselves in this nonpolitical, purely humanitarian, though rather tedious technical work of improving our methods in labor statistics.

More interesting, I hope, though more far-reaching, but equally noncommittal on its political side, is my second suggestion for effective collaboration on the part of the States and activities of the International Labor Organization. It is this, that the States voluntarily take upon themselves to send in annually replies to a questionnaire of the International Labor Office concerning the scope and enforcement of their respective labor laws. The States members of the International Labor Organization do this under an agreement contained in section 408 of the treaty of peace. As each labor convention comes into force by the adherence of a sufficient number of countries, the States are required annually to report progress in its enforcement. For this purpose the labor office prepares a very simple and brief schedule of inquiry. The first query is whether or not there exists any law in the country in question conforming to the terms of the particular draft convention; also, if so, what is the date of enactment; what executive orders have been promulgated for its enforcement; what is the enforcing authority, etc.? Attention is also called to any special section in the convention and inquiry made as to measures taken or arrangements perfected for application thereof. A request for general observation or remarks is added, and the desire expressed that any statistics bearing on the subject be communicated to the labor office.

It is perfectly true that any searcher after the information could discover this in the annual reports of the 48 different States or ascertain the substance of the State laws by consulting the statutes of each State or by using the bulletins of the United States Bureau of Labor Statistics, but this is a laborious process and liable to cause misinterpretation and misunderstanding of the legislation. The advantage in doing it in the way suggested is that each State is left free to interpret its own law, and much greater advantage of uniformity is secured by the use of an identical schedule of inquiry sent to every State. In the final analysis the International Labor Office would be merely a publishing agency for the information secured.

The reports of the member States of the labor organization are now regularly published in the annual report of the director of the International Labor Office. If the American States should wish to collaborate in this universal posting of labor laws to the world, their reports would also be published in a special appendix to the director's report.

One need scarcely point out the advantages of this body of information. Comparability is the spice of labor legislation. No State, whether truly sovereign or part of the Federal Commonwealth, now ventures to revise or expand its labor laws without first inquiring what the other States have done. We must recognize this

timidity in our law-making work, and provide the means whereby such seeking after knowledge may be satisfied most advantageously.

Just one final observation. In order that these perhaps indiscreet suggestions on my part may not be wholly misunderstood, I should emphasize the fact that they are made solely with the view to assist the International Labor Office in its work and not for the purpose of inveigling the States or the American Government into the labor organization. The information is needed primarily in the interest of international labor legislation, outside of which activities this country has elected to stand. We need it in our business, so to speak. We consult you as advisers and experts, as having an experience worth telling about. We wish it in order that we may know how we ourselves are progressing in relation to the States of this the largest industrial country. We are not asking you to come in for a swim with us—though I might add that the water is fine and you may learn some new strokes. All my suggestions mean is that you show us some of your own fancy strokes and nifty bathing outfits in your own pond.

The following address on "Politics—no place for it in labor-law administration," was delivered by F. M. Wilcox, chairman of the Wisconsin Industrial Commission:

#### **POLITICS—NO PLACE FOR IT IN LABOR-LAW ADMINISTRATION**

BY F. M. WILCOX, CHAIRMAN WISCONSIN INDUSTRIAL COMMISSION

The constructively thinking portion of society is concerned with the welfare of the laboring classes. It wishes for them safe, sanitary, and moral work places. It wishes the hours of their labor to be so established that they will not have to undergo undue fatigue and that they may have left to them outside the workshop sufficient time for rest and recreation. It wishes for them proper opportunity for educational advantages during minority, when they are best adapted to instruction and before the demands of adult age interfere. It wishes them to have wages sufficient to enable them to live in decency and comfort and moral well-being. It wishes for them and their dependents adequate indemnities to meet the wage loss resulting from industrial injuries and to save them from poverty and want.

In general, it is the desire of the State that the physical, mental, and moral strength of the working group shall be justly conserved. To that end it wills that minimum standards be fixed and enforced as a function of government. And in order to guarantee the observance of such standards, it sets up a labor department as the administrative authority and charges it with the duty and responsibility of seeing that the laws enacted for the benefit of the working group shall be met in real measure by all who have responsibility in the field.

The extent of this legislation by forward-looking States and also by the Federal Congress has provoked the criticism that the State and the Nation are too paternalistic. Critics charge that government has assumed for itself the responsibilities of a guardian for the members of the laboring group and has stifled personal initiative, independence, self-development, and like attributes.

Analysis of the source of the criticism and close-up observation make it perfectly apparent that whether or not such regulations are justly termed "paternalism," they are, nevertheless, grounded on necessity. It may be readily agreed that government should not undertake to govern except in those fields where real need is first established. However, the concern of the State and of the Nation for the physical, mental, and moral well-being of its laborers may not be less carefully met than that of a father for the same development in his children. Fear of criticism on the ground of "paternalism" does not relieve from the obligation of protection. None would urge that a parent was living up to decent obligations if he voluntarily permitted his child to beat out his young life and possibilities in excesses and abuses and to come to manhood unable to bear the responsibilities that claim the attention of the mature.

In the laboring class is the bulk of this Nation's strength, its wealth, its protection. On strong, virile, intelligent, self-sustaining, self-respecting laborers it may expectantly base hope of accomplishing the high purpose for which it was created. Contented labor is the very foundation of a nation's prosperity and happiness. The promotion of the best interests of the whole class is of vital public need, and that Nation and that State which cares for those who need constructive protection may draw satisfaction from the terming of the service "paternalism." The interest of government is something more and beyond simple concern for the individual. Failure to protect means a higher percentage of illiteracy, of pauperism, of want, of mendicancy, and of crime. It reduces the economic value of a man to his country. It develops caste and reduces the standard of citizenship. Against these things the State as a State has not only the right, but the duty, to protect itself. The least it may in honor do for the individual directly concerned is to give him the protection which he is nearly powerless to obtain for himself.

Standards set by governmental action are the minimum. The great body of employers not only match the requirements, but voluntarily put into effect a higher standard. Many of them work their employees fewer hours per day and per week than permitted by the law; they pay wages in excess of the amount fixed as a necessity for decent and comfortable living; they furnish conveniences and working conditions for their employees prompted alone by human interest, not statutory law. Elements of danger provided against by no law are, nevertheless, sought out in extra caution. From such sources complaints do not ordinarily come.

Conflict with these standards at any point usually comes from those who are unwilling to meet the standards set. The concern of the State is charged by such objectors to be unwarranted interference with the right of private contract. The need of the laborer for the protective provision is denied. Such objectors are jealous of the privilege of dealing with the laborer from the vantage of stronger and shrewder bargaining power. They chafe under regulatory laws and claim the right of management to settle the working arrangements with the laborer direct and without legislative or administrative hampering.

Opposition does not spring alone from the employer group. Benefits of a modest education; the harmful effects of abnormally long

hours of toil; the grinding-down effect of wages insufficient to provide a living in decency and comfort—these and many other problems which form the basis of labor legislation are so misunderstood by a large percentage of workers that they, too, array themselves in opposition to the laws. There are still many who do not know the thing that is best for them, and still others whose financial extremity prompts them to choose the wrong for the sake of escaping what appears to them to be an immediate and more aggravated type of hardship. However, hopes and aspirations of the group as a whole and for their own is fast encouraging common thought for the development of programs for class betterment.

When a State has come to the point where it has secured for itself a labor code which makes possible the protection of the working group from industrial oppression or shortcoming of any sort, no loss of such protection, either through lack of administrative efficiency or the setting aside of legislative policy by administrative construction born of laxness or ulterior purpose, should be tolerated. The department of government chosen to administer such laws assumes obligations quite as important as those committed to any officer, and inexcusable failure to meet that responsibility is next to crime.

The most damning influence upon departments charged with administration of any of these labor laws results from political consideration. When the plan of officering and manning the labor department in any State has so far eliminated political influence that the public may look upon the department as decently free from political control, and it is in fact thus free, then we may expect substantial results from the effort and money that are expended.

I believe that the responsible authorities in every State owe it to the State to accomplish, in so far as may be, the elimination of all political consideration in the selection of the administrative head of the labor department and that the tenure of office should be coextensive in actual practice with that period during which the administrative head is giving intelligent, earnest, efficient, and impartial administration of the labor laws. No relationship exists between other groups of our people which is so sensitive and demands so clearly the elimination of political influence as does the relationship of management to labor, and the department of government that administers the laws affecting this relationship ought above all others be kept free and untrammelled. The problems of such an administrative body have so much of human welfare in their makeup that that body should not only have the right to be free from political considerations, but also have the desire to be free and to know that in the refusal to be influenced by political considerations it will earn the support of the public.

With equal reason every director, deputy, examiner, and employee should likewise know that neither his selection for the position nor the period of his service is dependent upon political consideration. Objections are often urged that where civil service obtains qualifications and experience of persons offered by civil service for the department do not measure up to such as are possessed by those personally selected. If that may be urged in any community, it is a criticism upon the administration of the civil service law rather than upon the principle underlying civil service. It may be agreed

that the head of a State department might select an employee independent of civil service of just as high a degree of ability as could be obtained from civil service. However that may be, the fact remains that if he may make his selection independent of civil service, he is immediately bombarded by those who make political consideration the reason for selection, and departments are over-persuaded against their own best judgment. I commend civil-service selection because it offers for the head of the department a consistent businesslike course of procedure which at the same time eliminates the possibility of political consideration.

I have known, and I am quite sure that many who are here have likewise known, of department heads who held themselves in such close response to political demands and who forced that same type of submission upon subordinates, that upon disappointing election results the whole morale of the department was lost. Neither the head nor the subordinate had reason to look forward to continuance in his position. They had gambled their standing on the basis of election returns and lost. No matter how stunned we may be because of the uncertainty of their situation, that is of small concern in point of seriousness with the losses that fall upon those who are entitled to the protection of the laws given to such a department for administration. It is the rights of labor and of management that are gamed away in such instances.

Deputies and employees of a department, if they are going to accomplish results, must know at all times that to the extent that their efforts are for a genuine constructive discharge of their duties they are to have support and that, come what may of political change in State administration, their position is not involved. And every deputy and every employee should know that the doing by him of anything incident to his position for political consideration means his loss of usefulness to the department as a continuing administration and works an immediate reason why his relationship to the department should be severed. No employer ought ever to be put in a position where he is encouraged to bargain on the need for compliance with the requirements of law or to postpone the results of a deputy's recommendation on the ground of impending political change. There is a right and a wrong in this field. There has never yet been any man of morals who contended that the endeavor of a labor department to obtain safe and decent working conditions for the adult and child workers of the State should be influenced by political consideration. That should be sufficient reason why such consideration should never be tolerated anywhere or at any time.

Unguarded gears, belts, flywheels, sprockets, power presses, saws are just as much a hazard to the worker in Democratic Louisiana as in Republican Pennsylvania, and everywhere, even as there, call for the same character of attention no matter who is governor or what his politics are. Trapdoors in runways are equally as miserable a contrivance under conservative as under progressive control. Home workers have the same need and the same right to protection from exploitation whatever the political faith of the home-work-law administrator. The administrator who puts in jeopardy the rights of an employer or an employee under workmen's compensation or sacrifices good opinion of the law for any political advantage ought to be disfranchised.

The low-down in political control over labor departments by virtue of which the appointive power expects to handle the vote of one or the other of the groups affected by labor legislation is moving out. Successful administrative departments have found that the beneficial results flowing from labor laws may be best attained through cooperative effort. Educating the conflicting interests to the need for recognition of the rights and responsibilities of each other has accomplished much. None are able to trace ultimate advantage to political manipulation. The claim of an administrator who is active politically that he can obtain cooperation from the group of adverse political faith is a myth. Only that type of administration that centers thought and interest wholly upon a better working relation between management and labor and the production of a fairer response by each to their mutual obligations will long endure.

Notwithstanding all the contest for political control of administrative forces, there would be ready consent by either group and by the public to nonpolitical, nonpartisan selection of department heads if they could only be certain that all the other interests would play square as to the purpose. Those who obtain positions in a department solely as a political reward will be last to adopt service instead of political astuteness and cunning as a means of continuing in office. They will exhibit consciences sufficiently convenient to allow the work of the department to lapse and individual rights to suffer while they "save the country" at the polls.

The great body of those who come into positions of responsibility in the administration of labor laws would, after all, really cherish the opportunity to do the job that is before them and be allowed to remain free from political entanglements. If the appointive power would only encourage such purpose on the part of labor-law administrators and department employees, the rest would be easy. They know full well that political activity lessens materially and oftentimes completely destroys the effectiveness of their work even though they are in absolute harmony politically with the appointive power. They also know what a dismal and nauseating figure they cut when the political contest goes against the candidate of their choice. Then, too, they realize what a satisfactory feeling it would be if, while the political campaign was raging, they had been attending strictly to the discharge of the responsibilities the job put upon them.

It seems to me worth while for the members of this organization to keep constantly before the public the thought that the relationship between management and labor is too delicate a matter to be put in the hands of anyone who views political service as an essential requirement put upon him as an official, and that the rights of those who need the protection of the laws should not be sacrificed or delayed through the political activity of such an administrator.

*SATURDAY, AUGUST 15—MORNING SESSION*

**JOHN S. B. DAVIE, COMMISSIONER NEW HAMPSHIRE BUREAU OF LABOR,  
PRESIDING**

## **WORKMEN'S COMPENSATION**

The **CHAIRMAN**. The program will be opened this morning with an address by H. R. Witter, director of the Department of Industrial Relations of Ohio. Mr. Witter's address is entitled "Treatment of occupational diseases under the workmen's compensation law."

### **TREATMENT OF OCCUPATIONAL DISEASES UNDER THE WORKMEN'S COMPENSATION LAW**

**BY HERMAN R. WITTER, DIRECTOR OHIO DEPARTMENT OF INDUSTRIAL RELATIONS**

Workmen's compensation insurance covering personal injuries to workmen while engaged in industry has been established in Ohio 14 years. However, it was not until five years ago that certain occupational diseases received the same treatment from the standpoint of insurance as industrial injuries, notwithstanding the fact that the first claim on account of an occupational disease was filed with the Ohio State Liability Board of Awards, which board was succeeded by the Industrial Commission of Ohio in October, 1912.

The claimant in that case had contracted lead poisoning while employed by an employer whose business was the manufacture of white lead. The board, while conceding that if occupational diseases had been made the subject of recovery in actions for damages prior to the consideration of the subject of workmen's compensation and the enactment of legislation thereon, the term "injuries" might be construed as intending to include occupational diseases, held that the workmen's compensation act of 1911 did not contemplate the compensation of disabilities resulting from disease.

In 1912 the Ohio constitution was amended so as specifically to authorize compensation for occupational diseases, but no legislation was passed by the legislature providing for such compensation until the year 1921, although the general assembly in 1911, during the same session in which the workmen's compensation act was passed, adopted measures looking toward the investigation of occupational diseases.

The Ohio occupational disease act, which has been in effect since August 5, 1921, provides for compensation for 15 diseases, namely: Anthrax, contracted through handling of wool, hair bristles, hides, and skins; glanders, contracted through care of any equine animal or handling its carcass; lead poisoning, contracted through any industrial process involving the use of lead or its preparation or compounds; mercury poisoning, contracted through any industrial process involving the use of mercury or its preparations or compounds; phosphorus poisoning; arsenic poisoning; poisoning by benzol or by nitro and amido derivatives of benzol; poisoning by gasoline, benzene, naphtha, or other volatile petroleum products;

poisoning by carbon bisulphide; poisoning by wood alcohol (however, not when contracted through taking internally); infection or inflammation of the skin on contact surfaces due to oils, cutting compounds or lubricants, dust, liquids, fumes, gases, or vapors; epithelioma cancer or ulceration of the skin or of the corneal surface of the eye due to carbon, pitch, tar, or tarry compounds; compressed-air illness; carbon dioxide poisoning; and brass or zinc poisoning.

A number of court decisions have been rendered since the act became effective which have defined its scope and limitations. It has been held that a disability, to fall within the scope of the Ohio occupational disease act, must have been produced in a natural and ordinary way, and if developed by defective appliances the claimant should recover on the basis of an injury sustained. It was also held that the widow of a workman who died of pneumonia from the breathing of poisonous gases was not entitled to compensation for death from an occupational disease, but that she might recover for death from an accidental cause.

An opinion of the attorney general covering diseases resulting from infection or inflammation of the skin on contact surfaces due to oils, cutting compounds, lubricants, etc., defines the word "skin" as used as meaning the outer covering of the body in its common, ordinary, or vernacular sense, in contradistinction to the mucous membrane or lining of the alimentary or respiratory openings of the body.

The disabled employee has no appeal from the decision of the industrial commission in occupational-disease claims. The framers of the Ohio occupational disease act recognized that the subject was one concerning which no data had been gathered which would throw much light on the large, unknown field they were about to enter. They consequently proceeded with caution and adopted a policy to make the initial legislation only an entering wedge for use by the commission in investigating the subject through its hearings in claims filed with it and its determination of the compensability of same. As before stated but 15 diseases were included as coming within the scope of the act. The framers were also unwilling, until a thorough investigation of the subject had been made, that any right of appeal to the courts from its decision in these cases should be given the claimants.

For the same reason it was provided that all claims for compensation should be forever barred unless application was made to the commission within two months after the disability due to the disease began. The commission recently interpreted this statutory limitation as commencing to run from the date correct diagnosis was made by the attending physician. Prior to this holding cases had been brought to the attention of the commission in which the disability was originally diagnosed as a disability not falling within the scope of the occupational disease act, and correct diagnosis communicating to claimant that he had a disability covered by the act had not been made until more than 60 days had elapsed since the disability began. At the recent session of the Ohio General Assembly, this section of the statute was amended so as to extend the statutory limitation period to four months.

Proceeding in the same cautious manner, the framers provided that no compensation should be awarded on account of disability or

death from disease suffered by an employee, who at the time he entered into the employment from which he alleged the disease was contracted had willfully and falsely represented himself as not having previously suffered from such disease. A diseased employee, to be entitled to the benefits of the act, shall either have been a resident of the State of Ohio for 90 days preceding the filing of a claim for compensation or have been employed for 90 days preceding by an employer amenable to the Ohio act.

It was thought at the time of enactment that there would be presented to the commission complicated cases in which a percentage of the disability was due to a disease contracted and a percentage of same to an injury sustained in the course of employment. It was therefore set out that in the event the disability was caused by both disease and injury the commission might apportion the payment of compensation between the occupational disease fund and the injury fund, and if it could be determined which was causing disability, compensation should be paid from the proper fund. It was forecast that many claims of this type, which would have been very difficult in determination, would come before the commission. However, to my knowledge not a single claim of such character has been heard.

The Ohio occupational disease act of 1921 provided that the industrial commission should investigate and ascertain the hazard of the diseases included in the act and classify occupations or industries according to the degree of such hazard, and that it should after July 1, 1924, fix premium rates of the risks of the same, based upon the total pay roll in each of the classes, which would provide an adequate fund for payment of claims. It also provided that 10 per cent of the money paid into the occupational disease fund should be set aside for the creation of a surplus until such surplus should amount to \$250,000, after which time, whenever necessary in the judgment of the commission, a sum not to exceed 5 per cent should be credited to the surplus fund.

On July 1, 1924, the commission announced its first rates based on experience of classifications. As the experience up to that time had been very limited for developing occupational disease rates, no attempt was made to develop rates for each of the 774 classifications, but the classifications were grouped into 17 schedule groups as follows:

<i>Schedule</i>	Rate per \$1,000 pay roll
Food and beverages.....	\$. 01
Chemicals.....	.30
Wood and metal products.....	.60
Coal, ores, and stone.....	.01
Construction.....	.01
Transportation and utilities.....	.01
Rubber.....	1. 00
Leather.....	.20
Wood.....	.20
Oils.....	.05
Metal.....	.20
Textiles.....	.01
Paper.....	.30
Pottery and glass.....	.20
Stores.....	.01
Lead.....	4. 00
Miscellaneous.....	.02

At the recent session of the general assembly, this provision for classification of occupations according to the degree of hazard was repealed and there was substituted for it a provision for fixing a flat rate for all occupations. As of July 15 of this year, therefore, rates for occupational disease have not been fixed by classification and a flat rate of 1½ cents per \$100 of pay roll was set up to apply to all classifications. This amendment will do away with a complex actuarial problem due to the small number of disease claims filed up to this time as compared with injury claims, and will provide an adequate fund for payment of claims and to maintain an occupational disease fund from year to year. The total cost of occupational disease claims, experience showed, was so little, and the rate applied against a group in most instances so negligible, that separate premium classification was unwarranted. From the time the occupational disease law became effective in August, 1921, up to July 1, 1925, 2,844 occupational disease claims were filed with the Industrial Commission of Ohio as compared with 633,756 injury claims filed during the same period. Classifying the claims according to disease, there were 1,833 of dermatitis, 629 of lead poisoning, 36 of benzol fume poisoning, 8 of poisoning by gas, 3 of anthrax, 4 of arsenic poisoning, 26 of brass poisoning, 1 of mercury poisoning, 1 of carbon-dioxide poisoning, 1 of compressed-air illness, and some 300 in which the disease was not included in the occupational disease act.

An amendment to the Ohio constitution, effective January 1, 1924, empowers the commission to set aside as a separate fund such proportion of the contributions paid by employers as in its judgment may be necessary, not to exceed 1 per cent in any one year, for the investigation and prevention of industrial accidents and diseases, such amount set aside to be expended by the commission in such manner as may be provided by law.

The general assembly in session this year enacted legislation which went into effect July 15 of this year, setting out the manner in which this fund is to be expended. The commission is empowered to employ a superintendent and such experts, engineers, investigators, clerks, and stenographers as in its opinion may be deemed necessary and proper for the efficient operation of a bureau for the prevention of accidents and diseases and to fix the compensation of such employees, subject to the approval of the governor.

The duties of the superintendent will be to conduct under the direction of the commission investigations and researches for the prevention of industrial accidents and diseases, and also, from time to time, to print and to distribute such information as may be of benefit to employers and employees. He is also to prepare an annual report, addressed to the governor, setting out the result of his investigations and researches.

It is provided that the superintendent shall be a competent person with at least five years' experience in industrial accident or disease prevention work. The superintendent and other expert employees of this bureau are in the unclassified service and are under the supervision of the industrial commission without regard to the department of industrial relations. The commission recently selected Thomas P. Kearns, who has for years been head of the division of workshops and factories under the department of industrial rela-

tions, as superintendent of this new bureau. The other experts and employees are being selected and formed into a working organization.

It is my hope that next year, through the medium of investigations conducted by this new bureau, we may furnish you with valuable data relative to occupational diseases.

There is no doubt in my mind that the next session of the Ohio General Assembly will broaden the scope of the occupational disease act and provide for payment of compensation for many diseases not now included. The suggestion has been made that the industrial commission be authorized by law to pay any claim for occupational disease if it is certified by the State department of health as being of occupational origin and has been filed within the statutory period.

### DISCUSSION

The CHAIRMAN. Is there any discussion on this paper? I will call on Minnesota.

Mr. DUXBURY. The discussion of Minnesota labor laws devolves upon myself. We have two representatives of Minnesota who have been members of this association for some time and I think I ought to call on them. The subject is of very great importance, as far as compensation is concerned. Mr. McColl, you are expected to discuss this paper on occupational diseases.

As far as Minnesota is concerned, we have occupational diseases sanctioned in our law, special occupational diseases which are compensable. We have a plan which has been considered as good as that of Ohio, New York, and some others by persons who know what the basis of occupational disease compensation should be, and I hope that as this subject is developed we may be able to keep pace with it.

As you know, where workmen's compensation reaches out it is likely to have difficulties which must be approached with caution, and experience must be developed in order to make it possible for compensation provisions to be extended to occupational diseases. The difficulty will always be to determine the fact—that is the difficulty in most of the compensation work—but personally I do not see how it is more difficult than many other things we have to do. There is no doubt that there are many diseases that are occupational, and about every reason that obtains for compensation of accidents resulting from injuries applies also to compensation for such diseases. I am convinced that the value of compensation must be recognized, and that we can not ignore it. We must inform ourselves along that line and get material which may be used in compensation of occupational diseases which are injuries as much as accidents.

Mr. McCOLL. There is nothing I can add to Mr. Duxbury's account. Our disease schedule is not as complete as it should be or as we hope it will be made as we are better informed.

Our law has been proven to be a very good law. It is not perfect, but it has been improved since it was passed in 1921, and I think our disease schedule will probably be extended somewhat and made more comprehensive. As Mr. Duxbury has said, there are disabilities that, although diseases, are justly as compensable as are accidents received in industry.

Mr. DUXBURY. I do not want the impression to get out from what Mr. McColl said that our law was passed in 1921. Minnesota has had a compensation law since 1913; he knows that. In 1921 the law was revised and this form of administration was adopted; before that court administration prevailed, but since 1913 Minnesota has had a compensation law which is very liberal in most of its features. In 1921 our compensation law was made about equal to any in the United States. My feeling that this is so was confirmed in the reports given here as to legislative action and amendments. In nearly every instance where the report stated what the nature of the improvement and amendment was we had a similar provision in our law as revised in 1921. While we know our laws are, like all compensation laws, very crude in many ways, and we realize that there is much to do in the improvement of compensation laws as well as others, it is gratifying to know we are not lagging behind, that we are somewhere near the advance being made.

The CHAIRMAN. I would like to hear from some of our other friends. I note that Idaho is listed. I hope it will take exception to some of Minnesota's statements.

Mr. BROWN. We have no law for occupational disease in Idaho. Our law was passed in 1918 and was modeled practically after the Ohio law. We believe in a competitive rather than a monopolistic plan, and believe we are that much ahead of Ohio, but we did not include occupational disease, nor have we seen fit to do so since. However, the commission as a whole is desirous it should be done where it can be done. We do not find any objection to including occupational diseases if the matter can be properly controlled and if there are sufficient funds to carry it on. The fund proposition is the big thing. That is of first consideration. Lumber and mining are the two principal interests in our State, and there is no appropriation from the legislature at any time to support our board. It is supported wholly by the contributions of \$1,000 which come to the fund when injured men with no dependents die from accident. We can not add anything to our work. Our funds are so small as to embarrass our three commissioners in the administration of our law. We are unable, as representatives of other commissions do, to send out very much literature from our office. We are embarrassed when the California people send us so much splendid literature, also New York, Pennsylvania, and others, and we have not the funds and can not publish such literature ourselves. In fact, even when publishing our annual report we are embarrassed by not having sufficient funds, so you can understand what our condition is. We can not have an inspector on account of not having funds. The matter became vital in the last legislature. The next battle will be in the next legislature, and we are going to lick them so far as that is concerned.

The occupational disease brings in the doctor, and the decisions the fool doctors make as to what caused this or that are absolutely questionable. As far as we are concerned, we have great difficulty oftentimes in knowing what to believe after we have gotten the testimony of physicians. We recognize that this question of occupational disease depends upon the doctor to a great extent. We are a little slow to say we will put occupational diseases in our law unless the matter can be controlled properly.

Then, again, the lawyers trouble us. We find out that the legal brotherhood knows about as little about compensation as the average washerwoman. Our State law covers all occupations except agriculture and housework, etc. We had a border-line case the other day where the question was as to whether or not the man was carrying on an agricultural pursuit. He had been buying and selling cattle. He did not own a farm; he did not feed cattle; he hired another man to bring these cattle to a certain inclosure, and then to keep them until he was ready to ship them. On one of these occasions, while the employee was riding a horse, the horse stumbled and fell, and the employee broke his leg. The employer carried no insurance. He got a former member of the supreme court to represent him, and when that ex-chief justice came before us he argued that it was an agricultural pursuit because, under the amendment of our law in 1921, the care and handling of stock in inclosed lands and public ranges was included under that head.

When he was making this argument before us I asked him: Suppose Swift had come from Portland and gathered together a thousand head of cattle at Pocatello and for some reason known to himself saw fit to drive those cattle to Portland instead of shipping them on the train, would he be a farmer? Would he be included under this act? He said: "He most emphatically would." Now there is a lawyer! Of course, we decided against him, but such experiences prevent us from entering into this other matter. We believe that a worker in the mines whose lungs have become diseased by virtue of the dust in the mine, and a man who has become diseased because of breathing poisonous matters from the wood or fine particles in the mill in which he worked, should be compensated the same as a man who breaks an arm or a leg. It should be done, and we are in favor of it; the whole commission, the State of Idaho generally, and the employers are in favor of it. We want it, but the question comes up as to our manner of introducing it.

Then there is this question: We find that in Idaho the employee is not the only one to be considered. From the literature I read, from the reports that come from the different States, from the decisions of the courts that come to us, there seems to be a tendency to broaden this act, and we fear, as we look at it from our small hill, that if we do not stop broadening the act and putting so many things into it it will result in losing the good we have; that the industries will no longer be able to carry it.

This measure is not for the employee alone, nor for the employer alone; but, as we recognize it, there are the three to be considered—the employer, the employee, and the public—all together. We believe that the administration of the work should be so carried on that all three will be justly dealt with and the law made so that it will properly care for the three sections.

Unless that is done we in our State fear that there will be a great deal of difficulty, and that we may lose what we already have. We have many employees who want to take advantage of these things. It is a very easy matter for a man who is hurt to get a cough or something else the matter with him and then for some physician to tell him there is something dreadful the matter with him.

While we are in favor of this matter we want to protect it properly.

The CHAIRMAN. In view of the fact that the brother from Idaho took a whack at the doctors and another at the lawyers, and we have representatives of both those fraternities here, I am going to allow just three minutes apiece for them to reply.

Mr. McSHANE. I hold no brief for the doctors nor for the attorneys. We have a little difficulty with those fellows, but very little. When there is a bad actor whom we can not handle we try to get him on our side to fight for us.

Utah has enlisted the highest class of physicians and surgeons the State has and the most technically qualified and best lawyers we have to help us out. They are our friends, they work with us. To show you how far we have succeeded in this matter, several physicians who have not just hit the ball have been called before their medical society and castigated, and I think they are put right and will stay right forever. I have dealt with this class of people for a number of years and I want to say that we have no higher type of manhood anywhere in the State of Utah and in the United States than the physicians and lawyers here.

Another thing I want to mention, if I may, is with reference to the distribution of the cost of compensation. I do not think there is anything that is more misunderstood, as is shown by this continual statement that the employer, employee, and the public are the interested parties and bear the burden. I agree with that, if you will permit it to be modified, and say, "but not in equal proportions." As a matter of fact, the working man largely pays his own compensation. There is not a yard of cloth manufactured, not a shoe made, not a pound of sugar turned out from our big factories in the West, to which a certain compensation charge is not added and passed on to the public, with a plus for the investment in the insurance premium. And the employees of this country and their families, constituting a very large proportion of the consuming public, pay in an indirect way what the employer is required to advance as premium cost.

The CHAIRMAN. We are very glad to get your viewpoint upon this very important subject.

Mr. STEWART. I think it was understood that I was to have a little time to present a certain subject to the convention, and if you will postpone the discussion of Mr. Witter's paper and give me a few minutes now, it will be a great favor to me.

The CHAIRMAN. If there is no objection by the delegates present we will allow Brother Stewart a few minutes to say something he wishes to say to the convention.

Mr. STEWART. Some time ago there was organized what is known as the National Conference on Outdoor Recreation.

Something over a year ago it put out a report in which there was little or nothing about industrial recreation. When its attention was called to this matter the executive chairman of the organization, who at that time was Theodore Roosevelt, jr., invited the Department of Labor to name a representative on the board. I was made a member of the committee on social relations of the confer-

ence. So far as any influence that we may have with this organization is concerned, it will be toward increasing the number of recreation parks in industrial centers, and seeing that these parks are real parks in the broadest sense of the word, with a maximum of seats and a minimum of "Keep off the grass" signs.

I can not say how long it will take to get our point of view really considered by this organization, but what I want to ask of this association to-day is that you pass a resolution or something that will pledge the States here represented to cooperate as far as possible with this organization in any effort to extend and to humanize our public parks. The conference will want information as to local conditions and will doubtless from time to time send you questionnaires covering the information desired. I want you to agree to respond to them promptly. I believe there is promise and potency for great good in the National Conference on Outdoor Recreation, and your close cooperation will make it easier for us to get our point of view incorporated in its program.

The CHAIRMAN. Now, we will have the answer to the criticism of the doctors and lawyers. I will say on behalf of the doctor that I do not know any man who gives any finer service than a real doctor. I also have a real fondness for a reliable attorney, though I have no use for a shyster. I am going to call on the doctor from New Jersey to refute Idaho's condemnation of doctors.

Mr. BROWN. I feel like correcting my former statement here; if I said "all doctors," I took in too much territory. I had no thought of doing that. Idaho has a splendid class of physicians and lawyers, but we do have the other kind, and if you fellows do not you are certainly to be congratulated.

Doctor McBRIDE. I quite agree with the gentleman from Idaho that there are some poor doctors and also some poor lawyers, but as a class I believe that doctors are probably as fine a class of society as any other group in the world. I think everybody will admit that, because otherwise we would be in a rather peculiar position when called upon to engage the services of a physician for ourselves. I am glad that all the doctors in Idaho are not included in that other category. I would feel sorry for the people of Idaho if that were so, and particularly for the industrial commission there, and I would advise the gentleman from Idaho and the gentlemen from other States to see to it that there is some way of protecting the industrial boards of the various States.

In New Jersey we have, fortunately, sufficient funds to have a corps of physicians attending our compensation courts. That comes through our peculiar relationship, as the department of labor has control of the compensation bureau. It likewise has control of the rehabilitation services. In that way we are enabled to get a corps of very competent physicians, and, unless it is an ordinary, trivial case which can be settled by agreement, we never pass upon an accident claim without having one of our own men pass upon the disability. In that way we have no trouble in New Jersey.

We have the average run of doctors and lawyers who appear from time to time at our formal and informal hearings, but they have never been able to get anywhere; in every instance we take it upon ourselves as a compensation department to protect fully the interests

of everybody appearing in our compensation court. I take it upon myself to direct our compensation bureau. That is a part of our duty. We disregard the dishonest doctor and the dishonest lawyer and we have no trouble with him, but I quite agree that, human nature being the same everywhere, there are, unfortunately, dishonest doctors and dishonest lawyers. There are dishonest people connected with some labor departments, I have no doubt. Our aim in New Jersey is to have our department run efficiently and honestly.

The CHAIRMAN. Mr. Duxbury.

Mr. DUXBURY. I was about to say much that the last speaker said. I think we ought not to be too sensitive to criticism, such as was offered by the gentleman from Idaho.

So far as the lawyers are concerned, I have heard it said that a lawyer who conducts his own case has a fool for a client; lawyers very seldom defend themselves for that reason, and probably for the reason that there is no defense, and it is easy to understand why they seldom defend themselves.

But any lawyer who has had much experience with the administration of justice knows that there are reputable lawyers, and they ought not to be condemned. We ought not to be sensitive about criticism, however. I do not resent it, because I have seen the class of fellows of which the gentleman from Idaho speaks, but that has no effect upon men who are men. As the doctor said, there is dishonesty, there is no doubt of it, and when you get a dishonest lawyer and a dishonest doctor working together on the same deal you have a bad thing.

As I said before, in nearly all of these matters it is a question of fact, and the question of fact as to what is an industrial disease is a complex question in which these peculiar types he describes find a fruitful field.

The CHAIRMAN. I think we have this matter cleared up and that we all agree with the gentleman from Idaho. Before passing on to the next number on the program, I want to say that Wyoming is still to be heard from in this discussion.

Mr. FRESHNEY. There is an old saying in our State, "When you want something different come to Wyoming." As a matter of fact, it has become a State slogan, and because Wyoming is different along many lines from any other State in the Union, we started out, perhaps some of you will say, on the wrong track, but when Wyoming was admitted as a State it included woman's suffrage along with other things. It was the first State in the Union to give the women the vote, and last fall it had the audacity to elect a woman governor—the first woman governor in the United States.

You may say that I am getting a long way from the paper, but perhaps before I get through you will realize that I am leading up to the subject under discussion. The compensation department of the State of Wyoming does not come under the labor department, but is separate and distinct therefrom. Occasionally when the man in charge of the compensation department is unable to make a trip of investigation he comes into my office and asks me if I am going to make a trip to a certain part of the State soon; if I am, he asks

me to take care of that matter for him. That is about all the contact we as labor officials have with the compensation department.

As regards compensation for occupational diseases, I want to say that in the State of Wyoming we have none. As a matter of fact, it seems that at every session of the State legislature we have to get our back to the wall and fight for what we already have in the shape of compensation.

We have two groups in the State; one seems to be particularly vicious in regard to attacking the compensation law; the other group has had its great lesson, which was tragedy.

The second group of which I speak is composed of the coal-mine operators. For some time in our State the only thing we did, it seemed, was to bury our friends. Explosions were killing men off by the hundreds. We have been particularly fortunate so far this year in that we have had no coal-mine disasters. I do not know to just what that is due. Some few mines have adopted this rock-dusting proposition and we were hoping great things from that, but the paper read by Mr. Harrington disillusioned me to a certain extent in regard to rock dust, and I shall go back to Wyoming and recommend additional safeguards along the lines of coal-mine protection.

The first group of which I spoke, that which seems to be particularly vicious in attacking compensation, is the Standard Oil and its subsidiaries, and the big oil interests of the State. The oil interests seem to feel that they should be immune from paying their pro rata of the price of workmen's compensation. You know we have at Casper the second largest refinery in the world. At the present time, to my knowledge, there are only two attorneys in the city of Casper who do not bear the brand of Standard Oil. I do not want any of my attorney friends here to take exception to the remark. I am sorry this condition prevails, but every attorney of any ability at all in Casper, with the exception of two, have a retainer fee from the Standard Oil or the other big oil interests, and consequently at every session of the State legislature they are there to slip a joker into the compensation law. So far we have been able to retain what we originally drafted in the act, and in addition from time to time we have been fortunate enough to get amendments to it increasing the efficiency of the law.

Whenever we have introduced into the State legislature laws for the protection of the workmen in the State, the fight is on, the lobbyists are busy. The late Gov. William B. Rosser made the statement after he was inaugurated that there was the most disgraceful lobbying in Cheyenne that it had ever been his privilege to witness in a State. These lobbyists were there at the behest of big interests, so you can readily understand the game we are up against when we try to introduce amendments to our compensation law.

At the last session of the legislature we had a bill introduced providing for runways from the cellars of oil rigs where wells are being drilled in the field. Perhaps many of you are not familiar with what I am trying to tell you. On starting to drill a well a pit is dug in the ground, running anywhere from 16 to 24 feet in depth. This pit is under the derrick and it is floored over. When

beginning to run casing into the hole it is necessary for a man to go down into this pit. In case of a gas explosion and fire the men are caught like rats in traps. As I say, we introduced a bill calling for a runway from this cellar to the outside of the derrick, the pitch of that runway not to be greater than 45 degrees—a mere measure of safety that common humanity demanded, that these poor fellows who have to go into that hole might have one little chance for their lives—but that measure was defeated.

I do not want you to understand that all is darkness and despair in the State of Wyoming. I believe that we are about as optimistic a bunch as there is on the face of the earth. We have good lawyers and bad ones; we have shysters and the cream of the profession. We have good doctors and bad ones. We have men in both professions to whom any good citizen should take his hat off because they are prepared to go to any length in the cause of justice and humanity. I would not at this time cast any reflection on either profession because I have profound regard for the men of both professions, but they are like the workmen—among us we have our Benedict Arnolds and Judas Iscariots, men who are ready to betray their fellow men for less than 30 pieces of silver.

This conference has been very instructive. So far as statistics are concerned, I have none to offer at this time. My predecessor in office died suddenly and left the office in a somewhat chaotic condition, but I might say for our department that we are handicapped by the lack of funds. The last legislature made cuts to the bone in every executive department whose head belonged to the minority party and added to the other departments. I quite agree with my friend Mr. Wilcox, from Wisconsin, that politics should be entirely and forever divorced from such acts as the compensation act. I am glad to be here, and when I go back home I am going to recommend greater things as to the compensation act, and am hoping for a brighter day.

The CHAIRMAN. Is there anyone else who would like to speak on the subject of occupational diseases?

Mr. WILCOX. I would like to say something more on this subject. There is no one administering workmen's compensation who does not feel the need of having his State law a well-balanced piece of legislation, and who does not want it to do substantial justice. I think there is no justice in a law which denies the benefits of workmen's compensation to an employee suffering from occupational disease; there is no justification for it in morals, and if not, certainly there is none as a legislative program.

My wish to talk to you for a moment is because of my desire that those States which are about to recommend legislation do not follow the lead of those other States which have adopted a schedule plan. I am not here to criticize the States that have—Ohio, New Jersey, Minnesota, and the other States which have elected to follow the schedule plan of listing certain types of diseases for coverage and which by such act have excluded all other diseases. I want you, if you will, to go back to your States and tell them that there is no danger in this other plan, and that this has been demonstrated in California and in Wisconsin, and I think likewise in Massachusetts.

I listened to the reading of the list of diseases covered in the Ohio act and I think the framers of that act skillfully excluded by such plan of definition that worst of all occupational diseases, consumption. I think that New Jersey does the same thing. Let not those States which have yet to pass such a law think that there is danger in legislation which does not schedule the injuries, but provides that every injury which grows out of an industry shall be compensated, one as much as the other.

I have with me the tabulation of our experience under the occupational-disease amendment. We had the same sort of fear that was in the thought of those States which adopted the schedule plan, but we just dipped right in and took it all at one plunge instead of wading out and getting the shivers as we went. We found, just as Mr. Witter recounts of the Ohio experience, that after all we did not have to add materially to the compensation cost in order to take care of those injured.

The doctors will tell you—Doctor McBride will tell you—that when management has to take into account the fact that if a disease arises out of an industry it must compensate for that disease, industry will soon find the origin of such disease and eliminate it at the source, and then we will not have occupational diseases.

I do not want any State to think it is necessary to adopt the schedule plan. If it does, then there will be criticism in that State, and justly so. There will be many a man who will point the finger at that particular State and say: "You skillfully excluded me from coverage and gave the benefits to somebody else, and all because of the fact that you were afraid as a compensation department, you were afraid as a people, to assume the job as yours and to do it."

There is nothing hard in the administration of an occupational-disease amendment. Occupational diseases have back of them a certain history and none more truly than that of consumption. Out of the sandblast operation, out of the grinding processes, out of all those things in industry which you and I know of that contribute to the production of this typical occupational disease, there comes consumption, and God knows if there is any one man who needs the protection of the law it is the consumptive—he is the man. We compensate the widow of the man who goes about carelessly and falls downstairs, or who gets a scratch on his finger and does not take care of it, infection developing, with a fatal ending. But this man who goes into the sandblast room day after day and just gives his life to an industry, he and his widow are skillfully excluded from every single schedule plan—I think I speak with truthfulness—in the United States. I submit, men and women, that you and I, as administrators of these laws, can not afford to allow our legislatures to adopt that sort of a plan out of fear. Go to the legislators and tell them the truth as to this thing—you have the experience of the nonschedule States; you know, or if you do not you can easily find out, what that experience has been. You ought to do it, and to tell your people to keep away from this schedule system, because at its source is the purpose, and none other, of denying somebody something that you are forced to acknowledge he ought to have, but that you keep from him just because you are afraid to take the responsibility of having to decide the issue. It is so small

a burden, as Mr. Witter told you this morning, that you can not afford to be going on another single year—not past the next legislative session—without correcting that blight that is in so many of the compensation laws.

Miss JOHNSON. I have a question I should like to ask. Mr. Witter, do you require the reporting of occupational diseases in Ohio?

Mr. WITTER. Yes.

Miss JOHNSON. What is your explanation for the very great difference between the number of compensated cases under your occupational-disease law and the number under your accident-compensation law—is it because of the fact that the law regarding industrial diseases is more recent or because there is not the same general knowledge among employees, or because there is so much greater difficulty in correlating the specific disease with the specific occupational hazard?

Mr. WITTER. You might infer from that difference that the occupational-disease law has not as broad a scope—there are so few enumerated diseases under which cases are eligible for compensation—it is possible that there might have been more compensated cases had the provision been broader. Our figures were based upon the conditions prevailing at the time.

Miss JOHNSON. I should like also to ask, Mr. Wilcox, if the proportion of compensated cases under the occupational disease provision to compensated-accident cases is larger in Wisconsin than in Ohio? You do not have the schedule, I understand, Mr. Wilcox?

Mr. WILCOX. It is always difficult, we must remember, to make comparisons of accidents in one State with those in another because of the dissimilarity of industries. Certain types of occupational disease follow certain industries, and it is necessary to have like industries in order to make dependable comparisons.

My notion, and I say it again, is that the number of occupational diseases is comparatively small, and that is the reason the statistics indicate such a variation.

The amendment which compensates this type of injury in Wisconsin has been in effect six years, which gives abundant opportunity for the public to know that these cases are under coverage. I have no figures in my hands for the earlier years, but in 1922 there were 281 cases; in 1923, 338; in 1924, 299. In that tabulation is included a number of injuries which are occupational in character, but which were in every instance compensable under the old law, the accident plan; for example, anthrax—no State, I think, denies that anthrax is an accidental injury. Typhoid fever from the drinking of polluted water furnished by an employer is an accidental injury. There are other types that we class as accidents and compensate as such, and in the tabulation I have given you we have included all those cases, whether or not they were properly coverable under the old law, our idea being to ascertain the number of diseases which grow out of industry as distinguished from the number of typical accidental injuries.

Mr. CHANEY. What percentage is that?

Mr. WILCOX. Out of a total of 22,000 cases there were 299.

**QUESTION.** Have you tabulations of the cost of compensation for occupational diseases?

**Mr. WILCOX.** Yes; for 1923 it was \$55,495; that is pure indemnity. Medical aid for that year was \$18,239. For 1924 compensation was \$37,000, as against \$55,000 in 1923, and the medical aid was \$13,000, as against \$18,000 in 1923.

From these figures I argue that just as soon as we come to recognize that industry is to pay for the burden of industrial injury of that type, the occupational type, you will see the burden going down because we will eliminate it from industry. It may be almost entirely wiped out. When you note the onset, immediate medical attention will reduce the disability to a minimum, whereas an accident may take off a leg and then the leg is gone. Medical attention in the occupational-disease type of injury may be trusted to reduce the extent of disability to the minimum.

**Doctor McBRIDE.** I heard you mention typhoid fever as being compensable under the act in Wisconsin. I want to ask whether you have had a case of that kind, and, if so, I would like to have it described. I would like to know how you made the positive conclusion.

**Mr. WILCOX.** I will do it. I have the cases in mind because I heard them myself.

At the plant of a certain lumber company in the city of Eau Claire water was taken into the premises from the municipal system and also by the company's private pumping plant directly connected with the Chippewa River. These two systems came together through a 1½-inch pipe in the boiler room of the plant, separated only by an automatic valve designed primarily to open and to allow the water in the municipal system to flow through when the pressure was highest on that side and to close automatically when pressure was highest on the side of the private system. This valve had become so worn and defective that it was possible to force through it under 80 pounds pressure all of the water that could be carried to it through a ¾-inch pipe.

In June and July, 1914, an epidemic of typhoid fever developed in the city of Eau Claire. Thirteen cases were of employees of the lumber company and two of employees at an adjoining plant subjected to the same hazard. The lumber company employees fell ill between June 24 and July 13. They lived in various parts of the city and procured their milk, meat, and drinking water from many sources. No other persons were afflicted with typhoid in the city at that time and everything pointed to some central hazard.

It was a time of extreme drought in Eau Claire and the pressure in the municipal system was reduced to a low point. Because of the defective character of this automatic valve, water was unintentionally permitted to flow through it from the private plant system into the municipal system. Each of the afflicted employees, including those of the adjacent plant, used the water taken at that locality from the municipal system for drinking purposes. The intake pipe in the company's private system was located in the river immediately below their open toilets. Human excreta, toilet paper, and refuse swirled in an eddy immediately over the end of the intake pipe and frequently clogged it. The whole situation made possible the use by the plant employees of water for drinking purposes taken

directly from this contaminated source. The testimony established beyond reasonable doubt that this was the source of the disease, and the commission held that it was injury accidentally sustained.

Doctor McBRIDE. How did the city get its water supply?

Mr. WILCOX. Artesian wells, I think.

Mr. HATCH. It may interest both of you to know that we had an almost exactly similar case in New York State; our case was perhaps a little closer to the border line than yours. Curiously enough the circumstances were almost exactly the same.

Mr. WILCOX. This decision in the Wisconsin case was made prior to 1919, when our occupational-disease amendment was adopted. The case was started in the courts—a suit for damages on the ground of negligence—it being assumed that the disease was occupational in type and not covered under the word “accident.” The supreme court of our State upheld the demurrer, which was to the effect that it was an accidental injury within the compensation law and to be cared for under the compensation act instead of by suit for damages.

Mr. HATCH. That was exactly the situation in New York. It is curious how those two cases parallel each other. We looked up your Wisconsin case, and on the strength of that an award was made in New York and the case was not questioned.

Mr. WILCOX. I would like to ask Mr. Witter one question. I want to know whether under the provision which I understand you have in your law to the effect that any man is denied compensation if he has made a statement that he was free from disease at the time of entry into the industry, the injured person does not get any damages? I want to know whether or not that prompts employers in Ohio to take statements from workers that they are entering their employ free from disease.

Mr. WITTER. We have made no specific inquiry along that line, but the cases which have been brought before the commission have shown that no questions had been asked; that the question had not been raised, and therefore the injured person was entitled to compensation; it was up to the employer to ascertain.

Mr. WILCOX. I am much concerned. That is a dangerous provision. When a man wants a job he is apt to sign any kind of a statement; he is apt to say he is absolutely all right—his injured hand is usually in his pocket.

Mr. McSHANE. Do you require bacteriological tests to show that the typhoid germs were present in the water?

Mr. WILCOX. That is a thing that is past. You could not do it. We could not do it there at Eau Claire, but we were able to demonstrate all the facts I have mentioned, and the fact remained that 13 otherwise strong, healthy men, every one of them employees of this particular plant, all fell ill with typhoid fever within a few days, and two of them died.

The CHAIRMAN. It gives me great pleasure at this time to introduce to the convention Dr. Lucian Chaney, of the United States Bureau of Labor Statistics, who will address you on “Accident reporting.”

## ACCIDENT REPORTING

BY LUCIAN W. CHANEY, OF THE UNITED STATES BUREAU OF LABOR STATISTICS

To be regarded as having merit any procedure must have certain characteristics, such as: (1) Exactness; (2) completeness within the designated limits; (3) applicability to the desired end; and (4) an end worth reaching. Does accident reporting as practiced in the various jurisdictions here represented possess these characteristics and so possess merit?

## EXACTNESS

In a given jurisdiction it has become increasingly the case that practically all the cases which are required to be reported will be reported. Undoubtedly, as employers and employees have become more familiar with both their rights and their duties under the law, the details of these reports have become more dependable. It however remains true that very much of the reporting is placed in the hands of inexperienced people who fail to understand what is needed, and who, when they do understand, are not scrupulous in making the information which they afford conform with the facts. It must be said that the authorities who require the reporting are not wholly blameless regarding the lack of exactness in the returns. The questions asked are not always so put that "a wayfaring man, though a fool, need not err therein." It still remains necessary for the organizations having the enforcement of the law as their duty to exercise the utmost care to have the information precise.

To this end of exactness it is essential that the process be simplified in every possible manner. There is a strong tendency in any statistical enterprise to introduce many details which, while interesting to know about, do not afford any essential information. Not a few of these details have stood for many years, consuming in the aggregate a large amount of time and not being used even for their curious interest. It may fairly be urged that any possible simplification is meritorious.

The possibilities of such simplification are illustrated in the case of two jurisdictions whose procedure has recently undergone rather radical modifications. In order to assure the industrial commission in each case that required payments were being made to the injured person, it has been the rule to require with each payment of compensation the preparation of a quite elaborate form of receipt which had to be filed with the commission. As a result there accumulated in the commission's file in any prolonged case a mass of papers of which only the first report and the final discharge were really significant. If these two papers are what they should be, they contain the full history of the case. The interim reports are not even of curious interest.

Of course it may be found on further experiment with a simpler procedure that it fails at some point to meet all the necessities of the case, but the experiment is eminently worth the trying.

## COMPLETENESS

All the forms of first report now in use in the several States are in some sense descendants of a form prepared by a committee of

the American Association for Labor Legislation. As a result they have many points of resemblance, though differing in minor details.

There are some eight groups of facts which need to be set forth to give the report meritorious completeness.

1. *The employer and the place and time of accident occurrence.*—There has been considerable discussion regarding the inclusion in this group of a statement regarding the hour of occurrence. The original reason for requiring such a statement has been lost sight of in discussion of the significance of the record in relation to industrial fatigue. The insurance companies included the hour because their contracts expired at midnight and the time of the accident in relation to that hour would in some cases determine their liability. This reason is still valid.

As suggested above, the study of distribution in the hours of day and night has been made largely with the idea of giving a statistical basis for conclusions regarding industrial lighting and industrial fatigue. This record has been an important factor in the very great improvement which has come about in lighting in recent years. Concerning fatigue it may be said that so many other factors enter into the distribution from hour to hour that it is difficult to isolate the fatigue factor and say positively just what is to be attributed to it. On the whole, reasonable completeness seems to require a report of the hour.

2. *The employee.*—There can be no question regarding the necessity of the usual items such as age, sex, and marital condition. Regarding one item variously designated as race, nationality, or country of birth, the situation is so mixed that there may be considerable question regarding the accuracy of the data. Neither the worker nor the recorder has any expert knowledge and so the information may be entirely without merit.

In view of the fact that accuracy is probably impossible in the ordinary run of concerns, the question arises as to whether it is desirable to encumber the record with this item. There can be no question that the study of certain groups of data which have been collected with special care and which are consistent in their assignment of cases has been interesting and significant. For example, in one large steel works it was possible to show that the American born and the English-speaking foreign born had very nearly the same accident rates, while non-English speakers had a much higher rate. It was also possible to trace conditions over a series of years and find that while rates had changed for the better notably in the American born and the English-speaking foreign born, the non-English-speaking foreign born had made scarcely any improvement. A natural inference from these facts was that inability to speak English is in itself a somewhat serious factor in the causation of accidents. A closer study of the situation seemed to indicate that much more important than the deficiency in language was the lack of industrial experience on the part of the non-English speakers.

It may be seriously doubted whether the information usually reported regarding country of birth and ability to speak English is accurate enough to be valuable.

3. *Causes of accident.*—This is a most important group of facts. The main value of accident reporting as affording suggestions for

more effective accident prevention lies here. The reason that it has served so little purpose in the past is to be found in the way in which it has been used. It has been regarded as sufficient to accumulate and to classify in a more or less elaborate fashion. It is exceedingly easy to expand the classification to a degree which makes each item nothing but an isolated fact having no statistical meaning.

It is not enough, however, to avoid an overelaborate classification. For satisfactory comparison the causes must be related to the exposure. The great problem in accident statistics at the present time is that of placing a sufficient emphasis on this item of exposure. Without it a large part of the effort expended in the accumulation of statistical data is wasted effort. While this paper concerns itself with reporting of accidents and what is necessary to make such reporting satisfactory, it would be rather useless to secure the best possible reporting if at the next step the value was destroyed by improper handling.

The fundamental cause classification contains about 12 divisions, such as machinery, vehicles, hot and corrosive substances, etc. Each of these can be almost indefinitely expanded. The machinery subdivision is one of such varied and complicated character that a certain amount of expansion is necessary in order to bring out the significance. A step in this direction can easily be taken by using an industrial classification such as woodworking, metal working, textile machines. The nature and extent of such expansion must be determined by individual needs with constant attention to the danger of reducing the items to such small size that they lose their meaning. In some jurisdictions a particular type of machine, as for example woodworking, will be used in particularly large numbers. In such cases a further subdivision of machines may be advantageous.

While the elaboration of the other primary cause groups may be inadvisable, it should always be required that the description of the accident be sufficiently full and explicit to make possible any desirable expansion of this classification. There is a very natural tendency on the part of those to whom reporting is intrusted to make a very brief statement, often omitting most important points. This can be avoided only by constant pressure from the enforcing authority.

4. *Location of injury.*—The degree of elaboration under this head will be determined by the purpose in view. If confined strictly to its utility from an accident-prevention standpoint, a rather simple classification will be all that can be justified.

There are certain hazards which must be guarded against, if at all, by some attachment to the man rather than by modifying the conditions of work. For example, the eye must be protected by suitable goggles, the hand by gloves or hand leathers, the foot by the right kind of shoes, the skull and scalp by a "hard-boiled" cap, the entire body in some cases by heat-resisting clothing. It is evident that these do not call for a very elaborate treatment of locations. It must not be forgotten, however, that the industrial surgeon has some legitimate curiosity which he may fairly insist on having met by the statistician.

In view of the direct application in prevention and the needs of the surgeon, a fairly extended classification of location is justified.

5. *Nature of injury.*—This, even more than location, has directly to do with prevention. It may therefore be treated in a rather summary fashion. Possibly the most important inquiry under this head would be regarding the occurrence of infection. The difficulty is that there is much likelihood that the reports will be incorrect and imperfect on this head.

6. *Results of injury.*—For a long time three items were deemed sufficient under this head—namely, death, permanent disability, and temporary disability. It is quite evident that completeness requires that both permanent disability and temporary disability should be shown in their elements if an adequate presentation is to be made. Accordingly, the report must be detailed enough to show whether members were lost or damaged and how long the temporary disabilities continue. It has been suggested that the period of total disability in a permanent partial case should be recorded. For purposes of compensation this may be desirable, but for statistical purposes a fixed allowance is much simpler and serves every useful purpose.

7. *Medical service.*—The report should disclose the physician and the hospital if hospital service is needed. Ultimately the cost of medical service should be recorded.

8. *Compensation.*—Under this head will come those items of information regarding dependents and earnings of the injured which make possible determination of the compensation due. Since this group of facts has to do directly with the disbursement of moneys running into the millions and since the interrelations involved are exceedingly complicated, it has been the group most carefully studied.

#### PURPOSE AND ADAPTATION

Accident reporting has merit in proportion as it serves its purposes—namely, the prevention of accidents and the compensation of those accidents which can not be prevented. Unfortunately, the way in which the organizations which utilize accident reports have developed has had a strong tendency to concentrate study of the reports in the compensation field and not to utilize them to their full value in accident prevention.

This review justifies the conclusion that accident reporting has now for some years been done in a meritorious fashion. From the standpoint of one primarily interested in accident prevention the difficulty is not with the reporting but with the use made of the reports. They have been classified and arranged and rearranged in a thousand interesting ways. They have not been related to the exposure. Until they are there will continue to be much waste of time and effort.

The CHAIRMAN. It gives me great pleasure at this time to introduce Mr. Charles E. Baldwin, the Assistant Commissioner of the United States Bureau of Labor Statistics, who will address you on "How to make statistics uniform."

#### HOW TO MAKE STATISTICS UNIFORM

BY CHARLES E. BALDWIN, ASSISTANT COMMISSIONER, UNITED STATES BUREAU OF LABOR STATISTICS

The topic assigned to me for this short paper propounds a question that it is easier to ask than to answer satisfactorily. Repeating

an adage that is sometimes attributed to a distinguished military general, "The way to resume military operations is to resume military operations," in a similar manner the question before us might be disposed of with the same sort of an offhand statement—the way to make statistics uniform is to make them uniform.

It was easy for that military commander to make good his answer, because he had the authority to command and it was the positive duty of his soldiers to obey. The statistician, however, is not in such a favorable situation. He has not the power to command, and it is not altogether probable that all statisticians would obey his orders if he did command. Therefore statistics can not be made uniform unless those who direct their compilation will get together and adopt uniform methods and do their best to see to it that those methods are carried into effect.

Statistics are somewhat generally considered to be dry and uninteresting. The bulky and poorly arranged tabulations of figures issued by some States and Federal departments and other agencies sent to the reader are found to be dry and uninteresting and very soon find their way to the wastebasket because they fail to disclose the information they are intended to convey.

The right kind of statistics are not uninteresting. They are intensely interesting and are absolutely indispensable for the intelligent and systematic conduct of business. It must be understood that statistics are collections of facts so selected and arranged as to show the results of experience in any particular line. Most of our practical knowledge is obtained from experience; therefore if we are to know what has happened and what have been the results of experience we must have a comprehensible statistical record of what has taken place. If statistics are dry and uninteresting and have fallen from favor, the fault lies very largely in the incompetence of statisticians, their failure to comprehend their own problems, and their lack of logical presentation of facts.

The characteristic difference between real statistics and the disarranged mass of figures so frequently published consists in the method of arrangement and presentation. The figures collected for statistical purposes should in simple form represent the facts to be studied and should be compiled on a systematic basis and in accordance with a method that is intelligible to the reader.

The principal value of statistics is for comparative purposes. The user of statistics wants to compare, for instance, conditions that exist this year with the conditions of last year, the wages of employees in one occupation with the wages of those in another, the accident rate in one industry with the accident rate in another, etc. Now, these comparisons can not be made with any degree of accuracy or satisfaction unless the figures are collected and compiled on a uniform basis.

In the tabulations of industrial statistics perhaps the first and most important factor is the classification of industries, because all analyses relate to this basis. In a study of accident statistics, for example, the number of accidents of a certain nature, such as the loss of a hand or an eye, if we are to know the hazards of industry, must be studied by industries. Similarly the number of accidents attributable to a specific cause, such as the lack of proper safeguards

for the protection of workers, must be studied by industries. Uniformity in the classification of industry is therefore of first importance and is absolutely essential if the data collected and compiled by the various States are to be comparable and usable.

Perhaps next to the use of standard classifications of industry nothing will add so much to the value of statistical reports as uniform and effective classifications of material. The lack of standard classifications of material has detracted greatly from the value of many statistical reports heretofore published by the various States.

In many cases when planning statistical studies those in charge of outlining the investigation and the preparation of the questionnaires do not include all the inquiries that are necessary to bring out the essential facts needed to make comparable data possible. In other cases much valuable information which was found available in the material collected is not disclosed in the published reports, perhaps, because the statistician did not perceive the significance of the facts in his possession.

Therefore, standard tabulations are also of utmost importance. Otherwise the data collected and published by one State can not be effectively placed in comparison with those of another, their value therefore being greatly diminished, if not entirely lost. A moderate number of standard tables thoroughly worked out will present more information in far more accessible form than is ordinarily contained in 10 times the space covered in some of our published reports.

Probably greater progress toward the goal of uniform statistics has been made in the field of industrial accidents than in any other branch of industrial statistics. These results are due, I think, to the splendid work that has been accomplished by the committee on statistics and compensation insurance cost of the International Association of Industrial Accident Boards and Commissions. This committee is a continuing committee, composed of the statisticians of the various State workmen's compensation boards and commissions, and it has done splendid work and has accomplished much toward uniformity; yet after years of service and consistent effort to bring about uniformity the reports of industrial accidents published by the various States are far from being satisfactory. It is still impossible even to obtain comparable data as to the number of accidents in the various States or the country as a whole. In fact but few States have an accurate knowledge of the total number of accidents occurring in the various industries.

The United States Bureau of Labor Statistics receives numerous requests for information as to the total number of accidents in the principal industries of the country as a whole. Therefore, a few years ago it was decided to examine all sources of accident statistics and attempt to assemble such significant data as were available. Since workmen's compensation and accident prevention are State matters, the State reports were naturally the first sources of information to be considered. First, an attempt was made to determine the number of accidents occurring in each industry and to classify them in the eight large industry groups which the committee on statistics and compensation insurance cost uses in its classifications. It was found that about one-half of the States had made no industry classification whatever. In those reports which did classify accidents the

classifications used were dissimilar, incapable of comparison, and for the most part crude—with the exception of half a dozen States which use the classifications adopted by the committee above named.

Failing in this, an attempt was made to determine the simple question as to the number of fatal and nonfatal accidents occurring in the United States during each of three successive years. The tabulation which resulted made necessary explanatory data opposite the figures for each State covered, setting forth points making them inadequate as representing the total number of accidents occurring within the State. There were seven States for which no figures whatever were available for the period covered. In five of these States there was no provision for the reporting of accidents; the other two had published no statistics. In four instances the figures referred to accidents in mines only, and in one of these cases only serious and fatal mine accidents were included. In some cases only accidents resulting in more than two weeks' disability were tabulated. In one of these instances the data referred to such accidents occurring in establishments where women and children were employed. The figures in the table were absolutely incomparable. In some cases they referred to the accidents which occurred during a specified period; in other cases they related to the accidents reported during that time. In some instances only statistics of closed cases were published. Only claims filed during the period mentioned were published in one State, while in another State only claims allowed were included.

Data for nine States represented accidents of more than one day's disability; for two States accidents of more than one week's disability; for three States, accidents causing disability of more than two weeks.

Again, the statistics presented were wholly incomparable as to the period covered. Six States attempted to gather statistics of all accidents occurring within the period covered and 11 States aimed to get data for all accidents causing loss of time, but in both of these instances the figures were admittedly incomplete.

The lack of uniformity evidenced by the study may be attributed to three principal causes: (1) The absence of uniformity in accident reporting laws and practices; (2) the incompleteness of accident reports received by the States; and (3) the lack of uniform tabulation and presentation of the accident data. All of these difficulties the committee on statistics and compensation insurance cost has been attempting to remedy for several years.

What has been said of the lack of uniformity in accident statistics is equally applicable to various reports on wages and hours of labor, volume of employment, and other reports. There is so wide a variation in the industrial classification, occupational terminology, and methods of tabulation in the reports of the various State bureaus that it is utterly impossible to make any satisfactory comparison. This condition was so clearly set forth in the report presented at the last annual meeting by Ethelbert Stewart, United States Commissioner of Labor Statistics, in his report for the committee appointed to consider uniform methods of accident reporting and compiling statistics that there is little need of further discussion of the matter.

If we are going to have real worth-while statistics we must have cooperation between the States, and must adopt some concrete uniform policy. This association did wisely at the last annual meeting in continuing the committee appointed to consider uniform methods of accident reporting and compiling statistics, and in my judgment that committee should be made a standing committee and should have a prominent place on the program at each and every annual meeting. It is to be regretted, I think, that that committee has not been assigned a place on this program for a report on this very important subject. There should be close communication between the members of the committee throughout the year by correspondence, and I believe personal conferences should be held one or more times each year with the serious purpose of working out definite classifications of industries and uniform occupational terminology, as well as standard forms of tabulation; and every possible effort should be made to induce the statisticians of the various States to accept the conclusions of this committee and to put their recommendations into operation in the various States.

### DISCUSSION

The CHAIRMAN. We have just listened to a very able paper, and there may be somebody who wishes to say a word on the subject.

Mr. HORNER. Doctor Chaney in his paper raised the question as to the advisability of giving the nationality in reporting accidents. In the State of Pennsylvania we find this information to be of considerable importance, for the reason that aliens who are killed in the industries of our State often leave dependents who are nonresidents of this country. It is the policy of this department to notify the proper consular officer of every fatality resulting among aliens. In this way we have been able to protect the interests of these nonresidential alien dependents before the statute of limitation on the claim expires.

Mr. WILCOX. I am wondering if Mr. Horner thinks it is desirable to require the reporting of the nationality in all the thousands upon thousands of cases that occur in order to get the information for that very small class—the aliens who may perhaps leave dependents abroad. The number of alien dependency cases is so small that it seems to me quite a large burden to put upon the employer always to look up the nationality for the purpose of giving us needed information for that small group.

Mr. HORNER. We find the number of those cases in Pennsylvania is considerable, as there are a large number of aliens employed in our steel and mining industries. We have been complimented on various occasions by the consular offices for the complete information they get from the State of Pennsylvania, through which they are enabled to protect the interests of nonresident dependents who come under the provisions of our compensation law.

While it is true that the number of aliens injured in industry is comparatively small as compared with the great number of people injured in the State, nevertheless I feel that, so far as aliens are concerned, this information is very important.

Mr. McSHANE. In Utah we have to be very particular about reporting nationality where there are dependents resident in a foreign country, for the reason that a considerable portion of our labor supply comes from foreign countries and they do not bring their wives to this country, and in view of the peculiar provision of our law, and, I think, of the Pennsylvania and some other laws, that dependents resident in a foreign country are paid only a proportionate amount of the compensation which they would be paid if they were resident here. I do not want to start anything, but I am a little suspicious that because of the decreased compensation cost, employers may study this foreign proposition a little more closely than the compensation boards. I am a little fearful that that is a vicious provision in our law. I know that it is not humanitarian, and I know that there is a tendency for an industrial employment agency of a big concern to try to make a record and to cut compensation cost, to the disadvantage of our own good American citizens. I am wondering just how the jurisdictions deal with that problem.

Mr. BONCER. I think there is another good reason for the reporting of the nationality in connection with industrial accidents. Possibly you have often heard it said that the mining industry is composed largely of foreigners, and that this or that happens because the employees are foreigners and do things carelessly. Our accident reports for the mines of Virginia have convinced us that our population in the coal mines is largely American, and that the injuries, both fatal and nonfatal, have largely affected the lives of those who are American citizens. We have also been able to see from those reports that those men are not only natives, but that they are at an age when they should be in the prime of life and able to take care of themselves well in industry. We have also been able to ascertain the number of married men and their dependents, which gives us the background to state, so far as we are concerned, that it is not the riffraff of foreign countries, as we often hear these men called, that is being injured and killed in our mines. That, to my mind, is important as well as the other things which have been referred to.

The CHAIRMAN. Miss Peterson, have you anything to say on the subject?

Miss PETERSON. No; except to urge that this conference put forth a serious effort to bring about some uniformity in labor statistics. I am sure that great progress can be made with very little effort if the members of this association really want some uniformity in labor statistics.

It is true that if we want to do a good job we must formulate a program of work. However, a good beginning could be made if, when sending out your labor statistics, you would explain the method used in collecting the data and define clearly the exact meaning of the terms and classifications used.

It should be comparatively easy to compare data on hours of employment in one State with data collected on hours of employment in other States. We find, however, that it is usually impossible to do so, because in one State the term "hours of employment" means scheduled hours, in another State it means "actual hours of work" in another it is only an "estimate of the hours worked," while for some

industries "over-all hours" are entered where there is a broken shift without any reference to either actual or scheduled hours of employment. I wonder if the association can not do something to standardize or work out the standard definition for certain of the terms we all use.

Mr. HATCH. In connection with Mr. Baldwin's paper, I would like to know how to arrive at uniformity in the matter of statistics. I am a little in doubt about whether this association has a continuing committee on uniform labor statistics similar to the committee that the International Association of Industrial Accident Boards and Commissions has, to which Mr. Baldwin referred.

I know something about that other committee, and I was interested to know that Mr. Baldwin feels that they have accomplished something important in uniformity as regards accidents in business. It has been done by a good deal of hard work, by having a continuing committee which has held conferences from time to time, in which the members spent a day or two, with their coats off, around a table, actually getting down to brass tacks on standard definitions of what they were talking about—standard tables or forms. That will have to be done.

If we have not such a committee I am going to give Mr. Lansburgh a resolution that this association should have such a committee, working in close cooperation with the Federal Bureau of Labor Statistics, as a continuing working technical committee to help this association to procure some practical uniformity.

The CHAIRMAN. For your information, Mr. Hatch, I will say that this matter has been up before several conventions; we had a comprehensive report from Mr. Stewart last year. I would advise you strongly to submit your resolution to the gentleman from Pennsylvania, who will take it up with the resolutions committee later on.

Mr. BALDWIN. It is my understanding that this association has not a standing committee. A committee was appointed and the Commissioner of Labor Statistics made a report last year, and it was then voted to continue that committee another year; but the committee did not have any meetings, and had, I believe, no report to make to this meeting.

The only recommendation I make in my paper is that such a committee be established, and it seems to me that the suggestion of Mr. Hatch is very important. I think the committee should not do this work by correspondence. The experience has been that having work done by committees through correspondence means that in most cases it is the chairman's job. I think that the committee we appoint, if it is appointed, should get together around the table, as Mr. Hatch suggests, and decide definitely certain recommendations as to industrial classifications of industry, occupational terminology, and definitions, as Miss Peterson has suggested, and certain of the tabulations that are necessary—the minimum number, I should say, that may be presented to the association for adoption.

Doctor McBRIDE. I would like to know whether or not this association has ever recommended to the different States any uniform standard of statistics.

Mr. BALDWIN. No.

Doctor McBRIDE. We have vacancies in our statistical bureau, and I am awfully anxious to have the thing go right. I think it is an important branch of our service.

Mr. BALDWIN. The original purpose of this organization, which was started something like 40 years ago by Carroll D. Wright, as I understand it, was to get the States together, with the idea of presenting their reports in a uniform way, so that one State could use the material found in the report of another State in comparison with its own. We have not gotten very far in that direction.

Mr. CHANEY. The work of the committee to which Doctor Baldwin refers is one of the finest pieces of statistical work you could find anywhere. The trouble is not with the report or what it recommends; the trouble is that it has never been put into operation.

[Mr. Lansburgh requested that the discussion on statistics be continued at the afternoon session, to which the Chair consented, and a motion to that effect was made, seconded, and carried. The only discussion in the afternoon session, however, was as follows:]

Miss SCHUTZ. I think Mr. Baldwin gave the impression this morning that the committee appointed to consider the reporting of uniform statistics was discontinued at our last session.

Mr. BALDWIN. That was not the understanding I had. I understood that by resolution last year the committee was continued this year, but not as a standing committee.

[Meeting adjourned.]

*SATURDAY, AUGUST 15—AFTERNOON SESSION*

GEORGE B. ARNOLD, PRESIDENT A. G. L. O., PRESIDING

**BUSINESS SESSION**

[The report of the auditing committee finding the report of the secretary-treasurer correct was read and adopted. The following discussion then ensued:]

Mr. BROWN. I would like to know how Idaho stands as regards membership in this association. On what grounds are we members, if we are?

[Secretary Schutz read the section of the constitution relating to membership.]

Mr. BROWN. We have no relationship to labor in Idaho. I belong to the industrial accident board. The labor portion has no connection with us at all.

The CHAIRMAN. The labor board has no representative present?

Mr. BROWN. No. And Idaho has not paid her dues to this association, although she has to the I. A. I. A. B. C. We have to do with the handling of compensation paid out to injured workmen.

Mr. HALL. I see nothing in the constitution which would permit membership if one is not connected with a labor department and has not paid dues; he is not entitled to membership in the association.

The CHAIRMAN. It seems to me the constitution and by-laws are very weak on that subject. We are maintaining an organization of government labor officials and we should hew strictly to the line. I think there should be lines drawn as to who are members and who are not members, and let us get down to business from that viewpoint.

Miss SCHUTZ. The constitution says: "Members of departments of labor." Of course, ours in Minnesota is not strictly termed a department of labor; it is an industrial commission, and the same is true in Wisconsin. I think the term is very broad and all-embracing. It seems to me it is all in our interpretation of that clause.

Mr. HATCH. I should say that any department having the enforcement of labor laws in its charge would be logically a member of this association; any department exclusively administering compensation laws would be in the other.

The CHAIRMAN. I think that would solve the problem.

Miss McFARLAND. While we are on this matter of membership I would like to bring up an amendment to the constitution. It refers to the bringing in of the American representative of the International Labor Office as a member of this organization—an hon-

orary member. I would like to propose at this time that there be referred to the committee on constitution for consideration as an amendment to article III, section 2, of the constitution, the inserting after the words, "and provincial departments of labor," of the words, "the American representative of the International Labor Office," making it possible that in addition to the Federal, State, and provincial departments of labor, the International Labor Office may be included.

MR. WITTER. I would like to submit to this convention a change in the constitution which provides a change in the elective number of votes.

[Mr. Witter read his proposed amendment to article VII, section 2, of the constitution, which was as follows:

In electing officers of the association each State department of labor shall be entitled to two votes, but in no case shall more than one vote be cast by one delegate.]

MR. WOOD. That has been fought on this floor for 15 years and has always been defeated.

THE CHAIRMAN. I am going to ask for the report of the committee appointed to confer with the committee from the National Association of Legal Aid Associations.

**REPORT OF COMMITTEE APPOINTED TO CONFER WITH THE COMMITTEE FROM THE NATIONAL ASSOCIATION OF LEGAL AID ORGANIZATIONS**

We, your committee appointed at the last session of this organization to confer with a committee to be appointed by the National Association of Legal Aid Organizations relative to the standardization of laws regulating the collection of small wage claims, beg to submit the following for your consideration:

We are now advised by Mr. John S. Bradway, secretary-treasurer of that association, that only a tentative law has been prepared, copies of which have just been received by your committee, and in the exchange of correspondence between Mr. Bradway and your committee, as well as with our secretary, it has been suggested that we report progress at this session, with the view of having the proposed law just submitted redrafted before being ratified by both bodies, and your committee so recommends.

We are advised that to meet the necessary expenses incidental to the continuance of this work a fund of \$500 is necessary, and this organization has been appealed to to render financial assistance, asking that we donate \$50 for this work, the Bar Association agreeing to take care of the remainder, and your committee recommends that this amount or any other sum that the body may agree upon be forwarded to Mr. Bradway, and the secretary-treasurer of this organization is hereby authorized to issue check to cover same.

Respectfully,

ETHELBERT STEWART.  
E. LEROY SWEETSER.  
F. E. WOOD.

MR. WOOD. That is our only recommendation. In a conversation with Mr. Stewart, Mr. Sweetser, and myself, we decided that in view of our financial condition we could appropriate \$50, with the assurance that the sum involved would not hamper our interest in a full

cooperation in this work. Mr. Stewart also authorized me to say that the International Association of Industrial Accident Boards and Commissions, which is to convene next Monday, has quite a surplus and is in a position to, and he will assume to say that it will, donate \$50. On other work we are reporting progress.

[It was moved and seconded that the report be adopted.]

Mr. HALL. I would amend the report to read: "An appropriation of \$50 is hereby made."

Mr. DUXBURY. That will make it definite.

[The amendment was accepted and upon a vote the motion was carried.]

#### REPORT OF COMMITTEE ON CONSTITUTION AND BY-LAWS

An amendment was offered by Miss McFarland to add the words, "and the American representative of the International Labor Office," following the words, "and provincial departments of labor," in section 2 of Article III of the constitution. The committee recommends the adoption of this amendment.

Article VII, section 2, of the constitution, reads at present as follows:

Sec. 2. In electing officers of the association, State departments of labor represented by several delegates shall only be entitled to one vote. The delegates from such departments must select one person from their representatives to cast the vote of the group.

An amendment has been proposed, as follows:

In electing officers of the association each State department of labor shall be entitled to two votes, but in no case shall more than one vote be cast by one delegate.

This amendment was presented by Delegate Witter and the committee disapproves of its adoption. Our reason for making an adverse recommendation is in brief as follows: It is up to the States to get together and decide by their own vote on their policy, if they have a policy or are interested in it, or if they want to cast a half vote they can do that. On the other hand, departments are quite frequently represented by only one delegate and it would not be right to accord that State only one vote, whereas some State adjoining might have two votes.

[The report of the committee was adopted upon motion duly made, seconded, and carried, the first amendment being adopted and the second amendment defeated.]

#### REPORT OF COMMITTEE ON OFFICERS' REPORTS

We, your committee on officers' reports, beg leave to say that we have given the same careful consideration, and recommend the following:

Your committee wishes to compliment most highly President Arnold for his able document and his references to the past achievements of the association. While his recommendation for establishing an organization between the States by geographical districts, for the purpose of having something more definite for the annual convention to work on, is an ideal very much to be desired, your committee is of the opinion that the time is not yet propitious to bring about this end.

Your committee approves the president's recommendation to establish the annual conference of the association in some central location.

Your committee has examined the report of the secretary-treasurer, and we recommend its approval. We also wish to express our appreciation for the clear and concise manner in which she has accounted for the finances of the association in her report.

Respectfully submitted.

CLAUDE E. CONNALLY, *Chairman.*  
 MAUD SWETT.  
 FRANK O'BRIEN.  
 HENRY MCCOLL.  
 F. E. WOOD.

AUGUST 14, 1925.

[The report was adopted.]

The CHAIRMAN. We will now have the report of the committee on resolutions.

#### REPORT OF COMMITTEE ON RESOLUTIONS

1. *Resolved*, That the association extend its appreciation and sincere thanks to the members of the Industrial Commission of Utah, and to the members of other organizations in Salt Lake City who through their untiring efforts have contributed to the pleasure and well-being of the delegates in convention at Salt Lake City: Be it further

*Resolved*, That the appreciation of the convention be given to the chairman of the committee on publicity and to the press for the publicity given the proceedings of the association. [Adopted.]

2. *Resolved*, That the Association of Governmental Labor Officials extend to Ethelbert Stewart, Commissioner of the Bureau of Labor Statistics, United States Department of Labor, its thanks for his courtesy in printing the eleventh annual report of the proceedings of the convention held at Chicago, Ill.; be it further

*Resolved*, That he be requested to print the proceedings of the twelfth annual convention held at Salt Lake City, Utah. [Adopted.]

3. *Resolved*, That it is the sense of this convention that the several State labor departments and commissions and the American Engineering Standards Committee cooperate in the development of uniform safety codes and wherever possible that State departments adopt the national standards as the State standards. [Adopted.]

4. *Resolved*, That this convention indorses the activities of the National Conference on Outdoor Recreation, in providing recreation centers in and about industrial communities, and recommends that the various members cooperate in every way with this organization. [Adopted.]

5. *Resolved* (1), That the association shall have a standing committee on uniform statistical nomenclature, the chairman and other members of which shall be appointed by the president of the association and of which the United States Commissioner of Labor Statistics shall be chairman.

(2) That this committee shall at the next meeting of the association report a standard plan for industrial statistics for guidance, particularly with respect to accident prevention. This plan should represent not the maximum which would be desirable, but the minimum, which every jurisdiction should prepare, both for its own use and for the purpose of affording,

by coordination through the United States Bureau of Labor Statistics, such information on a national basis. [Adopted.]

6. Whereas the laws of the various States in a number of respects afford inadequate protection for working children, and

Whereas the rejection of the Federal child labor amendment by a number of States places a heavier responsibility upon those States to provide adequate protection for their own child workers:

*Resolved*, That the States be asked to raise their child-welfare standards through the enactment of effective legislation and the appointment of properly qualified officials to administer the laws. [Adopted.]

7. Whereas the employment of children in some forms of agriculture has been developed on an industrial scale, and

Whereas few States have made any attempt to meet this problem, and

Whereas the laws of most of the States specifically exclude agricultural labor from the protection of the general labor laws:

*Resolved*, That the members of this association be asked to give their attention to this problem; and be it further

*Resolved*, That a committee be appointed to study the problem of migratory workers with special reference to measures for securing permanent employment for such workers and for protecting child workers; and that this committee cooperate with the United States Children's Bureau in this study and report back to the association at the next meeting. [Adopted.]

8. *Resolved*, That a committee be appointed to look into the question of industrial home work—the extent to which such work is conducted in the various States and the methods being taken to deal with the situation; such a study to be made in cooperation with the United States Children's Bureau and the United States Women's Bureau and reports to be made to the next convention of the association.

9. Whereas the successful enforcement of labor laws and the successful conduct of industrial safety work depend to a large extent upon the skill, the judgment, and the trained intelligence of inspection service:

*Resolved*, That the association urge upon all State officials responsible for its service the recognition of the importance of the highest standard of training and specialized experience and character for the industrial inspection staff, and the importance of adequate salaries to attract properly qualified persons to this service.

10. *Resolved*, That request be made that the United States Women's Bureau make a study of the employment of married women in industry.

11. *Resolved*, That the secretary of the Association of Governmental Labor Officials call to the attention of the various States the possibilities of collaboration with the International Labor Office in the work of securing uniform labor laws and uniform methods in connection with the collection and presentation of labor statistics. [Adopted.]

MISS JOHNSON. The report that has just been adopted represented the unanimous report of the committee on resolutions. There was one question on which the members reserved the right to express their personal opinion on the floor, and I would like at this time to present the following resolution:

*Resolved*, That this association reaffirm its support of the Federal child labor amendment to the Federal Constitution.

The CHAIRMAN. That is a good resolution.

[The resolution was adopted after some discussion.]

## ELECTION OF OFFICERS

The following officers were elected for the ensuing year:

*President*—Herman Witter, director department of industrial relations Columbus, Ohio.

*First vice president*—John S. B. Davie, commissioner bureau of labor, Concord, N. H.

*Second vice president*—R. H. Lansburgh, secretary of labor and industry, Harrisburg, Pa.

*Third vice president*—Maud Swett, director women's department, industrial commission, Milwaukee, Wis.

*Fourth vice president*—Alice McFarland, director division of women and children, public service commission, Topeka, Kans.

*Fifth vice president*—H. C. Hudson, general superintendent Ontario offices, Employment Service of Canada, Toronto, Can.

*Secretary-treasurer*—Louise E. Schutz, superintendent division of women and children, industrial commission, St. Paul, Minn.

The association voted to hold its next convention at Columbus, Ohio, or at some other city in Ohio, to be chosen later.

The convention adjourned to meet in 1926 in Ohio, some time in the latter part of May or the first of June.

## APPENDIX

---

### LIST OF PERSONS WHO ATTENDED THE TWELFTH ANNUAL CONVENTION OF THE ASSOCIATION OF GOVERNMENTAL LABOR OFFICIALS

#### UNITED STATES

##### *California*

\*John A. McGilvray, chairman industrial accident commission, San Francisco.

##### *Colorado*

Mrs. Frank M. Keezer, national child labor committee, Denver.

##### *Connecticut*

\*Frederick F. Hibbard, factory inspector, Bethel.

\*John S. Thornhill, factory inspector, Brookfield.

##### *Idaho*

\*Joel Brown, chairman industrial accident board, Boise.

\*Mrs. Eleanor L. Scutt, statistician industrial accident board, Boise.

##### *Illinois*

\*George B. Arnold, director department of labor, Chicago.

\*H. D. Battles, supervisor of rehabilitation, Chicago.

##### *Indiana*

\*Dixson H. Bynum, chairman industrial board, Indianapolis.

##### *Kansas*

\*Alice K. McFarland, director women's work, public service commission, Topeka.

\*Frank O'Brien, member public service commission, Topeka.

##### *Louisiana*

\*Frank E. Wood, commissioner bureau of labor and industrial statistics, New Orleans.

##### *Massachusetts*

\*Ethel M. Johnson, assistant commissioner department of labor and industries, Boston.

\*M. Leroy Sweetser, commissioner department of labor and industries, Boston.  
Mrs. E. Leroy Sweetser, Boston.

##### *Minnesota*

\*F. A. Duxbury, commissioner industrial commission, St. Paul.

\*Henry McColl, chairman industrial commission, St. Paul.

\*Louise E. Schutz, superintendent division of women and children, industrial commission, St. Paul.

---

\* Official delegate.

*Missouri*

- \*George E. Tucker, Director Farm Labor Division, U. S. Employment Service, Kansas City.

*New Hampshire*

- \*John S. B. Davie, commissioner bureau of labor, Concord.

*New Jersey*

- \*Andrew F. McBride, commissioner department of labor, Paterson.

*New York*

- \*Leonard W. Hatch, director bureau of statistics and information, New York.  
Mrs. Leonard W. Hatch, New York.

*North Dakota*

- \*Dorothy Blanding, secretary minimum wage commission, Bismarck.

*Ohio*

Rose Mark, official reporter, Cleveland.

- \*H. R. Witter, director department of industrial relations, Canton.  
Mrs. H. R. Witter, Canton.

*Oklahoma*

- \*Claude E. Connally, commissioner department of labor, Oklahoma City.  
Aileen Connally, Oklahoma City.

*Pennsylvania*

- \*W. H. Horner, director bureau of workmen's compensation, Harrisburg.  
\*Richard H. Lansburgh, secretary of labor and industry, Harrisburg.  
\*T. Henry Walnut, chairman workmen's compensation board, Harrisburg.

*Utah*

Mrs. Nellie M. Alston, secretary Farmer-Labor Association, Salt Lake City.  
Charles Caine, manager State insurance fund, Salt Lake City.

Beverly S. Clendening, president chamber of commerce, Salt Lake City.

J. F. Coombs, director of safety and labor, American Smelting and Refining Co., Garfield.

- \*John Crawford, coal mine inspector, Salt Lake City.

William H. Felland, city attorney, Salt Lake City.

- \*Mrs. Irene M. Fowler, labor inspector, Salt Lake City.

- \*T. A. Heringer, factory inspector, Salt Lake City.

- \*E. A. Hodges, State metal mine inspector, Salt Lake City.

Bruce Johnson, superintendent of safety, United States Smelting & Refining & Mining Co., Midvale.

- \*O. F. McShane, chairman industrial commission, Salt Lake City.

Alice McShane, clerk industrial commission, Salt Lake City.

- \*Nephi L. Morris, member industrial commission, Salt Lake City.

Arthur L. Murray, M. D., U. S. Bureau of Mines, Salt Lake City.

W. W. Norton, consulting metallurgist, American Smelting & Refining Co., Salt Lake City.

D. S. Rishton, writer League of Freedom and Peace, Salt Lake City.

- \*John Taylor, coal mine inspector, Hiawatha.

C. A. Watts, director of safety and service, American Smelting & Refining Co., Salt Lake City.

F. J. Weitertt, secretary and treasurer Silver King Coalition Mining Co., Salt Lake City.

- \*G. R. Yearsley, State insurance fund, Salt Lake City.

---

\* Official delegate.

*Virginia*

- \*William Boncer, mine inspector, bureau of labor and industry, Richmond.  
Mrs. William Boncer, Portsmouth.
- \*John Gribben, chief factory inspector, bureau of labor and industry, Newport News.
- \*John Hopkins Hall, jr., commissioner of labor, Richmond.  
Mrs. John Hopkins Hall, jr., Richmond.  
Miss Virginia Hall, Richmond.

*Wisconsin*

- \*L. A. Tarrell, member industrial commission, Madison.
- \*Maud Swett, director women's department, Milwaukee.
- \*Fred M. Wilcox, chairman industrial commission, Madison.  
Mrs. Fred M. Wilcox, Madison.

*Wyoming*

- \*T. G. Freshney, commissioner department of labor and statistics, Cheyenne.

*District of Columbia*

- \*Charles E. Baldwin, U. S. Assistant Commissioner of Labor Statistics, Washington, D. C.
- \*Lucian W. Chaney, U. S. Bureau of Labor Statistics.
- \*Leifur Magnusson, American correspondent International Labor Office, Washington, D. C.
- \*Agnes L. Peterson, Assistant Director U. S. Women's Bureau, Washington, D. C.
- \*Ethelbert Stewart, U. S. Commissioner of Labor Statistics, Washington, D. C.

---

\* Official delegate.

