

The Outlook

SEPTEMBER 7, 1921

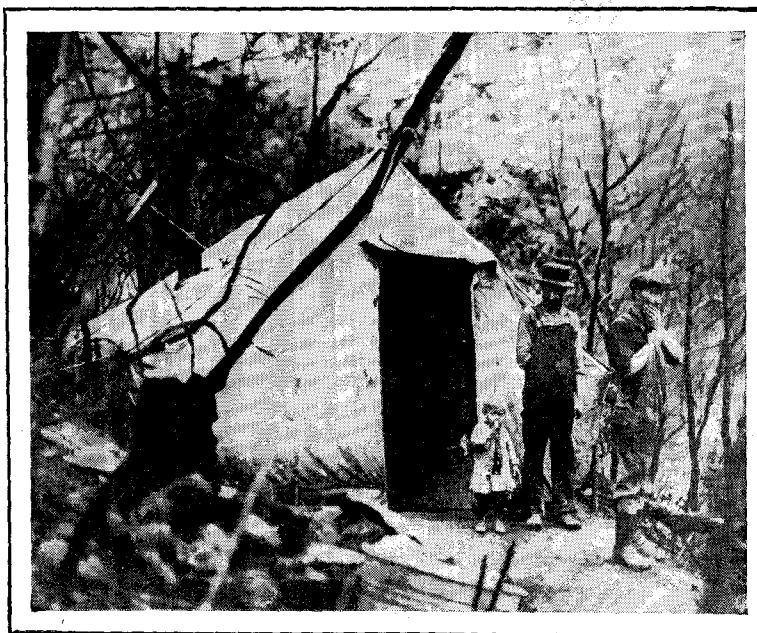
NATIONAL CHILD LABOR LAW

TEST is to be made before the United States Supreme Court of the constitutionality of the present Federal Child Labor Law. In the lower Federal court which declared the Owen-Keating Child Labor Law unconstitutional two years ago—a decision which was upheld by the United States Supreme Court—a decision has just been rendered of the same general tenor relating to the present law. In this case, arising in North Carolina, Judge Boyd maintains that the regulation of labor is one of the powers retained by the individual States and not delegated to the Federal Government. He also holds that it is a violation of the rights of a State for Congress to attempt to regulate labor by the imposition of a tax, as in this case. It will be remembered that the law imposed a Federal tax of ten per cent on profits derived from manufactures in the making of which child labor had been employed contrary to certain restrictions laid down by the law. These restrictions are practically the same as those in the Owen-Keating Law, and have been published in these columns repeatedly.

The real difference between the two laws is that the one already pronounced unconstitutional forbade the transportation of products of factories where the restrictions as to child labor were not observed, while the present law imposes a tax on those products.

There is certainly an important sense in which the regulation of child labor is a National question. The situation is something the same as it is with the question of divorce. Each State has or may have its own law, and no National, consistent system of dealing with the question is now possible. Moreover, if one State has sound and efficient restriction of the evils of child labor and another State has little or no restriction, the manufacturers in the first State are obviously at a great commercial disadvantage as compared with those of the second. It is chiefly, we judge, on this latter argument that the case of child labor restriction by National action is based.

There has been a change in the personnel of the United States Supreme Court since the Owen-Keating Law was pronounced unconstitutional. That decision was made by a majority vote of five to four. Chief Justice White was then on the bench and voted with the majority. Now Chief Justice Taft is on



IN THE WEST VIRGINIA COAL COUNTRY—WHERE MARTIAL LAW PREVAILS

the bench, and his stand may change the Supreme Court, taken as a body.

As we have often pointed out, the Supreme Court has approved the use of the Federal taxation power for other purposes than those of raising money, as, for instance, in the case of the manufacture of phosphorus matches. Such a tax as that on child labor products would come under the head of an indirect tax; the limitation of the Constitution that such indirect taxes must be uniform means, as has been generally held, that the same rate must apply everywhere on the same products.

The human aspects of the question need no exposition. That children of tender years should be safeguarded from overwork or from working at all in factories under certain conditions really means that they should be protected as regards health, education, and their development into good and desirable citizens.

THE MARCH OF THE MINERS

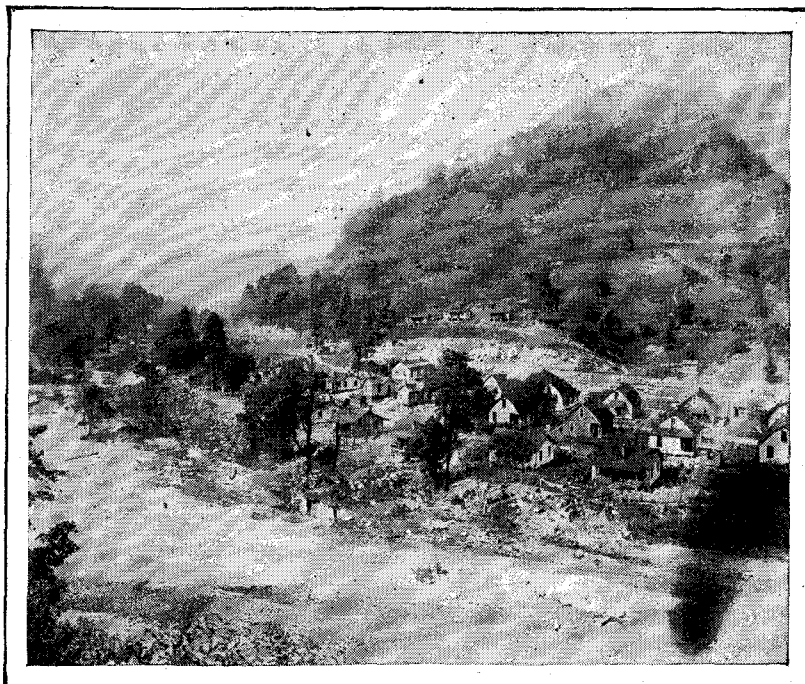
SOMETHING like civil war on a small scale has been barely averted in the coal mining region of West Virginia. A body of union coal miners, said by some accounts to number almost five thousand, undertook a march through Logan and Boone Counties, with the town of Mingo as their objective. Their purpose was to protest against the existence of a state of martial law in that part of the State. Their demonstration, however, was direct evidence of the need of martial law. The advance of such an

army (for in a small way it was an army), most of its members well armed, could not but arouse terror and endanger public safety.

Earnest and most commendable exertions of the State authorities and labor leaders persuaded the leaders of this armed mob that they were doing their cause more harm than good, and before they reached Mingo the greater part of them were persuaded to return to their homes. Unfortunately, however, several hundred, perhaps a thousand, of the miners refused to retire and resisted a force of State troopers who advanced to enforce their withdrawal. A sharp interchange of shots took place and several miners were killed or wounded.

Mining troubles have long existed in this part of West Virginia. The mines in that section are generally under control of owners who refuse to employ union workers. As the unions are strong in near-by localities, and as the miners are mostly men accustomed to the use of the rifle and easily enraged, a very bad state of things has existed. The miners say that the system of paid mine guards in vogue in Logan and Mingo is contrary to law and oppressive. Attacks by the miners on mine guards are undoubtedly equally criminal. A Congressional investigation of the trouble is to begin at once.

The obvious conclusion is that law and order must be established, and the prime responsibility for that rests with the Governor of the State. It is equally true that once law and order are estab-



A VILLAGE OF COAL MINERS' HOMES IN WEST VIRGINIA

lished there should be impartial prosecution of all violators of the law and that the personal rights of the disputants on both sides should be upheld. Beyond this, the authorities should remember that the general public, as well as worker and employer, have an interest and a right in such matters, and that industrial questions should be brought under the principles of arbitration and conciliation, with due regard to the rights of all the three parties to every industrial war—namely, the worker, the capitalist, and the public at large.

THE PEACE TREATY WITH GERMANY

FORMAL peace relations between Germany and the United States will exist when the Treaty, signed at Berlin on August 25 by the American Commissioner, Mr. Ellis L. Dresel, and the German Foreign Minister, Herr Rosen, shall be approved by our Senate and the German Reichstag, and ratifications exchanged between the executives of the two countries. No doubt is felt as to the Senate's ratification.

Thus formally will come to an end the war entered into by this country to assert its own rights, to stop German assaults on American life and property, and to prevent German domination on sea and land.

What rights do we obtain under the treaty? Briefly, those stipulated for our benefit under the Treaty of Versailles, with the League Covenant eliminated. Specifically, this puts the rights of the United States with respect to Yap and other German overseas possessions upon an equality with other Powers. So also our equal rights are protected as re-

gards the clauses about reparation, military restriction, economic and financial matters, and other things less important.

From what responsibilities are we relieved? We are not in any way bound by the League, unless we so elect; we need not take part in reparation or other commissions unless we choose; we are not bound by the political, labor, and delimitation provisions, or by the Treaty agreements as to Egypt, Shantung, Turkey, Siam, Bulgaria, Morocco, or Liberia. One comment made is that "Secretary Hughes has succeeded in doing what some persons have regarded as impossible. He has safeguarded the United States at every point and effectually unscrambled the Versailles pact and the League Covenant."

The Treaty negotiated is in accord with the Knox-Porter peace resolutions. Austria and Hungary are dealt with separately.

It has been urged with vehemence in some quarters that the present Administration came into power largely through votes of Republicans who wanted to see the United States enter the League with the Lodge amendments attached. Just how far this is a fact it would now be impossible to prove. More than that, it would be futile. The situation has changed and is changing all the time. Nothing is more mobile than the public mind as relates to large questions like this. The country at large wanted this matter settled quickly and with full guaranties to American rights for the future. This the President and Secretary Hughes have accomplished. It was simply impossible at this time to take up again the long, dubious trail of the Versailles Treaty. What America may

do to insure peace and justice, the world will appear at the Washington Conference.

THE PERSONNEL OF THE ARMS CONFERENCE: AMER.

PROBABLY no one expected President Harding to repeat President Wilson's Paris mistake and try personally to conduct negotiations for our Government in the forthcoming Conference. If any such fears existed, they were immediately dispelled by the announcement from the White House that Secretary Hughes would head our delegation. As such, he would naturally become President of the Conference. Aside from the appropriateness of this distinction to one who occupies the position of American Foreign Minister, Mr. Hughes has certain qualifications for such a task—his habits of mind are judicial, his action is deliberate if sometimes instant, his decision is firm as is his integrity, and, finally, his utterances have been terse, cautious, and to the point.

While the appointment of Mr. Hughes has been welcomed by all sorts of political opinion, President Harding's choice of the second member of the American delegation has not received such a compliment. And yet here again it was expected that Mr. Harding would not repeat Mr. Wilson's blunder in ignoring the Senate in the membership of the Paris Commission. It was expected that Mr. Harding would choose a delegate from the Senate, and, if so, the logical thing would be to ask the Chairman of the Senate Foreign Relations Committee, Henry Cabot Lodge. No sooner was this choice announced, however, than the New York "World" declared that a "most serious blow to public confidence had been dealt," that "Senator Lodge has done more to disturb the peace of the world than any other man since the abdication of the German Kaiser," and that Mr. Lodge "is a militarist and imperialist." The incitement for this extraordinary language seems to be found in a statement by Mr. Lodge during a recent Senate debate in which he said that we had cut to the bone our appropriations for expenditures "absolutely necessary for any government that means to protect itself against dangers which may come to any nation." The majority of Americans, we believe, will not on this account share all the anxieties of the "World."

THE FOREIGN DELEGATES

As to the delegates from other countries at the Arms Conference, the only definite indications have been from France and England. Premier Briand's decision to attend the Washington Conference in person is expected by most