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Excerpts from
MIGRATORY CHILD LABOR ON NEW JERSEY FARMS
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Submitted in Partial Fulfillment of the
Requirements for the Degree of Master of Arts
in the Faculty of Political Science,
Columbia University
April, 1933

INTRODUCTION

Every spring, as soon as planting and harvesting seasons begin (the latter part of April or the first part of May) Italian families in quite large numbers begin to move from Philadelphia and vicinity to the agricultural counties of the southern section of New Jersey for seasonal work on the farms. These families stay on the farms for a period of five or six months, returning to the cities of their permanent residence about the middle of October or first of November. This practice originated between 1890 and 1900, when the flow of Italian people to this country was intensive.

Not only the parents and guardians of these families work in the New Jersey fields, but also the children seven years of age and over. Considerable criticism has been directed at the living quarters provided by some employers, at conditions under which children are working and at the time lost from school by these children.

As a result of this criticism, bills prohibiting the employment of children under 16 years of age, have been introduced into the Legislature of New Jersey for the past five years. In 1927 and 1928, their provisions were such as to prohibit the employment in agricultural work of migratory children from other states of compulsory school age during the time in which the laws of their home states required their attendance at school. In 1929, the bill did not specify the agricultural industry, but prohibited the employment of all children under 16, whether resident or non-resident, during the New Jersey school year. All of these bills* failed to pass, because factual data on the subject was lacking.

In January 1930, the American Cranberry Growers' Association passed a resolution asking the New Jersey State Board of Agriculture to make a survey of conditions surrounding the employment of migratory children and of the economic needs, of both employer and employee, that necessitate such labor.

On May 1, 1929, the Bureau for Women and Children in the New Jersey Department of Labor was created and very soon thereafter the welfare groups which had sponsored, in vain, migratory legislation for years, asked the director of the Bureau, Mrs. Isabelle M. Summers, to take over the work of securing such regulatory provision.

Mrs. Summers called together representatives of the farm group, labor and welfare organizations and others and after many meetings an agreement was reached that a study

should be made and as a result of this agreement, on February 4, 1930, Assembly Joint Resolution No. 6 was introduced into the Legislature. This provided for the creation of a commission to investigate and study the matter of migratory children in the State of New Jersey and the conditions surrounding such employment. This resolution was passed by both branches of New Jersey Legislature and was approved by the Governor April 14, 1930.

Pending the adoption of the Joint Resolution, the Bureau of Statistics and Inspection of New Jersey State Department of Agriculture, secured the unofficial cooperation of the State Department of Labor, State Board of Health and Department of Education, the agencies mentioned in the resolution, and proceeded to develop the plan of attack and to collect the information in the field. By the time the commission was named, the field work was well under way and no time was lost.

The author of this thesis had immediate supervision of the survey. He developed the plan of attack, prepared questionnaire, supervised the work of field interviews, elaborated the method of tabulation of collected data, and wrote the "Report of the Commission to Investigate the Employment of Migratory Children in the State of New Jersey, 1931." This report was published and submitted to the Governor of the State. The close collaborators in the matter of collecting information were Messrs. C.J. Grant, Kermit Black, N.A. Back and A.C. Ebert, employees of the New Jersey State Department of Agriculture.

The present thesis is based upon the material published in the report of the commission. The structure of the thesis, however, is quite different from the structure of the report. The report consisted of the statistical tables with very few explanations. The present work, although it emphasizes the factual side of the question studied, devotes considerable space to explanations and brief analyses. Of course, the material presented in the thesis could be elaborated considerably further.

Chapter VII

Conclusion

This survey reveals that the number of children under 16 years of age who migrate with parents or guardians to New Jersey farms for seasonal work is quite large, amounting in 1930 to 2,226. The size of the phenomenon should attract attention of social organizations for protection of children in order to force the State Government to perform its functions. Two alternatives are open before the Government: (1) to prohibit migratory child labor, or (2) if the Government heavily pressed by the farmer-employers cannot prohibit this labor, the children must be protected by a specific law.

Our findings point out clearly the weak and dangerous sides of migrant child labor. The most serious shortcoming of the practice is the fact that children are deprived of the opportunity to receive the regular school training to which they are entitled by our constitution and our conception of democracy. Democracy cannot function properly if its constituency is ignorant. Ignorance breeds poverty. Poverty stimulates discontent. Discontent gnaws the foundation of social order. Of course, social order never is static. It is plus or minus dynamic. Discontent is an instrument or a force in bringing changes, but there are two types of discontent: one is guided by intelligence and moderation, the other by wrath. Discontent directed by reason leads to gradual changes and improvement in society. On the other hand, discontent based upon the wrath of masses, leads to destruction of the social order with one obvious result, namely retrogression and waste. By refusing education to the children, democracy breeds the second type of discontent and in this way defeats its fundamental aim. Education is the greatest friend of democracy. It preserves a proper balance between the intellectual and the emotional sides of human nature. It fosters equilibrium between reason and heart. Ignorance, on the contrary, gives predominance to dangerous, non-creative emotion instead of to reason.

The aim of democracy is to create conditions under which every member of the community knows and understands that he or she has equal opportunity for satisfaction of his personal needs, and for development of his social qualities. How can democracy reach these goals if it equips one part of the population with knowledge and keeps another in darkness? Does the uneducated man know that he has an equal opportunity with the rest of the people? Of even if he is aware of his equality, is he trained to fight successfully for equal place under the sun? Of course, No. How then can democracy attain its objective? Through education only.

The survey definitely points out that 1,519 children lost a large number of school days. The range of actual school days lost was from three to 149 days. The weighted average number of actual school days lost was 39. As a consequence of this condition, the percent of school retardation was 60.6. These figures take into consideration only the number of actual school days lost by children while they were staying on the farms. But it was ascertained that many of the children after they left the farms and went to the cities of their permanent residence, did not attend school immediately. Some of them enrolled

after Christmas and left school in March. Consequently, the number of actual school days missed was considerably greater than 39. The shifting from cities to farms, from farms to farms, and from farms to cities is responsible for this social malady.

The only way to deal with the situation is to prohibit migratory child labor. If, however, the government is not willing to curb this labor entirely, it is the duty of society to provide education for the migrant children.

The local municipalities cannot carry the financial burden of providing education for these children. State and employers must share it. If employers were forced to contribute something toward educational cost, it is our belief that they would not hire the migrant families because the expense would be prohibitive. If, however, some farmers will employ the migrant families the children should attend local school.

The legislative act dealing with employment and schooling of migratory children should embody the following points:

1. The term "migrant child" shall mean any minor who moves from his or her place of residence, either within or without the State, to another place within the State in order to engage or enable his or her parents or guardian to engage in some temporary or seasonal occupation within the State.
2. The board of education of each school district shall determine at such time and in such manner as the Commissioner of Education may direct, the number of migrant children in the district.
3. The board of education of every school district in which any migrant child resides, who is required by the provisions of this act to attend school, shall admit such child to the classes regularly or usually provided in the public schools of said district; but whenever the number of such migrant children residing within the area served by a given school is more than ten, the board of education of said school district may, and when so directed by the Commissioner of Education, shall establish and maintain a special class or classes for such children.

Whenever two or more districts shall deem it advisable to unite for the purpose of carrying out the provisions of this act, said districts may establish and maintain a special class or classes for migrant children.

4. The plan of organization, location, course of study, number of hours per day and weeks per year, standards of housing, housing and equipment, and all other facilities for all special classes for migrant children in any district, or combination of districts, shall be determined by the Commissioner of Education with the advice and consent of the State Board of Education.
5. Reimbursement of all current expenses incurred by any district for the maintenance of special classes for migrant children in any year as herein provided, exclusive of the

transportation of pupils, shall be made by the State and employers and shall be paid to the school district by the State Treasurer upon certification of the Commissioner of Education from such appropriations as may be made by the Legislature for that purpose on warrant of the State Comptroller to the custodian of school monies of the school district. No reimbursement of state money shall be made to the district for the purchase or rental of land or buildings.

6. Each board of education providing for the establishment and maintenance of a special class or classes for migrant children shall present to the Commissioner of Education for his approval, at such time as he may direct, an annual budget of proposed expenditures for the school year next ensuing, which budget may be expended from the current expense funds of the district. Each board of education of a district receiving State funds for the education of migrant children shall report annually to the Commissioner of Education in such form and manner as he may prescribe.
7. If any district fails to establish and maintain instruction for migrant children in accordance with the provisions of this act, when so directed by the Commissioner of Education, the Commissioner may, with the approval of the State Board of Education, withhold any State monies apportioned to said district for school purposes.
8. The board of education of each school district in which migrant children are employed shall report to the county superintendent of schools in such form as the Commissioner of Education may direct.
9. Every parent, guardian or other person having custody and control of a migrant child between the ages of 7 and 16 years shall cause such child regularly to attend the public schools of the district in which said child is employed, or such special class in said district as the board of education of the district may direct, during all the days and hours said school or class is in session, but any migrant child who is a resident of this State to whom an age and schooling certificate has been granted and any non-resident migrant child to whom a corresponding certificate has been granted in the State in which he or she resides shall be exempt from the provisions of this act.

Any parent, guardian or other person having charge and control of any child between the ages of 7 and 16 years who shall fail to comply with any of the provisions of this article relating to his or her duties shall be deemed to be a disorderly person. Upon the filing of a sworn complaint by the attendance officer of the school district or of the county with the Court of Common Pleas of the county or the Juvenile Court in any county where a Juvenile Court has been established, or with a police justice, or city, town, borough, or township recorder of the municipality in which such school district shall be situated, a rule shall be issued by said court, police justice or recorder and served by the sheriff or any constable requiring said disorderly person to appear before the court, police justice or recorder issuing said order, together with any child or children under the charge and control of the person upon whom said order is served, who have not been in regular attendance at school as required by this act, at the place and time and on the date specified in said rule to show cause why said

disorderly person should not be punished by a fine not to exceed five dollars, or imprisonment in jail not to exceed 30 days, or both. If said disorderly person and said child shall fail to appear in response to said rule, a warrant shall be issued by said court, police justice, or recorder to said sheriff or constable, commanding him to bring said disorderly person and said child forthwith before said court, police justice or recorder, for such disposition as said court, police justice or recorder may make in said case.

10. No person, no member of any firm and no officer or agent of any corporation shall employ, either directly or indirectly, any migrant child between the ages of 14 and 16 years, and no person, no member of any firm and no officer or agent of any corporation shall permit or allow the employment of any such migrant child on property owned or controlled by said person, firm, or corporation unless such person, the member of such firm or the agent or officer of such corporation:
 - a. Require the parent, guardian, or other person having control of said child to present or cause to be presented on or before the first day of employment of said child an age and schooling certificate, or if said child is a non-resident of the State, a corresponding certificate showing the name and age of said child and the State and district in which he last attended school;
 - b. Keep on file and accessible to inspection throughout the child's period of employment said age and schooling certificate or said corresponding certificate;
 - c. And surrender to the parent, guardian or other person having custody and control of such child said certificate whenever the child discontinues his or her employment.
11. No migrant child under the age of 16 years, whether resident or non-resident of this State, shall be employed or allowed or permitted to work at any gainful occupation in this State during any of the days or hours in which such child is required by law to attend school. Any officer or agent of any corporation, any member of any firm, or any person who shall employ such child, either directly or indirectly, or who shall permit or allow such employment on property owned or controlled by said corporation, firm, or person, or shall otherwise violate any of the provisions of this act, and any parent, guardian, or other person having custody and control of such migrant child who shall allow or permit such child to be employed contrary to the provisions of this act shall be deemed and adjudged to be a disorderly person or disorderly persons, and upon conviction thereof shall be fined not to exceed \$25, or imprisonment in jail not to exceed 30 days, or both.
12. It shall be the duty of the Department of Labor of this State and they shall have the legal right to investigate and inspect to discover violations of sections 10 and 11 of this act, and to make formal complaint in any court in which disorderly persons may be tried, against any officer or agent of any corporation, any member of any firm, or any person or parent, guardian or other person having custody and control of any migrant child under the age of 16 years, who shall violate any of the provisions of said sections of this act.