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A CENTURY OF DENYING CHILD LABOR IN AMERICA

By

Jennifer Robin Terry

A dissertation submitted in partial satisfaction of the

requirements for the degree of

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in

History

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Paula Fass, Chair

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A CENTURY OF DENYING CHILD LABOR IN AMERICA

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ABSTRACT

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By

Jennifer Robin Terry

Doctor of Philosophy in History

University of California, Berkeley

Professor Paula S. Fass, Chair

This dissertation analyzes the influence of agrarian ideology on agricultural child labor policy in the United States over the course of the twentieth century. The project places agrarianism at the heart of the child labor question by arguing that agrarian sensibility uncompromisingly viewed children's farm labor as a beneficial and healthful activity, and a natural and integral part of the rural family economy—even among children who did not live on family farms. Throughout the twentieth century, rural parents and agricultural interests invoked reason that was rooted in agrarianism to limit or thwart legislation that aimed at regulating agricultural child labor. As a result, children's agricultural labor has never been regulated on a par with that of other sectors.

This dissertation demonstrates the strength of agrarian reason and reveals the ramifications for working children by tracing the evolution of the agricultural exemption to the child labor provision of the 1938 Fair Labor Standards Act. This project challenges conventional narratives that mark the New Deal as the end point for the history of child labor in America. It moves the discussion beyond the 1930s and pushes it outside the bounds of eastern industrial America. In doing so, it draws out the experiences of racially and ethnically diverse groups of children while shedding light on the power of cultural myths to influence public policy. In challenging conventional narratives, this project contributes significantly to our understanding of the history of American politics, labor, and childhood in the twentieth century. It is the first project to argue that child labor was a critical component in FDR's 1937 battle with the Supreme Court; to analyze the nation's increased dependence on child farm labor during World War II; and to highlight the ways that children were activists in the United Farm Worker labor movement of the 1960s and 1970s. Moreover, this project calls attention to the fact that the child labor problem is not yet solved.

Ultimately, this dissertation demonstrates the ways that agrarian reason veiled exploitation, denied children legal protection, and perpetuated multi-generational cycles of poverty and structural inequality that were in contradistinction to the tenets of agrarianism.

In loving memory of my mother,
Dianna Jean Moore
1952-2014

&

my father-in-law
John Stephenson Terry
1913-2011

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INTRODUCTION

Manuella Valero was furious. On the evening of Thursday, September 20, 1967, her three grandchildren came home in a terrible state. Rather than go to school, they had worked all day in a vineyard, harvesting grapes in the sweltering Central California heat.¹ Suffering from heatstroke and dehydration, eleven-year-old Richard tried to take refuge in the shade of a grapevine but was terribly ill by evening. Sixteen-year-old Gloria complained of back spasms. Once home, she went straight to bed, forgoing even dinner. Valero was absolutely furious because her grandchildren were *not* farm laborers. She intentionally prioritized their education, which is why she had opposed sending them to the vineyard in the first place. But on Saturday, September 16, the school board in the city of Madera, California declared a harvest holiday, closing district schools so that children could harvest grapes in area vineyards. Although harvest holidays had become increasingly rare in California by the late 1960s, they were not without precedent, and the school board agreed that the farm problem was dire enough to warrant the move. They believed that the United Farm Workers Organizing Committee had left them no choice. Now in its third season, the labor strike threatened the California grape harvest with devastating loss. Therefore, the board resolved, Madera schoolchildren should break the strike and help to save the valley's harvest.²

The Madera school closure of 1967 is interesting on a number of levels, not least because the school board unilaterally decided to subordinate students' education to commercial agricultural interests in the midst of a labor stand-off. This highly political move highlights one of the ways that the tight-knit grower network exerted control in rural towns. This was not uncommon in predominantly agricultural communities throughout the nation. Indeed, board-sanctioned school closures for the purpose of supplying children's labor was quite common throughout most of the twentieth century. And while most children were given the option to work, those who were recipients of public aid (such as Valero's grandchildren) were required to work under threat of benefit termination. This policy disproportionately and unjustly targeted the poorest children. But what is perhaps most striking is the fact that the community condoned employing children as strikebreakers. After all, children were not recruited to break the United Auto Workers strike in 1961 or any number of strikes in other sectors during that decade. Why was the agriculture industry different in this regard? Given the fact that modern child development philosophy prioritized education in the lives of children, why would a community choose to channel children's efforts toward manual labor rather than learning? Quite simply, the reason is that the deployment of children for emergency and seasonal harvest harkened to a long history of decisions rooted in the agrarian myth—a tradition that saw only virtue in farm labor and linked children's physical and moral development to such work. While it is unlikely that the

¹ September 20, 1967 was the hottest day of the week. The temperature topped out at 96 degrees with virtually no breeze. "Historical Weather," Madera, California, September 20, 1967, *Weather Underground*, <https://www.wunderground.com/history/>.

² "Madera Will Close Schools for Harvest," *The Fresno Bee*, September 17, 1967; *Ramos v. Madera*, 4 Cal. 3d 685; 484 P.2d 93 (1971).

grape growers of the Central Valley, who lobbied the Madera school board, were motivated by this tradition, they deployed the language to justify their request, as did the board when they came to their decision. And although agrarianism as justification for children's labor was increasingly contested by certain segments of the population by the late 1960s, it continued to hold sway at the federal, state, and local levels of administration.

"A Century of Denying Child Labor in America" analyzes the influence of agrarian ideology on agricultural child labor policy in the United States during the twentieth century. The project places agrarianism at the heart of the child labor question by arguing that agrarian sensibility uncompromisingly saw children's farm labor as a beneficial and healthy activity, and a natural and integral part of the rural family economy. Commercial agricultural interests invoked this belief to obscure the issue of child labor regulation throughout the twentieth century. They maintained that the occupation was beneficial to children and they argued that federal regulation would infringe on rural parents' authority, and unnecessarily hobble American farming. In doing so, agricultural interests and the Farm Bloc repeatedly limited or thwarted efforts to bring the regulation of children's agricultural labor on a par with other sectors. The failure to adequately regulate children's agricultural labor permitted the commercial agriculture industry unfettered access to the labor of migrant children and young day laborers but required little oversight or accountability. Moreover, the routine use of child labor exacerbated the socioeconomic disadvantage of poor migrant, tenant farm, and sharecropper children under the façade of parental agency.

The Madera school closure is one example of how decades of treating the agriculture sector differently from other industries did violence to poor children under the guise of wholesome and healthy work environment—a cruel contradiction to be sure. This study traces the process of legally differentiating children's agricultural and non-agricultural labor beginning with the first failed attempts to pass federal child labor legislation in the early twentieth century. But if the precedent was set during the Progressive Era, it was in the late 1930s that the difference was codified. In 1936, President Franklin Roosevelt made child labor reform part of the Democratic Party's platform, and in 1937 he charged legislators with establishing a minimum wage, a maximum workday, and abolishing child labor. This order came as humanitarians, child development experts, educators, and child welfare advocates articulated new definitions of modern childhood, children's rights, and expectations for the ways that enlightened nations should treat children. From this stemmed the progressive belief that *all* children—regardless of class, race, or color—were entitled to healthy spaces in which to live, learn, and play. Child labor was considered antithetical to the goal of raising good citizens, and in 1938, Congress moved toward its abolition with the Fair Labor Standards Act (FLSA) when it banned child labor in businesses that were engaged in interstate commerce. The act was widely hailed as a victory and it satisfied the public that the problem of child exploitation had been solved. Yet, few Americans appreciated that among the exemptions that the agriculture industry had successfully garnered was Section 13(c)—a loophole that would give the sector unfettered access to children's labor for decades to come. Scholars have not grappled with the significance of the Section 13(c) exemption, and as a result, they have not recognized the gravity of its ramifications in the lives of rural working-class children.

The central question that animates this study interrogates how the agriculture industry was able to exploit children's labor with impunity and without public outrage for decades after the passage of the FLSA. This study argues that agrarianism—that is, the belief in the superiority and virtue of an agriculturally oriented society—significantly influenced American cultural and political thought throughout the twentieth century. Even as the population became increasingly urban, the cultural affinity that sanctioned children's agricultural labor endured. This formed the basis for what I refer to as agrarian reason. While this ideology has yet to be considered in relation to children's labor, the notion that agrarianism strongly influenced the nation's character and identity is not novel. Scholars such as Richard Hofstadter, David Danbom, and Carey McWilliams (among many others) have written volumes on the ways that the agrarian myth has defined, shaped, and motivated American society, while Elizabeth Lamoree argues that between the 1930s and 1970s, the myth gave force to the agriculture industry's pursuit of anti-union policies.³ My work builds on theirs, but makes a significant departure in its focus on the myth's effect on child labor policy. The agrarian myth wielded significant influence in congressional debates, farming literature, and the like because the notion appealed to a cultural common sense. That is, because Americans had long celebrated the nation's rural roots, when elements that conveyed the myth—narratives, symbols, metaphors, ideals, values, or concepts—subtly and overtly surfaced in communication, the rhetoric was effective because it confirmed basic and commonly held perceptions of the world. The degree to which Americans assimilated the notion into their personal worldview differed according to their stake in the agrarian lifestyle, their potential for profit, or their philosophy on child development.

Many political scientists have written about the significance of myth in political thought.⁴ One such scholar, W. Lance Bennett tells us that myths are often influential in politics, but they can be difficult to analyze because they “are not the things people see when they look at the world, [but rather] they are the things they see with.”⁵ Nonetheless, this study shows that by scrutinizing the language and actions of individuals, as well as the legislation they pass and affirm, it is possible to expose the catalytic force of myth. For example, Americans who viewed the world through an agrarian framework saw (and articulated) children's agricultural labor as a wholesome and healthful activity in which children learned the virtue of hard work, the value of money earned, and responsibility through neighborly and civic duty. To this way of thinking, agricultural labor performed a public good by keeping children constructively occupied in ways that served their families

³ David B. Danbom, *Born in the Country: A History of Rural America* (Baltimore: Johns Hopkins University Press, 1995); Richard Hofstadter, *The Age of Reform: From Bryan to FDR* (New York: Vintage Books, 1955); Carey McWilliams, *Factories in the Field: The Story of Migratory Farm Labor in California* (Boston: Little, Brown, and Company, 1939); Elizabeth Lamoree, “Gambling on Grapes: Management, Marketing, and Labor in California Agribusiness,” *Agricultural History* 86, no. 3 (Summer 2012).

⁴ On political the work of myths, see: Joanne Esch, “Legitimizing the ‘War on Terror’: Political Myth in Official-Level Rhetoric,” *Political Psychology* 31, no. 3 (2010): 357-291; Chiara Bottici, *A Philosophy of Political Myth* (Cambridge: Cambridge University Press, 2007); Chiara Bottici and Benoît Challand, “Rethinking Political Myth,” *European Journal of Social Theory* 9, no. 3 (August 2006): 315-336; Hans Blumenberg, *Work on Myth* (Cambridge: The MIT Press, 1988); W. Lance Bennett, “Myth, Ritual, and Political Control,” *Journal of Communication* 30, no. 4 (1980): 166-179.

⁵ Bennett, “Myth, Ritual, and Political Control,” 167.

and communities while also developing the character and physical health of the child. Moreover, those who promoted agrarianism believed it to represent a preferred lifestyle, and relegated evidence of the rural poverty that was associated with child labor, which included low educational attainment, ill health, housing insecurity, and financial straits, to bad parenting and defective family morals. I argue that it was this agrarian reason that differentiated child labor in the agriculture industry from that of other sectors and produced a century of denial and obstructed legislation.

Although the agrarian myth held a powerful grip on the American popular imagination, some people have persistently resisted the notion that children's agricultural labor was benign and beneficial when performed within a commercial system. These child welfare advocates, organizations, and even some politicians recognized the toll and detriment of such labor to the child. The National Child Labor Committee (NCLC) formed in 1904 specifically to campaign for the removal of children from the workplace. Even at that early period, they documented exploitation in commercial agriculture along with that in factories, mines, mills, and in the street trades. In 1912, Congress established the United States Children's Bureau and charged it with monitoring and reporting on the condition of the nation's children—their health, education, and well-being—and this necessarily brought child labor into the bureau's purview. Both organizations were disappointed with the Section 13(c) exemption in the 1938 law and they continued to fight for stricter child labor laws in subsequent years. But these activists often ran into the intransigent wall of the agrarian myth. This dissertation traces the efforts of child welfare advocates and politicians who challenged the myth and worked to revise the Section 13(c) exemption.

One of those later advocates was Ronald B. Taylor, a journalist from California's San Joaquin Valley. Taylor went to work for the *Fresno Bee* in 1955. For years he covered stories on farming, land-use, and the environment, but according to his own accounts, he did not notice child laborers in the fields until his editor asked him to look into the issue in the early 1970s. Calling them "invisible children," Taylor's exposés of California agribusiness's illegal and exploitative practices helped to call attention to the national problem. Photographs of young Mexican, Mexican American, and white children picking strawberries, grapes, and chili peppers during school hours accompanied his articles that cited violations of labor and education laws, accidental deaths and maiming, and accounts of malnutrition and desperate poverty. Most significantly, he was instrumental in prompting a re-evaluation of agrarianism when he attributed justification of child labor to the "romantic myth so carefully draped over the family farm." Taylor then published *Sweatshops in the Sun: Child Labor on the Farm* in 1973, on which the 1974 KABC-TV investigative special was based.⁶ Like Taylor, this dissertation attributes the continued exploitation of children by agricultural interests to the agrarian myth. Yet, this project also goes beyond attribution of cause to explore what it meant to American children when adults subscribed to cultural norms that placed the interests of young people secondary to those of parents, community, or businesses. In doing so, this

⁶ Ronald B. Taylor, "The State's Illegal Young Harvest," *Fresno Bee*, January 22, 1972; Ronald B. Taylor, "Myths of Labor and the Plight of Children," *Fresno Bee*, February 27, 1972; Ronald B. Taylor, *Sweatshops in the Sun: Child Labor on the Farm* (Boston: Beacon Press: 1973), 3.

project reveals that childhood, in the modern sense, was not an equal opportunity privilege in America.

The fact that children who performed agricultural labor were excluded from federal protection is particularly significant in light of changing perceptions of childhood and the increasing importance of education in American life. In the early decades of the twentieth century, society began to view even poor and working-class children as valuable for their sentimental worth rather than for their income-earning potential. While middle-class families had already exhibited this shift as early as the mid-nineteenth century, it took the work of Progressive Era reformers to democratize the notion so that it could extend into working-class homes.⁷ In 1909, with the first White House Conference on Children and Youth, the federal government acknowledged that *all* children had a right to food, clothing, shelter, education, health, and an “opportunity for development of all inner capacities and potentialities.”⁸ This meant that Americans were becoming comfortable with the idea that children were what sociologist Viviana Zelizer has termed the “economically ‘worthless’ but emotionally ‘priceless’” child.⁹ This new valuation of children, regardless of class, helped to define modern American childhood as one that was centered on activities that cultivated the physical, emotional, and intellectual development of children, primarily through school and recreation. This influenced everything from patterns of family interaction to the design of child-centric spaces, as well as the production of children’s books and toys, and compulsory schooling and child labor laws.¹⁰ Yet, modern childhood would look different in the countryside as the sentimental child of leisure and learning was considered an unsustainable luxury in many rural communities.

In the course of examining the work of agrarianism in limiting legislation this project also explores the ramifications of exempting children’s agricultural labor from protective legislation. The American public generally took the passage of the FLSA as a major victory and promptly ceased further consideration of the issue. They trusted that the government had fixed the problem. But throughout the twentieth century, agricultural interests continued to apply agrarian reason to oppose each new attempt to revise the legislation. Hence, rural working-class children—migrants, the daughters and sons of tenant farmers and

⁷ Romantic notions of childhood and the expansion of public education began to emerge as early as the 1830s, but even so, these were not the child-centric philosophies that arose after the turn of the twentieth-century. For more on the earlier period and transition to the sentimental childhood, see: B. A. Hinsdale, *Horace Mann and the Common School Revival in the United States* (New York: Charles Scribner’s Sons, 1898); Kathryn Kish Sklar, *Florence Kelley and the Nation’s Work: The Rise of Women’s Political Culture, 1830-1900* (New Haven: Yale University Press, 1995); Paula S. Fass, *The End of American Childhood: A History of Parenting from Life on the Frontier to the Managed Child* (Princeton: Princeton University Press, 2016).

⁸ National Child Labor Committee, “Editorial and News Notes,” *American Child* (May 1920): 4.

⁹ Viviana A. Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children* (New York: Basic Books, 1985), 3.

¹⁰ There is much scholarship on the development and effects of the notion of the sentimental child. See for example: Zelizer, *Pricing the Priceless*; Kriste Lindenmeyer, “A Right to Childhood”: *The U.S. Children’s Bureau and Child Welfare, 1912-46* (Urbana: University of Illinois Press, 1997); Fass, *The End of American Childhood*, 55-75; Howard Chudacoff, *Children at Play: An American History* (New York: New York University Press, 2007), 98-101; Gary Cross, *The Cute and the Cool: Wondrous Innocence and Modern American Children’s Culture* (New York: Oxford University Press, 2004), 20-35.

sharecroppers, and young day laborers who supplemented their families' income through paid farm labor—were often stuck in a cycle of poverty that was marked by low educational attainment and ill health. Yet, until the 1970s, the public remained largely unaware of their plight. This was largely because the public trusted in the virtue of agrarianism, the adequacy of federal law, and the judgment of parents. Ronald B. Taylor called these youngsters “invisible children” because he literally had not noticed their physical presence in the fields, but I refer to them as such in recognition of the fact that the agrarian myth shrouded their labor under a veil of propriety that concealed them from public consideration.

The invisibility of these exploited laborers has carried over into the historical narrative on child labor in the twentieth century. While few scholars mistakenly claim that the FLSA totally abolished child labor, the emphasis placed on its passage, followed by a near historiographical silence regarding its exemptions and limitations implies as much, and has inadvertently advanced the impression that the “problem” of child labor ended in 1938.¹¹ This is evident in United States history textbooks and even children's literature that reinforce this impression through omission. Coverage typically reduces the issue to Progressive Era reform while showcasing Lewis Hine's photographs of child labor in factories, sweatshops, mines, and mills (rarely using his farm images). Through an examination of the use, conditions, and effects of children's agricultural labor, this dissertation tells the stories of children who have otherwise been lost to history. Where possible, it recovers their voices; it makes personal the politics of child labor.

This project challenges conventional narratives that mark the New Deal as the end point for the history of child labor in America. Such studies typically hail the 1938 Fair Labor Standards Act as a crowning triumph for child welfare advocates and a vindication of modern American childrearing ideals. But to do so ascribes a sense of finality that not even contemporary advocates felt. “A Century of Denying Child Labor in America” moves the discussion beyond the 1930s and pushes it outside the bounds of eastern industrial America. In doing so, it draws out the experiences of racially and ethnically diverse groups of children while shedding light on the power of cultural myths to influence public policy. In challenging conventional narratives, this project contributes significantly to our understanding of the history of American politics, labor, and childhood in the twentieth century. It is the first project to argue that child labor was a critical component in FDR's 1937 battle with the Supreme Court; to analyze the nation's increased dependence on child farm labor during World War II; and to highlight the ways that children were activists in the United Farm

¹¹ These are notable studies of child labor but they do not grapple with agriculture beyond the 1930s. Walter I. Trattner, *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970); Hugh Hindman, *Child Labor: An American History* (Armonk, N.Y.: Routledge, 2002); Chaim M. Rosenberg *Child Labor in America: A History* (Jefferson, N.C.: McFarland, 2013). Regional studies that touch on child labor within the family work context: Cathy L. McHugh, *Mill Family: The Labor System in the Southern Cotton Textile Industry, 1880-1915* (New York: Oxford University Press, 1988); Tamara Hareven, *Family Time and Industrial Time: The Relationship between Family and Work in a New England Industrial Community* (New York: Cambridge University Press, 1982); Jacquelyn Dowd Hall, *Like a Family: The Making of a Southern Cotton Mill World* (Chapel Hill: University of North Carolina Press, 1987); I.A. Newby, *Plain Folk in the New South: Social Change and Cultural Persistence, 1880-1915* (Baton Rouge: Louisiana State University Press, 1989); James D. Schmidt, *Industrial Violence and the Legal Origins of Child Labor* (New York: Cambridge University Press, 2010).

Worker labor movement of the 1960s and 1970s. Moreover, this project calls attention to the fact that the problem is not yet solved. The legacy of denial is present in modern agricultural business practices, and is manifest in the roughly 500,000 children (and countless undocumented minors from Mexico and South America) who are still at work in American agriculture in the twenty-first century; often to the detriment of their health, education, and well being.

The history of the regulation of agricultural child labor is one that is marked by only slight changes with long periods of continuity, which is presented here in a chrono-thematic fashion. Chapter One sets the foundation by examining the roots of how Americans came to define children's agricultural labor as significantly different from *non*-agricultural labor. Though never entirely isolated from the commercial, children's agricultural labor was primarily confined to family enterprises in the late-nineteenth and early-twentieth centuries; family and sharecropping farmers depended heavily on their children's labor. Because of this, children's farm work was not viewed as labor per se, but rather, as a healthy, beneficial component of an agrarian lifestyle. As this lifestyle was shaped by the agrarian myth it also reified it as an ideal. So enamored were Americans with this ideal by the 1930s that as the nation weathered the worst economic depression in the nation's history, many people embraced romantic notions of pioneer family farming as a course of strength and renewal. Children's labor was key to this endeavor. Hence, by the late 1930s, the distinction between agricultural and *non*-agricultural labor was so deeply entrenched that even when child welfare advocates proffered evidence of the exploitation that was common in commercial farming, Americans were generally hesitant to recognize the need for regulation. In tracing the influence of the agrarian myth on American thought and perception of children's labor, this chapter brings into relief just how alien the beliefs of child welfare reformers were when they questioned agriculture's beneficence. Opponents of regulation objected to labor legislation for a variety of reasons, but when it came to children's efforts in agriculture, most denied that it should even be categorized as labor; the roots of that denial were firmly planted in the soil of the agrarian myth.

Chapter Two examines the political wrangling of the 1930s with a focus on the battle to pass the Fair Labor Standards Act. In addition to tracing the passage of the law, this chapter makes three critical interventions. First, some scholars have claimed that unemployment during the Great Depression, existing laws, and public sentiment had already set the practice of child labor on the road to extinction (and thus made its inclusion in the Fair Labor Standards Act superfluous). But I argue that the decline of child labor was not inevitable, and show that the employment of minors actually fluctuated throughout the 1930s. Second, this chapter argues that the Fair Labor Standards Act's child labor provision was significantly more consequential than scholars have heretofore recognized. The provision is typically dismissed as a mere sweetener or a rider to the wages and hours bill, but this assessment misses the bigger political picture. The child labor provision was actually an intentional and integral element of a bill that served as a three-pronged attack in FDR's battle with the Supreme Court. And third, this chapter complicates conventional assessments of what the Fair Labor Standards Act did with regard to child labor by addressing the exemption that was granted to the agricultural sector; an industry that engaged in interstate commerce, and therefore, should have come within the full scope of the law. But

commercial growers thwarted restrictive legislation by invoking agrarian reason. This worked because such logic agreed with what most Americans still believed about the nature of children's farm labor—that it was qualitatively different from that performed in factories, mines, and mills. The exemption codified the commodification of children's labor in the commercial agriculture industry and set a precedent that would long shelter the sector from further attempts at regulation.

Chapter Three is set between 1938 and 1949, with a primary focus on World War II, in order to examine a momentary rise and then decline of agricultural child labor regulation. It traces the continuing efforts of child welfare advocates; the increased demand for and reliance on children's farm labor; and the implementation of a nationwide emergency wartime child farm labor program. It argues that the frenzied demand for labor worked in concert with wartime jingoism and a ubiquitous acceptance of agrarian reason to foster and justify the expansion of agricultural child labor to include youngsters who did not normally perform farm work. The publicity surrounding the wartime farm labor demand and the influx of nonfarm children into the workforce increased the visibility of agricultural child labor, heightening its potential for scrutiny. But it also created conditions in which, for the first time, proponents of children's farm labor and child welfare advocates aligned in purpose, albeit for different motives. While growers and farm organizations invoked agrarian reason to justify the use of children's labor for wartime work, child welfare advocates used it to requisition federal resources and implement oversight. Hence, in 1942, the two sides came together and agreed upon a national program that would safeguard the health, safety, and welfare of young farm laborers. Though the program did not benefit all child laborers, and the regulations were sometimes unevenly applied, the Victory Farm Volunteers was nonetheless, a model of agricultural child labor regulation. Ultimately, however, this chapter argues that because federal administrators and local officials myopically viewed the employment of children in farm labor as a temporary fix to a war-induced problem—rather than an ongoing condition of modern commercial agriculture—when Congress terminated the Victory Farm Volunteers in 1947 without replacing it with a peacetime equivalent, they missed an opportunity to significantly strengthen agricultural child labor legislation. Instead, the language of the agricultural exemption was revised so slightly as to have no effect.

Chapter Four examines the state of children's agricultural labor in the postwar period, following World War II through the mid-1960s, which was an era marked by global political tension, domestic social angst, and for farming communities, a revolution of modernization. During this period, rural parents and child welfare reformers were once again at odds on the issue of agricultural child labor as each sought ways to protect children while guiding their growth and development. Rural communities and parents invoked agrarian reason to justify agricultural labor as an inculcator of values and preventative against juvenile delinquency. Growers and farming organizations used it to defend rural parents' rights (and thus deferred the culpability). But child welfare advocates rejected agrarian reason in light of mounting evidence of the detriment of farm labor on children's health and welfare. The resulting friction was exacerbated when child welfare activists attempted to draw the family farm into the latest iteration of a proposed labor bill revision. Agricultural industry representatives fought the attempted revision of the Fair Labor Standards Act by employing the rhetoric of agrarian reason; they framed the issue as a defense of parents' rights and agrarian lifestyles.

In doing so, the industry spokespersons obscured the exploitation of farmworker children, and rendered their labor largely invisible under the mantle of responsibility, family duty, and agrarian virtue. The resulting revision in 1966 only dealt with the most dire of safety issues but failed to implement minimum age and maximum hours regulations as was common to other sectors.

Chapter Five focuses on the mid-1960s through the mid-1970s—a period that saw a groundswell of public support and grassroots activism by, and on behalf of, the nation’s agricultural workers. Concurrently, child welfare advocates and a few legislators continued to lobby and work to amend the Section 13(c) exemption to the FLSA’s child labor provision. The United Farm Worker (UFW) campaign for farm labor rights aided this process when it publicly challenged the agrarian ideal in a sustained exposition of the agriculture industry’s exploitative practices. The UFW’s activities reached a broad audience with a simple message in a publicly accessible way. Children (both farmworker and non-farmworker) responded to this message and played a critical role in making child farm labor visible. Their public activism coincided with a series of media exposés, and together, they brought about the visibility that was necessary to spark public support for legislative reform. The union’s continuous crusade from the mid-1960s primed American sensibilities, so that by the mid 1970s, the public support for stricter agricultural child labor legislation also bolstered Congressional efforts. While this culminated in the greatest change to the Section 13(c) exemption in 1974—finally imposing age limits—the legislation still fell short of regulatory standards that were imposed on other sectors. This victory was also short-lived as the gains were partially repealed through additional exemptions in 1977.

A brief epilogue brings the issue into the present. The early 2000s saw renewed interest children’s agricultural labor. According to the Center for Disease Control and Prevention (CDCP) and the National Institute for Occupational Safety and Health (NIOSH), agriculture is now considered *the* most hazardous industry (surpassing mining and construction). Non-governmental and faith-based organizations such as Human Rights Watch and the National Farm Worker Ministry continue to track agribusiness’s use of child labor. They place the number of young workers at 500,000.¹² Yet, modernized farming has become so dangerous that reform efforts now extend to proposed protection for children on their home farms. This brings the number of children who might benefit from stricter regulation to more than one million. In 2011, Secretary of Labor, Hilda Solis, proposed revisions that would extend protections (without infringing on parents’ rights), but agricultural interests and pro-farm congressmen successfully employed agrarian reason to block the effort, and then attempted to halt further efforts at reform by proposing the “Preserving America’s Family Farm Act” in 2012. Neither effort resulted in legislation but this episode demonstrates the ongoing battle between agrarians and anti-child labor advocates. As of 2018, the legal differentiation between agricultural and non-agricultural child labor still held in the U.S.

¹² National Farm Worker Ministry, “Children in the Fields,” <http://nfwm.org/education-center/farm-worker-issues/children-in-the-fields/>; Zama Neff, “Child Farmworkers in the United States: A ‘Worst Form of Child Labor,’” *Human Rights Watch*, <https://www.hrw.org/news/2011/11/17/child-farmworkers-united-states-worst-form-child-labor>.

Finally, with regard to terminology, this study relies on the FLSA's definition of "oppressive child labor" as a measure of such in the agriculture industry. That definition deemed employment to be oppressive if it was performed by children who were younger than sixteen years old *and* if the work was proven to be potentially detrimental to the worker's health, education, and well-being. Under this definition, entire industries were prohibited from employing children in 1938. This study uses the same definition as a measure of exploitation in the agriculture industry with regard to children's paid employment, as well as their unpaid labor, on farms that were not owned by their parents. In the most obvious sense, this denotes migrant child farmworkers, but it also includes young day laborers, the children of sharecroppers, and in some cases, tenant farm children. Essentially, these were the children whose labor enriched landowners (whether small property holders or large commercial agribusiness) but for whom there was little or diminishing returns to the child. This study counts ill health, inadequate education, and a low sense of self-worth to be evidence of diminishing returns. For these children, a century of denying child labor has perpetuated a multi-generational cycle of poverty and sharp structural inequality in contradistinction to the tenets of agrarianism.

CHAPTER ONE

THE ROOTS OF DENIAL: CHILDHOOD AND AGRARIANISM IN AMERICAN CULTURE

It was his ninth autumn, and the boy could not have been more content. As he picked apples in the family orchard, his thoughts turned to the plump, spicy pies that his mother would make with the best of the tart green and crimson fruit. His mouth watered at memories of the fragrant sugary-cinnamon aroma that filled their home on baking days every fall. And nothing went to waste because his father transformed even the blemished and broken fruit into sweet cider that they sipped by the fire on long winter evenings. Once the apple harvest was complete, the boy and his siblings turned to collecting the ripe peppers, onions, turnips, parsnips, carrots, and potatoes from their substantial family garden. He thrilled to see the cellar fill with the bounty of their efforts. As he worked through the long afternoons, the boy looked forward to the family's evening meal, which typically consisted of such fare as "sweet, mellow baked beans...a bit of salt pork that melted like cream...velvety bread spread with sleek butter...a tall heap of mashed turnips and a hill of stewed yellow pumpkin." Plum preserves, various jellies, spiced watermelon rind, and a huge piece of pumpkin pie topped off the nightly banquet.¹ And as the harvest moon rose large and bright in the sky, the boy reflected on his father's words: "it was axes and plows that made this country." From the Atlantic to the Pacific, over mountains and plains, his father told him, "it was farmers who took all that country and made it America."² The boy swelled with pride because *he* was a farmer.

The above vignette reflects the nostalgia with which most Americans in the early twentieth century considered childhood on the farm. It is an image of abundance that is derived from cooperative family efforts. This is the story of Almanzo Wilder's childhood in rural New York in the 1860s—or so it was told by his widow Laura Ingalls Wilder, and their daughter Rose Wilder Lane, in the 1933 children's novel *Farmer Boy*.³ In the original telling, there is no doubt that the boy's pride and contentment were directly linked to his American farming heritage. The book was the second one published in what would become a series of eight that recounted Laura's Midwestern frontier childhood. But *Farmer Boy* departed from the rest in that it focused on the settled Wilder family—farmers who consistently reaped the benefits of cultivating the natural environment—rather than on the Ingalls family's episodic and pioneering moves west. But tales of both families conveyed aspects of America's mythologized heritage that continued to inform the nation's psyche.

For many Americans in the 1930s (and since), Wilder's books captured the essence of agrarian self-sufficiency on the nation's frontier, and *Farmer Boy* in particular epitomized

¹ The description is drawn from Laura Ingalls Wilder, *Farmer Boy* (New York: HarperCollins, 2007), 27.

² Wilder, *Farmer Boy*, 181.

³ Though Laura Ingalls Wilder was long thought to be the sole author of the series, Anita Clair Fellman examines the collaboration between Laura and her daughter and explains that Rose's editorial skills largely influenced the final form and substance of each book. Anita Clair Fellman, *Little House, Long Shadow: Laura Ingalls Wilder's Impact on American Culture* (Columbia: University of Missouri Press, 2016).

yeoman childhood at its finest. Yet, the books of the *Little House on the Prairie* series were intentionally crafted works of fiction—not biography—that were accepted for publication *only after* extensive revision that entailed thoroughly incorporating a frontier motif that emphasized individualism; economic and political self-sufficiency; and cooperative family effort toward taming the wilderness. In pushing for these revisions, Wilder’s editor at Harper and Brothers, Ida Louise Raymond, intended to appeal to the Depression-weary public’s desire for heartwarming and triumphal frontier stories that reinforced national origin myths—for that is what sold books during those tight economic times.⁴

And appeal it did. Upon *Farmer Boy*’s release, literary critic Virginia Kirkus predicted the book’s success and likened it to Gladys Hasty Carroll’s *As the Earth Turns*, a novel about a farm family in rural Maine that sold 20,000 advanced copies earlier that year.⁵ Indeed, *Farmer Boy* was met with acclaim, and before the end of the decade, schoolteachers and librarians across the nation had incorporated the *Little House* books into school curricula. In doing so, they became a staple of children’s literary culture and informed generations of Americans’ perceptions of the nation’s frontier history. The series has been in continuous print since the 1930s, selling more than sixty million copies.⁶ The popularity of the *Little House* series demonstrates an enduring affinity for a cultural imaginary that deeply values the comingling of childhood and the American agrarian myth.

It was within this cultural milieu that Congress exempted the agriculture industry from the Fair Labor Standards Act’s child labor provision in 1938. Public opinion in the 1930s distinguished children’s agricultural labor as significantly different from *non-agricultural* labor. In fact, children’s farm work was not viewed as labor at all, but rather, as a healthy, beneficial component of an ideal agrarian lifestyle. So enamored were Americans with this ideal that as the nation weathered the worst economic Depression in the nation’s history, many people embraced romantic notions of pioneer family farming as a course of strength and renewal. Children played a prominent role in efforts to make this a reality. Hence, by the late 1930s, the distinction between agricultural and *non-agricultural* labor was so deeply entrenched that even when child welfare advocates proffered evidence of the exploitation and detriment that was common in commercial farming, Americans were hesitant to recognize the need for regulation. In tracing the influence of the agrarian myth on American thought and perception of children’s labor, this chapter brings into relief just how alien the beliefs of child welfare reformers were when they questioned agriculture’s beneficence. Opponents of regulation objected to labor legislation for a variety of reasons, but when it came to children’s efforts in agriculture, most denied that it should even be categorized as labor; the roots of that denial were firmly planted in the soil of the agrarian myth.

⁴ Fellman, *Little House, Long Shadow*, 77-78, 83-105.

⁵ Virginia Kirkus, “Farmer Boy by Laura Ingalls Wilder,” *Kirkus Reviews* (October 1, 1933), n.p. Critics also raved about other *Little House* books. For example, Emily Newell Blair predicted that *Little House in the Big Woods* would “have a long, long life” because “it gives so charming an account of pioneer life.” Emily Newell Blair, “A Library of Good Children’s Books,” *Good Housekeeping* (November 1932), 88, 159-163.

⁶ Maria Russo, “Finding America, Red and Blue, in the ‘Little House’ Books,” *The New York Times*, February 7, 2017.

AGRARIAN CHILDHOODS

The positive association of childhood with farm labor has long been embedded in the American psyche. The reason for this becomes clear when we examine the fundamental place of farming within the nation's culture and identity. Agrarianism was the seed from which the United States of America sprouted. Certainly, the desire for political and economic liberty sparked the American Revolution, and spawned a new nation, but it was the abundance of land and its productive potential that fueled confidence in the viability of the young republic. Yet, success through agricultural endeavors was not so much assured as it was envisaged and promoted by many persons in the former colonies, perhaps most famously by Thomas Jefferson. Like other American philosophers and gentlemen farmers, Jefferson commonly associated the continent's natural environment with purification and virtue, characteristics that they thought would preserve the republic and its citizens from the tyranny, poverty, and avarice that reigned in the Old World. To them, the taming, shaping, and cultivating of that natural environment was what made men into virtuous citizens, and in Jefferson's words, "the chosen people of God."⁷ As Jefferson and others promoted the promise of an agrarian nation, the yeoman farmer and his family farm became the embodiment of an American ideal. The preservation and proliferation of that ideal would drive public policy for generations to come.⁸

Americans embraced agrarianism (and its concomitant property ownership) as they spilled beyond the former colonial boundaries. Claiming repeatedly that, "our governments will remain virtuous for many centuries; as long as they are chiefly agricultural," Jefferson rallied support for the Louisiana Purchase in 1803 and expanded the nation's claim by more than half a billion acres.⁹ This pattern and justification would continue through the mid-century with the annexation of Florida, Texas, Oregon, and the Mexican cession. While additional interests such as industry, banking, and the railroads enjoyed expanded influence by the middle of the nineteenth century, the claiming of space for farmers was most often the justification for continued land appropriation. Despite the growth and advances of other sectors, farmers were still thought to be the most virtuous citizens as they ostensibly took

⁷ Thomas Jefferson, *Notes on the State of Virginia* (Philadelphia: Printed For Mathew Carey, 1794), 240-241; Richard Hofstadter, *The Age of Reform from Bryan to F.D.R.* (New York: Vintage Books, 1955), 23-28; Mark Sturges, "Enclosing the Commons: Thomas Jefferson, Agrarian Independence, and Early American Land Policy, 1774-1789," *The Virginia Magazine of History and Biography* 119, no. 1 (2011): 42-74; Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth* (New York: Vintage Books, 1950), 141-147. For more on the philosophical thought of Thomas Jefferson and its influence on Americans through the 1930s and 1940s, see Carl Becker, "What is Still Living in the Political Philosophy of Thomas Jefferson," *The American Historical Review* 48, no. 4 (July 1943): 691-706; M.L. Wilson, "Thomas Jefferson—Farmer," *Proceedings of the American Philosophical Society* (July 14, 1943): 216.

⁸ The place of the agrarian myth in U.S. history is well established. For more on this, see for example: David B. Danbom, *Born in the Country: A History of Rural America* (Baltimore: Johns Hopkins University Press, 2006); David M. Wrobel, *The End of American Exceptionalism: Frontier Anxiety from the Old West to the New Deal* (Lawrence: University of Kansas Press, 1993). For the original scholarly articulation of the agrarian myth, see Hofstadter, *The Age of Reform*, 23-30.

⁹ Though his letter to Madison is most often quoted, Jefferson voiced this opinion in various ways to a number of people. Thomas Jefferson to James Madison, December 20, 1787, *Founder's Online, National Archives*, <https://founders.archives.gov/documents/Jefferson/01-12-02-0454>.

little from society, and instead met the nation's essential needs for food and clothing through their toil and ingenuity. Though farmers were rarely (if ever) fully self-sufficient, and pure altruism is a difficult discipline to maintain, but as one historian of rural America has noted, "Farmers were society's heroes in the early decades of the United States."¹⁰ And another scholar tells us that the agrarian myth had come to form a "political folklore and ...nationalist creed" by midcentury.¹¹

In pursuit of this lifestyle, American families began to venture west of the Mississippi River as early as the 1840s. But it was in the 1860s and 1870s that such pioneers began to more fully realize Jefferson's dream as greater numbers established Midwestern homestead farms in the wake of Native American dispossession. Through the Civil War, this was largely a migration of native whites and immigrants from northwestern Europe, but starting in the 1870s, tens of thousands of African American "Exodusters" left the South to establish farms in states like Kansas, Oklahoma, and Texas.¹² As denoted by Horace Greeley's commonly repeated exhortation, "Go west, young man," it was primarily men who were most often considered the central actors in the ambitious and risky westward enterprise. But historian Elliott West has shown that children also played an important role in the pioneering endeavor, and as a result, felt as connected to the land as did their fathers.¹³

Much was expected of children on the frontier and their labor was integral for farm family success. Both boys and girls began to "help out" around the house and in the garden and barn by the time that they were four, five, or six years old. In addition to household chores, children engaged in crop and animal husbandry and learned to maintain and repair farm implements. It was not unusual for pre-adolescent children, especially boys, to perform unsupervised work that might appear especially onerous to modern childrearing theorists.¹⁴ For example, on a three-month round trip journey in 1854, ten- and thirteen-year-old brothers Thomas and John Barland delivered (on their own) two ox-wagon loads of their family-grown potatoes to a logging camp on the Wolf River in the Chippewa Valley of Wisconsin. In a particularly harrowing moment, John nearly froze to death when he had slipped from the back of his ox as they forded the river.¹⁵ Children who survived the hazards of frontier living made significant contributions to their family's well being through

¹⁰ Danbom, *Born in the Country*, 66.

¹¹ Hofstadter, *The Age of Reform*, 28.

¹² Robert G. Athearn, *In Search of Canaan: Black Migration to Kansas, 1879-80* (Lawrence, KS: Regents Press of Kansas, 1978); Nell Irvin Painter, *Exodusters: Black Migration to Kansas After Reconstruction* (New York: W. W. Norton & Company, 1992); Lori Bogle, "On Our Way to the Promised Land: Black Migration from Arkansas to Oklahoma, 1889-1893" *Chronicles of Oklahoma* 72 (1994): 160-177; Thad Sitton and James H. Conrad, *Freedom Colonies: Independent Black Texans in the Time of Jim Crow* (Austin: University of Texas Press, 2005).

¹³ Elliott West, *Growing Up with the Country: Childhood on the Far Western Frontier* (Albuquerque: University of New Mexico Press, 1989).

¹⁴ West, *Growing Up with the Country*, 73-98; Pamela Riney-Kehrberg, *Childhood on the Farm: Work, Play, and Coming of Age in the Midwest* (Lawrence: University of Kansas Press, 2005), 36-60; David B. Danbom, *Sod Busting: How Families Made Farms on the Nineteenth-Century Plains* (Baltimore: Johns Hopkins University Press, 2014), 51.

¹⁵ Frank Smoot, *Farm Life: A Century of Change for Farm Families and Their Neighbors* (Eau Claire, WI: Chippewa Valley Museum Press, 2004), 18-19.

their labor. Many observers (both American and European) believed that this sort of lifestyle crafted a uniquely American childhood.¹⁶

The inclusion of children in such activities was a matter of necessity, but it also evidenced a rural parenting philosophy that valued hard work, discipline, and collaboration. Recalling her childhood on a frontier farm in Texas, Edna Matthews Clifton explained that the notion that “work was necessary” was instilled in her at an early age. “Everybody worked; it was part of life, for there was no life without it,” she reflected.¹⁷ As rural communities grew, it was not uncommon for freeholders to hire other people’s children (who were skilled farmers in their own right) as day laborers. On the nineteenth-century farm, children’s labor was inextricably linked to notions of self-sufficiency, family values, vocational training, and neighborliness that were compatible with Jeffersonian agrarianism.¹⁸ The conviction that manual farm labor was an especially positive way to instill favorable values in children had become deeply embedded in the rural American psyche. This is an example of what Clifford Geertz calls a cultural “common sense”—that is, it is a historically constructed belief whose “value and validity” is accepted and confirmed by the very people who assert it.¹⁹ It is therefore difficult to successfully argue against it because those who espouse the belief see it as an “intrinsic aspect of reality” and a sort of “vernacular wisdom.”²⁰ Just as this cultural common sense informed the position of late nineteenth and early twentieth-century agriculturalists and farm families, so too it influenced the perspective and schemes of child welfare reformers of the period.

As thousands of children and their families moved west in the late nineteenth century, many more immigrated to and lived in busy metropolises in the east. And though the nation’s population would continue to be classified as primarily agrarian until 1920, the steady growth of urban regions meant that a significant number of children were raised apart from nature and the formative farm work experience. This fact greatly disturbed the primarily white, urban, middle-class “child savers” of the Progressive Era. At the turn of the century, cities were overwhelmingly insalubrious environments with industrial, animal, and human waste contaminating water supplies and festering on streets. Crime, air pollution, and communicable diseases afflicted urban dwellers regardless of wealth, class, or citizenship. Critics who viewed poverty and vice as markers of inherent moral and biological deficiencies pointed especially to urban immigrant neighborhoods as incubators of “pestilence and moral disease.”²¹ The image of the city contrasted starkly with the popular rural ideal and reinforced child welfare advocates’ conviction that the country was a superior place in which to raise physically healthy and morally upright children. This spurred some reformers to

¹⁶ Paula S. Fass, *The End of American Childhood: A History of Parenting from Life on the Frontier to the Managed Child* (Princeton: Princeton University Press, 2016), 19-27.

¹⁷ Edna Matthews Clifton, quoted in West, *Growing Up with the Country*, 73.

¹⁸ West, *Growing Up with the Country*; Megan Birk, *Fostering on the Farm: Child Placement in the Rural Midwest* (Chicago: University of Illinois Press, 2015); Daniel Nelson, *Farm and Factory: Workers in the Midwest, 1880-1990* (Bloomington: Indiana University Press, 1995), 7-8.

¹⁹ Clifford Geertz, “Common Sense as a Cultural System,” *Antioch Review* 33, no. 1 (Spring, 1975): 8.

²⁰ Geertz, “Common Sense as a Cultural System,” 18, 23.

²¹ Charles Loring Brace, *The Dangerous Classes of New York and Twenty Years’ Work Among Them* (New York: Wynkoop and Hallenbeck, 1880), 26.

advocate for the permanent removal of urban waifs to the countryside through farm placement schemes.²²

For more than seventy years, beginning in the 1850s, many child welfare reformers saw farm placement as a panacea that could eradicate the ills that afflicted minors who were orphaned, abandoned, or otherwise a public charge. There were various approaches to placement schemes but regardless of their method, the aim was the same: to place dependent children with families that engaged in farming as their primary livelihood. The hope was that these children would absorb the manners, mores, and ethics that reformers believed were inherent to the agrarian lifestyle. Putting children to work on Midwestern farms was a means to this end. Charles Loring Brace and his New York Children's Aid Society (NYCAS) conducted the largest of these placement efforts when they moved thousands of impoverished children from eastern cities to western family farms (primarily in the Midwest) from 1854 until 1929. Brace firmly believed that farmers possessed an inherent goodness that was derived from their lifestyle and occupation. "Cultivators of the soil," he asserted, "are our most solid and intelligent class."²³ Though he opposed child labor in factories, and campaigned for a child labor bill in New York in 1874, he saw no need to place similar limits on children's farm labor. He believed that the outdoor workspace and family setting neutralized the detriment inherent in other forms of labor. Brace was not alone in this belief. A number of Midwestern charity homes and institutions also turned to farm placement in the 1870s as a way to decrease the institutionalized population and ease their operational budgets.²⁴ Even reformers in the far west Golden State advocated orchard work to improve urban youngsters' health and vitality.²⁵

However, early in the twentieth century, at least some Progressives came to scrutinize the practice of farm placement as high rates of rural poverty, illiteracy, and outmigration conflicted with the positive agrarian ideal. Likewise, many urban child welfare advocates grew uneasy about what they perceived to be a decline in the health and morals of country children and youth. These anxieties were fed by the more general cultural crisis that resulted from historian Fredrick Jackson Turner's 1893 proclamation that the American frontier was closed. With what they believed to be the end of a defining era, many worried that the savvy spirit of rugged self-sufficiency (so inextricably linking farmers with American virtue) would

²² Brace, *The Dangerous Classes of New York*; Homer Folks, *The Care of Destitute, Neglected, and Delinquent Children* (New York: The Macmillan Company, 1902); Birk, *Fostering on the Farm*, 22; Pamela Riney-Kehrberg, *The Nature of Childhood: An Environmental History of Growing Up in America since 1865* (Lawrence: University of Kansas, 2014), 24-25; David B. Wolcott, *Cops and Kids: Policing Juvenile Delinquency in Urban America, 1890-1940* (Columbus: Ohio State University Press, 2005).

²³ Stephen O'Connor, *Orphan Trains: The Story of Charles Loring Brace and the Children He Saved and Failed* (Chicago: University of Chicago Press, 2001), 100.

²⁴ Birk, *Fostering on the Farm*; Marilyn Irvin Holt, *Orphan Trains: Placing Out in America* (Lincoln: University of Nebraska Press, 1992); O'Connor, *Orphan Trains*; Robert Weibe, *The Search for Order, 1877-1920* (New York: Hill and Wang, 1968), 169; Michael Grossberg, "Changing Conceptions of Child Welfare in the United States, 1820-1935," in *A Century of Juvenile Justice*, edited by Margaret K. Rosenheim (Chicago: University of Chicago Press, 2002), 19-21; Megan Birk, "Supply and Demand: The Mutual Dependency of Children's Institutions and The American Farmer," *Agricultural History* 86, no. 1 (Winter 2012): 78-103.

²⁵ Tsu, *Garden of the World*, 26.

die without the outlet of territorial expansion.²⁶ Many fretted that reports of rural backwardness and degeneracy meant that farmers—the moral backbone of the nation—no longer possessed the strength and fortitude to carry the weight of American virtue. For this reason, President Theodore Roosevelt appointed the Commission on Country Life in 1908, in order to preserve “the qualities on which this Nation has had to draw in order to meet every great crisis of the past.”²⁷ Of course, it was not so much that the reality of rural America had changed but rather that the modernist attention to education, technology, and efficiency highlighted the deficiencies of country living.

Child development experts of the Country Life Movement primarily viewed recreation and education as two areas in which rural children suffered the most. First, despite abundant opportunities for open-air work and recreation, the Commission reported that a general lack of parental supervision endangered youngsters’ moral health as venues such as county fairs, village street fairs, and rural dance halls provided opportunity for gambling, drinking, and kissing games, among other ruinous behavior.²⁸ While this view was not absolute, and many continued to maintain that farm life provided the best of free play and opportunities for autonomous self-actualization, it was generally determined that adult-directed and supervised activities would enhance rural children’s development. The other area that experts found problematic was in rural schooling. Investigations revealed that rural schools lacked resources, had lenient attendance policies, and many still attempted to educate children of all ages in one-room schoolhouses. In a 1923 study of two Iowa communities, Bird T. Baldwin concluded that, “There is much in the life of a farm child that develops independence of spirit and sturdiness of character,” but that inadequate education was the one factor that may retard their personal potential.²⁹

Reformers and experts determined that the solution for rural children would combine elements of both recreation and education. Rural youngsters’ energies were channeled into organizations that combined the Progressives’ penchant for efficiency with the exploration and mastery of nature. It was during this period that rural youth-serving organizations such

²⁶ Wrobel, *The End of American Exceptionalism*; Philip F. Gura, *American Transcendentalism: A History* (New York: Wang and Hill, 2008); Carolyn Merchant, *American Environmental History* (New York: Columbia, 2007), 77-80; Henry Nash Smith, *Virgin Land: The American West as Symbol and Myth* (New York: Vintage Books, 1950); James R. Grossman, *The Frontier in American Culture: An Exhibition at the Newberry Library, August 26, 1994 – January 7, 1995*, essays by Richard White and Patricia Nelson Limerick (Chicago: The Newberry Library, 1994); Richard White, *“It’s Your Misfortune and None of My Own”: A History of the American West* (Norman: University of Oklahoma Press, 2009); Fredrick Jackson Turner, *The Frontier in American History* (New York: Henry Holt and Company, 1921).

²⁷ Theodore Roosevelt to William H. Taft, December 21, 1908, quoted in Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1890-1920* (Pittsburg: University of Pittsburgh Press, 1999), 268. For more on the Country Life Movement, see Laura Lovett, *Conceiving the Future: Pronatalism, Reproduction, and the Family in the United States, 1890-1938* (Chapel Hill: University of North Carolina Press, 2007), 105-130; David B. Danbom, “Rural Education Reform and the Country Life Movement, 1900-1920,” *Agricultural History* 53, no. 2 (April 1979): 462-474; Conevery Bolton Valencius, *The Health of the Country: How American Settlers Understood Themselves and their Land* (New York : Basic Books, 2002).

²⁸ John F. Smith, “The Child in the Open Country,” *American Child* (May 1920): 13-38; C. E. Lindeman, “Recreation and Rural Health,” *American Child* (May 1920): 58-60.

²⁹ Bird T. Balwin, *Farm Children: An Investigation of Rural Child Life in Selected Areas of Iowa* (New York: D. Appleton, 1930), 154.

as the short-lived Farm Boy Cavaliers of America, the Future Farmers of America, and the long-enduring U.S. Department of Agriculture's 4-H program were established. Through these clubs, children engaged in activities that explicitly primed them for futures in farming and agrarian living. In his study of 4-H clubs, Gabriel Rosenberg has shown that an expanding network of businesses, banking, and federally funded and operated programs instigated children's projects in animal husbandry, crop cultivation, health and hygiene, and home economics, all of which conditioned youngsters to accept and participate in what would become modern agribusiness.³⁰ But what this meant for modern rural childhoods was that the line between learning, recreation, and labor continued to be blurred. Unlike with the modern, sentimentalized childhood ideal, the reality for farm families was that they still relied heavily on children's assistance for economic productivity and prosperity. There simply was no room for an economically worthless child on the farm. Rural programs such as 4-H and others provided recreation and educational opportunities that complemented the continued demand for children's productive labor.

FARM WORK ACROSS THE SPECTRUM

The failure to clearly recognize that farm children's personal development could (and even needed to) occur separately from their economic productivity had serious ramifications for rural youngsters from property-less families. Children who labored on land that was owned by someone other than their parents existed along a spectrum from precarious prosperity to severe impoverishment in rural communities throughout the nation as various post-Civil War farming schemes facilitated greater stratification in the countryside, with landowners at the top, migrants at the bottom, and tenant farmers along a continuum between the haves and have-nots. While farm tenancy and even migration were not new practices at the beginning of the twentieth century, economic upheavals, population shifts, and changes to agricultural practices markedly increased the number of children for whom farm work outside the bounds of the traditional family farm would become routine.³¹ Examining the various scenarios involved with child farm labor helps one to better grasp the injustice done to rural children when the agriculture industry was repeatedly exempted from protective legislation. For, though rural children's labor often took place within a familial context, its non-familial commercial value separated it from the realm of family farming, and thus, it was outside of the agrarian ideal.

Tenant farms were located throughout the nation but rates of tenancy (the percentage of farmers who lived on and farmed land that they did not own) varied widely and rose steadily from the late-nineteenth century. Whereas only 25.6 percent of farmers were tenants in 1880, that number rose to 35.1 percent in 1900, and by 1935, more than half of the

³⁰ National Child Labor Committee, "Editorial and News Notes," *American Child* (May 1920): 8; Gabriel N. Rosenberg, *The 4-H Harvest: Sexuality and the State in Rural America* (Philadelphia: University of Pennsylvania Press, 2016); Lois Philips Hudson, *Reapers of the Dust: A Prairie Chronicle* (St. Paul: Minnesota Historical Society Press, 1984); Agnes Harrigan Mueller, *That Inspiring Past: The Future Farmers of America in Minnesota, 1930-1955* (St. Paul: Webb Publishing Company, 1955)—surely it is time for a new history of the FFA.

³¹ Howard A. Turner, "Farm Tenancy Distribution and Trends in the United States," *Law and Contemporary Problems* 4, no. 4 (October 1937): 424.

nation's farmers—52.2 percent—were renters. A majority of those lived in the South where 63 percent (or 1,831,470) of the nation's tenant farmers lived on subdivided plantations.³² The contrast is most stark when comparing the region with New England. For example, while only 6 percent of Massachusetts's farmers were tenants, 70 percent of those in Mississippi farmed land that they did not own. And while tenancy was a condition shared by both white and black farmers, by 1935, only 46 percent of the former rented, while 77 percent of latter did so.³³ Although rented farms were technically family-operated, they did not meet the self-sufficient, owner-operated family farm ideal of the agrarian myth. This fact caused former president Theodore Roosevelt to worry, "will our farmers become a tenant class?" Such an outcome was deemed wholly undesirable and contrary to the Jeffersonian ideal.³⁴

The conditions of tenancy varied widely, and these variations can best be understood in terms of three categories (all of which were heavily dependent on children's labor). The first was the cash-tenant who paid a fixed rent in legal tender, supplied his own tools and seed, and decided how to use his profit. If any tenant farmer had a chance to move into self-sufficiency, they would be in this category, but their numbers were relatively few and were usually located in the upper South in states such as Arkansas and Oklahoma. The second, and more common category was the share-tenant, who paid for rent annually with a share of his crop. Like the cash-tenant, he typically also supplied his own equipment and material, but had less autonomy in decisions of land usage.³⁵ It is important to understand these distinctions because the federal government has long counted tenant farms in its classification of "family-sized farms," which implies a degree of independence that was not commensurate with renter farmers' lived experiences.³⁶ A primary difference between tenants and landowners was in their access to capital and ability to leverage the property for expansion and improvements. Whereas this was the landowner's prerogative, it was not so for the tenant farmer. And while a landowner's economic liberty did not guarantee success, the tenant farmer's lack of resources circumscribed his options and his children's future prospects. Essentially, tenant farming was a nod to the agrarian ideal but was not the yeomanry that Jefferson had in mind.

Tenant farmers relied on their children's labor to a greater degree than did truly self-sufficient family farmers who could afford to supplement family labor with hired hands during busy times. Tenant farmers, even cash-tenants, were typically quite poor, and only able to engage in farming *because* they could rely on their children's labor. One such farmer told investigators from the National Child Labor Committee that, "If I didn't have my

³² David Eugene Conrad, *The Forgotten Farmers: The Story of Sharecroppers in the New Deal* (Westport, CT: Greenwood Press, 1965), 1-4.

³³ Conrad, *The Forgotten Farmers*, 1-2.

³⁴ Conrad, *The Forgotten Farmers*, 2.

³⁵ Donald Holley, *The Second Great Emancipation: The Mechanical Cotton Picker, Black Migration, and How They Shaped the Modern South* (Fayetteville: University of Arkansas Press, 2000), 3; Conrad, *The Forgotten Farmers*, 6.

³⁶ An economist of agrarian studies asserts that such a conflation accounts in part for the miscalculation of family farms in the late twentieth century. See Ingolf Vogeler, *The Myth of the Family Farm: Agribusiness Dominance on U.S. Agriculture* (Boulder: Westview Press, 1981), 20-21.

children help in the fields, I'd have to cut down my crop acreage, then I wouldn't be able to feed my family." Another confessed, "I'm so much in debt I must work my entire [family] to pay out. This land wouldn't pay if I had to use hired help."³⁷ In listing the requisite equipment and materials for raising a cotton crop, one tenant farmer included "2 or 3 children."³⁸ And for many, their children's labor was a primary consideration as to the kind of crops that they decided to cultivate. As one Kentucky father claimed, "That's the advantage of the tobacco crop—every child is a hand."³⁹ Children's productive capacity made tenant farming a viable option, but it would be mistaken to confuse it for the family farm ideal.

The third form of tenancy was sharecropping, which was implemented throughout the Southern states after the Civil War as a way to mitigate the economic upheaval that resulted from the emancipation of the once enslaved labor force. The large-scale, intensive, monocrop farming common to plantations would not be lucrative under a wage-labor system. Moreover, the former Confederacy's economic collapse left growers land-rich but labor and cash-poor amid a financial abyss of worthless currency and a defunct banking system. At the same time, many emancipated African Americans sought ways to apply their agrarian skills toward making a living while they also reassembled and strengthened family units that were torn asunder by slavery. Family farming seemed a logical option for achieving both goals but a lack of capital, coupled with an environment of virulent racism, prevented them from pursuing this as traditional tenant farmers. By the early twentieth century, a number of poor whites also engaged in sharecropping, as did Mexicans in South Texas after World War I.

The sharecropping scheme subdivided plantation land so that multiple tenant families could simultaneously live on and work different parts of a greater whole. Landowners retained ownership of the parcels, supplied seed, tools, and equipment, and dictated cultivation and yield expectations. Tenants simply farmed the land. The cost of the sharecropper's rent, supplies, and household goods were deducted from the proceeds once the yields were sold at market. The system was, theoretically, advantageous to all parties, but the practical implementation shifted much of the risk and debt away from the owner and onto the tenant. Moreover, by the end of the season, the cropper owned little but his own labor and that of his family, and was typically deeply in debt. This was because Jim Crow legislators did much to codify ways to bind tenants to the land and landowner. High rates of illiteracy and innumeracy among tenants also placed them at a disadvantage when negotiating prices and accounts in plantation commissaries. Scholars agree that the sharecropping system became debt peonage that in essence amounted to "slavery slightly altered."⁴⁰ By 1935, nearly a third of white, and half of African American tenant farmers were sharecroppers.⁴¹

³⁷ Charles E. Gibbons and Cara B. Armentrout, *Child Labor Among the Cotton Growers of Texas* (New York: National Child Labor Committee, 1925), 4, 32.

³⁸ Holley, *The Second Great Emancipation*, 5.

³⁹ Gertrude Folks, "Farm Labor vs. School Attendance," *American Child* (May 1920): 78.

⁴⁰ Donald H. Grubbs, *Cry from the Cotton: The Southern Tenant Farmer's Union and the New Deal* (Chapel Hill: University of North Carolina Press, 1971), 135.

⁴¹ Conrad, *The Forgotten Farmers*, 1-2.

While such farmers, black or white, were lured by hopes that were rooted in the agrarian ideal, they became ensnared in brutal dependency and perpetual poverty.⁴²

The sharecropping system was the most family-intensive form of tenancy, yet such families lived in wretched penury that was far from the agrarian ideal.⁴³ It is perhaps the most extreme example of how poverty and unregulated agricultural labor precluded youngsters from opportunities for physical, mental, and emotional development, as was advocated by child welfare theorists. Throughout the South, such children were ill-housed, ill-clothed, malnourished, and had little opportunity for education, though they toiled from dawn to dusk—or from “can’t to can’t,” as was commonly told.⁴⁴ Sharecropper families often lived in drafty one- and two-room shacks, some without window or door coverings; most without sanitation facilities. Although they lived on farmland, cash crops were prioritized over subsistence farming, and so many families even went without fresh fruit or vegetables. Sharecropper children were also the least educated of tenant farmers due to their workload and distance from schools. Plantation schools (when available) were governed by the exigencies of the crops, and it was widely known and understood that “when cotton beckons, the [school] doors close.”⁴⁵ A landowner from Oxford, Mississippi who opposed free public schools claimed that, “Our tenants don’t need [school] and we can get along without them.”⁴⁶ In limiting sharecroppers’ educational opportunities, landowners perpetuated successive generations of serfs whose prospects were severely circumscribed by poverty and ignorance in the midst of an agrarian lifestyle.

As the sharecropping system became more entrenched, landowners specifically sought tenants with large families who could supply the requisite workforce for crops that involved intensive cultivation and harvesting. In fact, from the cotton fields of Georgia all the way to Texas, landowners were known to reject childless couples as potential tenants in favor of large families with many children who could work the land.⁴⁷ A 1925 National Child Labor Committee study of African American and white tenant and sharecropper families found that children composed one-third to one-half of the cotton-picking workforce in communities throughout Texas—nearly sixty percent of these workers were younger than twelve. And in South Texas, one landowner told economist Paul Taylor, a researcher from the University of California, Berkeley, that he “would rather have Mexican tenants than either Negroes or whites” because “the Mexicans have bigger families and more

⁴² Danbom, *Born in the Country*, 116-125; Robert Hinton, *The Politics of Agricultural Labor: From Slavery to Freedom in a Cotton Culture, 1862-1902* (New York: Garland Publishing, Inc., 1997), 89-97; Donald L. Winters, “Postbellum Reorganization of Southern Agriculture: The Economics of Sharecropping in Tennessee,” *Agricultural History* 62, no. 4 (1988): 1-19; Roger L. Ransom and Richard Sutch, “Debt Peonage in the Cotton South After the Civil War,” *Journal of Economic History* 32, no. 3 (1972): 641-669; Ralph Shlomowitz, “The Origins of Southern Sharecropping,” *Agricultural History* 53, no. 3 (1979): 557-575.

⁴³ Holley, *The Second Great Emancipation*, 3.

⁴⁴ The phrase “can’t to can’t” is common in numerous accounts of sharecroppers who use it to denote working from “cannot see to cannot see”—that is from sunrise to sunset. See for example: Howard Kester, *Revolt Among the Sharecroppers* (New York: Covici, Friede, 1936), 46; Neil Foley, *The White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Ann Arbor: University of Michigan Press, 1997), 144.

⁴⁵ Kester, *Revolt Among the Sharecroppers*, 46.

⁴⁶ Kester, *Revolt Among the Sharecroppers*, 46.

⁴⁷ Foley, *The White Scourge*, 144-146.

labor to get out a big crop.”⁴⁸ But whether black, white, or Mexican, children as young as five or six years old learned to drag cotton sacks behind them while they extracted fluffy white bolls from the prickly outer casing. Children who were too small to carry the bags piled the bolls on the ground, and an older sibling or parent would collect it.⁴⁹

Cotton picking is a notoriously difficult activity that had a deleterious effect on children’s health. In twisting the soft, fluffy cotton fiber free of the sharp boll casing, fingers are scraped and cut leaving hands bloody, sore, and swollen, and eventually scarred. Children who picked cotton were susceptible to blood infections derived through these small injuries. A lifetime of picking typically yielded severe arthritis by middle age. This was the case for a Texas man, the son of a sharecropper, who claimed that the experience made it so that he hated even to “pick the cotton out of an aspirin bottle.”⁵⁰ Without doubt, the children of sharecroppers were brought up within an exploitative labor system; they benefitted little from their labor and were trapped by their parents’ indebted indigence.

The turn of the century also saw a demand for, and proliferation of, migrant family farm labor. The increasing scale of monocrop farms (the intensive cultivation of single crops for commercial markets, such as sugar beets and cotton) and the proliferation of large truck farms (fruits and vegetables transported to markets locally or throughout the nation) were conducive to the development of a large itinerant workforce. While the bonanza wheat farms of California mechanized (and thereby reduced their dependence on seasonal labor), more delicate crops such as fruits and vegetables, were less conducive to the crude processes of early mechanization. As specialty farms expanded, the need increased for intensive amounts of labor for short periods, especially at the point when crops ripened quickly. This created a high demand for labor for only a few weeks at a time. Just as with sharecropping in the South, family units—“as large as possible”—appealed to growers throughout the nation who sought these large, instant workforces.⁵¹

As early as the 1880s California growers saw the potential of migrant family labor. In the wake of the Chinese Exclusion Act of 1882, California growers sought a permanent workforce that could both replace the diminished supply of adult Chinese workers and prevent dependence on the unreliable bindlestiffs and fruit tramps (single, itinerant male workers). Initially, to meet the need, white boys from state-run orphanages were sent to work in the fields, but farmers often complained that they were difficult to manage and “too full of mischief.”⁵² In 1884, the Santa Clara Viticultural Society decided that the solution was to entice “growing [white] families...to settle among us.... we shall want not only men, but women, boys and girls.” The society declared that it was their aim to “attempt to attain

⁴⁸ Paul S. Taylor, “Mexicans North of the Rio Grande,” in *On the Ground in the Thirties* (Salt Lake City: Gibbs M. Smith, 1983), 2.

⁴⁹ Devra Weber, *Dark Sweat, White Gold: California Farm Workers, Cotton, and the New Deal* (Berkeley: University of California Press, 1994), 63.

⁵⁰ Gibbons and Armentrout, *Child Labor Among the Cotton Growers of Texas*; Texas man quoted in Foley, *The White Scourge*, 144.

⁵¹ Folks, “Farm Labor vs. School Attendance,” 77; Taylor, “Mexicans North of the Rio Grande,” 3.

⁵² “Boys in Orchards,” *Pacific Rural Press*, August 11, 1888; “Fruit and Labor,” *Pacific Rural Press*, October 6, 1883; “The Boy Experiment,” *Pacific Rural Press*, August 25, 1888; “Labor Question,” *Pacific Rural Press*, January 19, 1888.

an agricultural class.”⁵³ While the original notion was that these families would eventually become self-sufficient farmers, the reality of California’s already entrenched commercial agriculture industry made this unrealistic for poor migrant families. Existing farms needed temporary workforces (rather than long-term tenant farmers or additional competitive independent farmers) and growers paid as little as possible for that labor. Historian Cletus Daniel calls this the start of California agribusiness’s search for a tractable, easily exploitable, landless peasantry.⁵⁴

However, the use of migrant labor was not unique to California, and by the 1920s, the trend toward recruiting itinerant family labor was well entrenched throughout the nation.⁵⁵ From the berry fields of the Pacific Northwest, to sugar beets in Colorado and Michigan, cranberry bogs in New Jersey, and citrus orchards in Florida, twentieth-century agriculture relied heavily on the labor of impoverished migrant families. Beginning in the 1910s and 1920s, clearly defined migratory routes developed in the east, originating in Florida and continuing north to Maine and west toward the Mississippi River; another in the West stemmed from the California-Mexico border through the Pacific Northwest; and still another extended north in all directions from Texas, through Oklahoma, New Mexico, Arizona, and Colorado, and all the way to the Great Lakes region. The racial and ethnic composition also varied greatly as whites and African Americans generally dominated the family migration streams in the East, with eastern European immigrants rounding out their numbers in the Northeast and upper Midwest; by the mid-1920s, Mexican and Mexican American families outpaced the white migrant workforce in California, and by 1935, they composed 65 percent of the sugar-beet workforce in Colorado and Michigan.⁵⁶

In order to sustain employment, migrant families had to “follow the crops” as they ripened, but the incremental movements north throughout the year, and then the return south to begin the cycle anew meant that migrant children lived with continual instability, housing insecurity, and inconsistent educational opportunities. Farmers’ annual cry of “labor shortage” spelled both opportunity and competition for migrant families who jostled to secure contracts with growers. In this, large migrant families were at an advantage as they provided the most economical labor solution when employers contracted with the male heads of household at a pre-arranged family wage. Some families, especially foreign workers,

⁵³ “Securing Adequate Labor Supply,” *Pacific Rural Press*, July 12, 1884.

⁵⁴ Cletus E. Daniel, *Bitter Harvest: A History of California Farmworkers, 1870-1941* (Berkeley: University of California Press, 1981), 40-70.

⁵⁵ Omar Valerio-Jiménez, “Racializing Mexican Immigrants in Iowa’s Early Mexican Communities,” *Annals of Iowa* 75, no.1 (Winter 2016): 6.

⁵⁶ While Asian immigrants also traveled in the migrant stream, they were typically men, and not families, and so have not been included in the above description. Walter W. Armentrout, Sara A. Brown, and Charles E. Gibbons, *Child Labor in the Sugar Beet Fields of Michigan* (New York: National Child Labor Committee, 1923); Gibbons and Armentrout, *Child Labor Among Cotton Growers of Texas*; Hugh Hindman, *Child Labor: An American History* (Armonk: M.E. Sharp, 2002), 248-290; Walter I. Trattner, *Crusade for Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), 148-155; Foley, *The White Scourge*; Francisco E. Balderama, *Decade of Betrayal: Mexican Repatriation in the 1930s* (Albuquerque: University of New Mexico, 2006), 46; Weber, *Dark Sweat, White Gold*, 32-35; Cecelia M. Tsu, *Garden of the World: Asian Immigrants and the Making of Agriculture in California’s Santa Clara Valley* (New York: Oxford, 2013).

and city-dwellers who augmented seasonal industrial labor with agriculture work, secured employment through a third party contractor. While this simplified the hiring process, the *contratista* or *padrone* (as they were known regionally) extracted his fee prior to paying the family, which reduced the amount that families earned. Like sharecroppers, migrants were among some of the most vulnerable to exploitation of the farm labor force as they were largely uneducated, illiterate, extremely poor, and low-skilled. While migrant parents relied heavily on their children's labor to add to the family purse, doing so perpetuated the cycle of insecurity and exploitation.

A final category of agricultural child laborers were those who performed day labor on farms in proximity of their homes. This category actually entailed three groups of children. The first were those from family-owned farms who worked occasionally for their neighbors or other area farmers. These children may or may not have worked for pay, and their labor was considered a component of community neighborliness.⁵⁷ The second were those from non-farm rural homes who found occasional employment on farms after school, on weekends, and during school vacation periods. The third were from what was referred to as "settled-out" families—that is, they were children, typically from former migrant families, who engaged in seasonal work for commercial growers who were located within a day's journey from their home. To the casual observer, these families appeared similar to migrant families, though they did not "follow the crops"—hence the term, settled out. Though children in all three categories were referred to as day labor, the circumstances under which they worked varied, as did their family's degree of dependence upon their wages. It is important to understand this distinction because, as future chapters show, opponents of regulation often referred to the work of child day laborers from family farms to obscure the issue of labor exploitation.

However, to the average American in the 1930s, these distinctions were not obvious, and when the subject of children's farm labor arose, most people simply assumed that it took place within the idealized context, despite a long National Child Labor Committee campaign to the contrary. Since its founding in 1904, the organization investigated the nation's child labor conditions, with representatives visiting not only factories, mines, mills but also canneries, fields, and orchards. The organization published its findings in pamphlets, booklets, and newsletters, and lobbied lawmakers to pass federal legislation. While the detailed written reports had a somewhat limited reach (being read primarily by organization members and newsletter subscribers), the visual record of child labor reached more of the American public through various mainstream magazines and newspapers, as well as traveling photographic exhibits. These photographs were largely the work of Lewis Hine, whom the National Child Labor Committee employed from 1908-1916. And while Hine's photographs were instrumental in motivating public outrage over child exploitation in mines, mills, factories, and street trades, there is little evidence that his images of young farmworkers elicited any response.⁵⁸

⁵⁷ Robert Wuthnow, *In the Blood: Understanding America's Farm Families* (Princeton: Princeton University Press, 2015), 38-43, 48-51.

⁵⁸ John R. Kemp, *Lewis Hine: Photographs of Child Labor in the New South* (Jackson: University of Mississippi Press, 1986), 9-12; Kate Sampsell-Willmann, *Lewis Hine as Social Critic* (Jackson: University of Mississippi Press, 2009), 75-85.

Americans generally did not object to the idea of child agricultural labor. Following the 1900 federal census, the Bureau reported that, “The work of the child on the farm is essentially not injurious to health or morals, and does not necessarily interfere with opportunities for schooling.”⁵⁹ In 1906, Senator Albert J. Beveridge of Indiana, the first congressman to propose federal child labor legislation, concurred with this sentiment and insisted that he did not intend for his bill to apply to children’s work in agriculture. Referring to his own childhood farm experience, “in the open air, in the field, [with] beautifully waving banners of corn, and fragrant with the smells of the brown earth... the pure and unpolluted atmosphere to breathe,” he confirmed that “not for a moment [would he] pretend that working children on a farm is bad for them.”⁶⁰ For many, it was simply common sense that farm work was a sensible, healthy occupation for children.

In the 1910s, the National Child Labor Committee attempted to combat this general perception when it reported on the living and working conditions of tenant, sharecropping, and migrant children. Contrary to the bucolic agrarian ideal, they found that children who labored in agriculture experienced adverse health and living conditions.⁶¹ They likened the routinized, repetitive, and mechanized processes of modern agriculture to industrial factory work and asserted that it was beginning to manifest a workforce not dissimilar to other industries. In fact, like the factory families who lived in urban ghettos, inspectors also found poor rural families in insalubrious environments. In addition to the substandard shacks of tenant farmers, investigators were appalled by the living conditions of migrant families who camped in tents or automobiles by the roadside, or in dilapidated labor camps that lacked even basic sanitation facilities. These families often washed and drew drinking and cooking water from nearby irrigation ditches. Investigators likened these camps to city slums and one noted that, “This type of living does not suggest a free childhood, full of opportunity for health and growth that a rich nation should feel is due to its children.”⁶² To National Child Labor Committee inspectors it was clear that the nation’s new vision of childhood had not reached the migrant streams, nor the tenant families.

⁵⁹ Census Quoted in Trattner, *Crusade for the Children*, 149.

⁶⁰ Albert J. Beveridge, “Child Labor and the Nation,” *Annals of the American Academy of Political and Social Science* 29 (January 1907), 117; Grace Abbott, *The Child and the State: Select Documents with Introductory Notes* (Chicago: University of Chicago Press, 1947), 474; Trattner, *Crusade for the Children*, 87-93; Hindman, *Child Labor*, 64-65.

⁶¹ Emma Duke, *California the Golden* (New York: National Child Labor Committee, 1920), reprinted in *Children in the Fields*, ed. Dan C. McCurry (New York: Arno Press, 1975), 236-251; Gertrude H. Folks, “Child Labor In Agriculture,” *American Child* (November 1921): 267-73; Katharine Du Pre Lumpkin and Dorothy Wolf Douglas, *Child Workers in America* (New York: International Publishers, 1937), 59-80; Lucy R. Mason, general secretary of the National Consumers League, “Letters to the Times,” *New York Times*, January 7, 1937; Anne B. Effland, “Agrarianism and Child Labor Policy for Agriculture,” *Agricultural History* 79, no. 3 (Summer, 2005): 281-297.

⁶² Duke, *California the Golden*, 236-251; “Beet Sugar Child Labor,” *The Nation* 139 (1934); Gertrude Binder, ed., *A Summer in the Country*, publication no. 377 (New York: National Child Labor Committee, 1939), in *Children in the Fields*, ed. Dan C. McCurry (New York: Arno Press, 1975); Raymond G. Fuller, *Children in Strawberries*, publication no. 380 (New York: National Child Labor Committee, 1940), in *Children in the Fields*, ed. Dan C. McCurry (New York: Arno Press, 1975).

For child welfare advocates, one of the most disturbing aspects associated with children's agricultural labor was that their education was routinely subordinated to farmers' needs. This was true across the spectrum, and even included children on traditional family farms. The practice stemmed largely from tradition as the cultivation and harvest requirements of farming had long dictated academic calendars, excused individual students' absences, and condoned the recruitment of young work crews right out of the schoolyards.⁶³ As early as the 1890s, child welfare reformers had advocated stricter state-level compulsory school attendance laws as a means of curbing child labor in all sectors.⁶⁴ By 1900, thirty-two states had enacted some form of compulsory schooling laws, and in 1918 Mississippi became the last state to do so.⁶⁵ However, such laws were not successful in curbing rural child labor or truancy. In some cases, rural districts simply ignored the law, claiming that the harvest absences were so widespread that officials were powerless to enforce attendance.⁶⁶ But in other cases, states and school districts simply enacted compulsory attendance requirements that met local farmers' needs. In other words, they passed laws that privileged farm work over children's education. For example, districts in the cotton territories of Arizona, Texas, and the Carolinas sometimes did not open until late November or December and many closed by May 1.⁶⁷ Children simply were not expected to attend school until after the harvest season. Georgia's 1919 compulsory education law provides another example of this as the statute authorized school administrators "to take into consideration the seasons for agricultural labor and the need of such labor in exercising their discretion as to the time for which children in farming districts shall be excused."⁶⁸ And in 1920, Delaware actually reduced the required days of attendance from 180 to 120 so that the law better fit farming needs.⁶⁹ Across the nation, absences for the sake of agricultural work were commonly known as "harvest holidays" and "crop vacations," and in many cases they were announced in local newspapers, making it clear that students were free from academic responsibilities for the sake of agricultural work. What had long been an informal practice became established policy in the face of child welfare advocates' push for compulsory schooling laws. This was a nationwide practice that was not confined to a single crop or region, but rather to all crops that required intensive cultivation and hand harvesting.⁷⁰ This clearly demonstrates how communities, which were guided by notions inherent in the agrarian myth, privileged agriculture over education and viewed children's labor as natural and beneficial.

⁶³ "Fruit Harvest Delays Entry of Students," *The Gridley Herald*, September 16, 1925; "Children as Farm Laborers," *Pacific Rural Press*, September 17, 1910.

⁶⁴ Folks, "Farm Labor vs. School Attendance," 78.

⁶⁵ Susan Tiffin, *In Whose Best Interest? Child Welfare Reform in the Progressive Era* (Westport, CT: Greenwood Press, 1982), 144-146.

⁶⁶ Folks, "Farm Labor vs. School Attendance," 77.

⁶⁷ Folks, "Farm Labor vs. School Attendance," 77.

⁶⁸ Georgia School Code, 1919, Art. XI, Sec. 171, quoted in Folks, "Farm Labor vs. School Attendance," 76.

⁶⁹ "Sixteenth Annual Report of the National Child Labor Committee," *American Child* (November 1920): 210.

⁷⁰ Folks, "Farm Labor vs. School Attendance," 77.

National Child Labor Committee reports were largely ineffective in the face of such deeply rooted convictions. In viewing children's agricultural labor through a lens of agrarianism, and within the bounds of a family unit, society generally saw it as a form of familial and community duty that was performed in a natural and healthy environment, rather than an oppressive labor system that perpetuated cycles of poverty and detrimentally effected children's health, education, or well being. What this meant was that agricultural child laborers across the spectrum, were often at risk for occupational hazards, overwork, and truancy. Its effect were perhaps the harshest for the children of migrants, sharecroppers, and even many tenant farmers, who were arguably subject to as bad a living and work environment as many urban child laborers. But unlike other foci of child labor reform, and despite the National Child Labor Committee's efforts, there was little public will to recognize agriculture as an exploitative industry. In fact, Americans simply saw little difference between rural children's economic and sentimental worth.

CHILD LABOR AND THE LAW

Despite the many National Child Labor Committee reports to the contrary, Americans continued to associate children's farm labor with a yeoman farming ideal and a healthy outdoor lifestyle. They failed to grasp the growing separation and changing conditions between the private affairs of the home and the public realm of the agricultural labor market. For this reason, concern over parental rights became intertwined with and bolstered by the agrarian ideal when child welfare advocates pushed to regulate forms of child labor. The cause of parental rights was a powerful obstructionist tool for opponents of child labor legislation because they were able to tap into the widely held belief that children's productive capacity fell entirely within parents' purview—not the government's. And while this was also true to some extent of other industries, the fact that company managers (rather than parents) typically supervised the work of children in factories, mines, and mills meant that the work was recognized as a greater departure from the home economy than was farming.

There were a number of largely unsuccessful attempts to regulate child labor prior to the landmark Fair Labor Standards Act in the late 1930s. An examination of these efforts sheds light on how the issue of children's agricultural labor became separate from the greater reform agenda. Entrenched agrarianism and the vehement defense of parental rights necessitated such a break. Political expediency dictated that child welfare and labor reform advocates had to concede a difference between agricultural and non-agricultural labor, but in so doing, they deferred and sacrificed young agricultural laborers' interests so as to make gains for children in other industries. Only briefly, in the mid-1930s, did it seem that the National Child Labor Committee might successfully bring agriculture into the protectionist fold when it won regulation of the sugar beet industry. Although this legislative victory seemed to indicate a changing tide, closer scrutiny reveals that the persistence of the agrarian myth facilitated loopholes that reduced the law's efficacy and diminished the victory. This was because Americans myopically perceived labor conditions in the sugar beet industry to be anomalous among an otherwise beneficial occupation. The perceptions, actions, and outcomes that defined these earlier attempts at regulation lay the groundwork for the

subsequent discussion (in chapter two) of the Fair Labor Standards Act's child labor provision.

The first attempts to pass federal child labor legislation came on the heels of the United States Census Bureau's report in 1900, which revealed that at least 1.75 million children between the ages of ten and fifteen were gainfully employed in America. That amounted to nearly one-quarter of the nation's children in that age group. Of these, 38 percent worked on farms. Though this accounting only revealed a portion of the child labor story, the numbers were sufficient to bolster the anti-child labor position of groups such as the National Consumers League and the Women's Christian Temperance Union (among other Progressive Era "child saver" organizations and professionals) and thus, motivated congressional action.⁷¹ Senator Albert J. Beveridge's failed 1906 proposal was the first bill to take up the cause, and as mentioned above, he expressly excluded agriculture based on nostalgia for his own rural childhood. Indeed, many a congressman hailed from similar agrarian roots, making its omission unremarkable among contemporary circles. Then, for a decade, similar subsequent attempts also stalled, rarely making it to the floor for debate.

A decade later, the first successful federal child labor law, the 1916 Keating-Owen Act, drew on the language of the Beveridge bill and employed the constitution's commerce clause in order to justify the federal government's right to limit the commercial exchange of products made by child labor. The act banned "the product of any mine or quarry...mill, cannery, workshop, factory, or manufacturing establishment" that employed children younger than fourteen (sixteen for mines).⁷² Unprocessed agricultural products were not included in the bill's restrictions, yet some congressmen from industrial districts attempted to stir concerns and thwart the effort by implying that such a law was a step toward increased federal jurisdiction over family farms. Representative Walter Watson, a Democrat from Virginia, brought up the subject in early debates by asking:

Will the legislative lion, having once tested his strength, lie down to rest by the door of the factory and at the mouth of the mine, or will he rise up to extend his conquest to the forest and in the field? ... Having fixed the age limit for the factory and the mine, why should not Congress do the same for the farm and the pasture and the lumber camp?⁷³

The following week, Robert Doughton, a Democrat from North Carolina attacked the bill's proponents as "agitators" and "hired mourners" who he believed would "not cease their activities and lamentations when this law is enacted, but [would] still find occasion for

⁷¹ "Gainful Workers, Aged 10-14, in the United States: 1870-1930," *Historical Statistics of the United States, Colonial Times to 1970* (U.S. Census Bureau, 1997), Series A 119-134 and D75-84. This accounting only revealed a portion of the child labor story because census numbers woefully undercounted working children. Census takers did not count those who were younger than ten; it undercounted children engaged in farm work; and did not note those who were not officially employed but rather "helped" their parents fill agricultural and sweatshop quotas. Kathryn Kish Sklar, *Florence Kelley and the Nation's Work: The Rise of Women's Political Culture, 1830-1900* (New Haven: Yale University Press, 1995), 151-160.

⁷² 64th Cong., 1st Sess., *House, Congressional Record* (January 19, 1916), 1268.

⁷³ 64th Cong., 1st Sess., *House, Congressional Record* (January 26, 1916), 1591.

interference with every other line of honest endeavor in which children are employed.”⁷⁴ Yet, their efforts to paint the bill as an opening salvo in a battle to impose greater restrictions failed. A majority of congressmen believed that the bill clearly differentiated industrial production from agricultural, and were satisfied that it specifically did not include the latter. “There is a difference between child work on the farm and work in mines and factories,” asserted the Democratic Representative from Kansas, Philip Campbell. “If the bill was so broad in its scope that it included farm as well as factory and mine work, it would raise a serious question. But...it refers solely to the industries in which it is so ruinous to the child.”⁷⁵ And when Senator Charles Thomas of Colorado attempted to amend the bill to include agriculture, the move was resoundingly defeated. In nearly all discussion, it is evident that Congress understood children’s agricultural labor to be limited to the “healthful out-of-doors employment” of the family farm.⁷⁶

The Keating-Owen Act passed, but it was a short-lived victory. One month before it took effect, opponents of child labor reform launched a campaign against the law under the guise of parents’ rights. Though the challenge was specific to industrial labor, the outcome would have significant bearing on subsequent discussions of children’s agricultural work, and played a role in the later drafting of the Fair Labor Standards bill. In August 1916, Roland Dagenhart, an employee of the Fidelity Manufacturing Company of Charlotte, North Carolina, filed a lawsuit that ultimately succeeded in repealing the law. David Clark, a virulent racist, states’ rights advocate, and what historian Bart Dredge dubbed the “self-appointed guardian of textile interests,” instigated and funded the case. Clark handpicked Dagenhart specifically because law would disrupt the employment and income of his young sons, Reuben and John.⁷⁷

The premise of the challenge was that the federal government had overstepped its jurisdiction and deprived Dagenhart of his parental entitlement to his minor son’s labor and wages. Under the English common law precedent, American courts had long recognized a system of mutual obligation between parents and their children. Essentially, the parent (initially the father) was obliged to provide sustenance, shelter, vocational and religious training, and at least a rudimentary education; and in exchange was entitled to the child’s obedience, labor, and wages as recompense for duties fulfilled. In upholding the rights of the individual against federal incursion, the constitution protected this common law practice. Southern manufacturers backed Roland Dagenhart’s challenge and the case made its way to the United States Supreme Court, where its constitutionality was scrutinized and found wanting. On June 3, 1918, on the matter of *Hammer v. Dagenhart*, the Supreme Court declared the Keating-Owen Act in violation of the tenth amendment. Though the challenge did not directly deal with children’s agricultural labor, this episode reinforced the parental

⁷⁴ 64th Cong., 1st Sess., *House, Congressional Record* (Feb. 2, 1916), 2022.

⁷⁵ 64th Cong., 1st Sess., *House, Congressional Record* (February 2, 1916), 2026.

⁷⁶ 64th Cong., 1st Sess., *House, Congressional Record* (Feb. 24, 1916), 3053.

⁷⁷ Bart Dredge, “Defending White Supremacy: David Clark and the ‘Southern Textile Bulletin,’ 1911-1955,” *North Carolina Historical Review* 89, no. 1 (January 2012): 59.

entitlement precedent that would subsequently intersect with agrarian interests in the future.⁷⁸

Less than four years after the *Dagenhart* decision, the Supreme Court again struck down a federal child labor law with the *Bailey v. Drexel Furniture Company* ruling on May 15, 1922. Incensed by the ruling, California Senator Hiram Johnson charged that the Court was “stacked” and “filled with reactionaries.”⁷⁹ In the few years since the *Dagenhart* ruling, the public will to regulate industrial child labor had grown, which made the Supreme Court’s decision appear to be out of step, conservative, and (some charged) obstructionist. For this reason, Johnson claimed that “these gentlemen are sowing to the wind, and one day will reap a whirlwind.”⁸⁰ That day, indeed, would come more than a decade later when President Roosevelt attempted to reorganize the High Court (more on this in the next chapter). But in the meantime, a committee of child welfare advocates, labor union representatives, and constitutional lawyers drafted a constitutional amendment that explicitly proposed to grant Congress “the power to limit, regulate, and prohibit the labor of persons under eighteen years of age.”⁸¹ This Child Labor Amendment was a radical move.

Even as popular support for regulating child labor had increased, the proposed amendment’s undefined parameters and expansion of federal authority greatly concerned many in Congress, as well as their constituents, primarily because they feared federal incursion on the home. These concerns were most often expressed in term of its possible effect on children’s farm labor. Asserting that the proposal was “so general that the boy out on the farm can refuse to go get an armful of wood or a basket of eggs for his mother,” Representative William Boies of Iowa wanted to see the scope narrowed considerably.⁸² Indeed, the amendment’s scope was broad and the eighteen-year age limit was higher than in any prior proposed law. It reflected contemporary childrearing philosophies that promoted prolonged schooling and delayed entry into the workforce. Moreover, their concern were further heightened when Grace Abbott, the chief of the U.S. Children’s Bureau, testified that although “no one is advocating” the regulation of agriculture with this bill, “an amendment should be inclusive” because “we may have a vast growth of large-scale agriculture, and children will not be employed on the home farm but under conditions approximating

⁷⁸ Owen R. Lovejoy, “Testing the Constitutionality of the Child Labor Law,” *The Child Labor Bulletin* (New York: National Child Labor Committee, 1918), 144-146; *Parham v. J.R.*, 442 U.S. 584, 602 (1979) quoted in Seymour Moskowitz, “Malignant Indifference: The Wages of Contemporary Child Labor in the United States,” *Oklahoma Law Review* 57, no. 3 (Fall 2004); Mary Ann Mason, *From Father’s Property to Children’s Rights: The History of Child Custody in the United States* (New York: Columbia University Press, 1994), 4-8; Hindman, *Child Labor*, 68-69; James D. Schmidt, *Industrial Violence and the Legal Origins of Child Labor* (Cambridge: Cambridge University Press, 2010), 157; Tiffin, *In Whose Best Interest?*, 142-143.

⁷⁹ Hiram Johnson to Katharine Philips Edson, January 17, 1923, box 3, folder 4, Katherine Philips Edson Papers, Charles E. Young Research Library, University of California, Los Angeles. By “reactionaries” Johnson meant ultraconservatives. FDR also often referred to reactionaries on the Supreme Court.

⁸⁰ Johnson to Edson, January 17, 1923, Edson Papers.

⁸¹ Joseph P. Chamberlain, et al., *Child Labor Amendment: Argument for Ratification* (New York: Non-Partisan Committee for Ratification of the Federal Child Labor Amendment, 1934), 31-33; Trattner, *Crusade for the Children*, 163-165.

⁸² “Proposed Child Labor Amendment to the Constitution of the United States,” *Hearings before the Committee of the Judiciary House of Representatives*, 68th Cong., 1st sess., (February 7, 1924), 13.

industrial employment.”⁸³ In her desire to explain the reasonableness of such a broadly worded amendment, Abbott confirmed its threat to the agriculture industry.

Farmers, conservative citizen groups, and the American Farm Bureau Federation saw the move as a threat to agrarian lifestyles. The Farm Bureau was aware of child welfare advocacy groups’ reports on children’s agricultural labor. They recognized that if such groups had their way that the threat of future regulation was not so far off. In defense of the industry, the Farm Bureau’s Dr. W.H. Walker protested that, “agricultural work is not harmful but beneficial.”⁸⁴ He claimed that it was poverty that was the true threat to rural children and advocated their participation in the workforce as the solution. According to Walker (and others), parental authority and compulsory education laws were sufficient precautions against potential abuse.⁸⁵ His colleague, Grey Silver, concurred that the law should be directed at industry and not “families on the farm” where children do “light tasks which cheats the devil of unemployment and builds sturdy frames and muscles.”⁸⁶ Their defense acknowledged only the farm family archetype and denied the consequences of less idealized agricultural labor.

The Farm Bureau’s reaction set the amendment’s proponents on the defensive. Denying that the amendment would interfere with parental authority or life on the farm, they distinguished between children’s chores on the family farm and labor in commercial agriculture. Reacting to accusations to the contrary, Edgar Wallace of the American Federation of Labor countered, “I believe...the Congress can differentiate between a boy riding the front horse on a harvesting-machine binder, or helping his dad to hoe in the garden, and a child being exploited in a beet field.”⁸⁷ And Owen Lovejoy of the National Child Labor Committee argued reassuringly that “most of those who have had experience in administering child labor laws” believed that “the child on the farm can best be protected not directly by prohibitive child labor laws but by better health and educational and other social facilities originating in the community.”⁸⁸ But while the amendment’s proponents claimed the difference to be common sense, it presented a wedge point for opponents.

Farming interests, parents, and states’ rights advocates allied against the amendment, as well as its leading proponents who became the objects of adversarial testimony. The Farm Bureau led the charge to undermine the credibility of child welfare advocates by claiming that reports of exploitation in the agriculture industry were nothing more than “a lot of rot” and “the bug-a-boo” of a “sob-sister method.”⁸⁹ In order to cast doubt on the fitness and character of the predominantly female leadership of the U.S. Children’s Bureau, opponents called attention to the fact that many of the women who were involved in child welfare work were not even parents themselves. Hence, asserted the opposition, such women could not possibly know what was best for children. Maryland’s Assistant Attorney General, Willis R. Jones also expressed this opinion three weeks after Abbott declared the

⁸³ “Proposed Child Labor Amendment,” (February 7, 1924), 25-26.

⁸⁴ “Proposed Child Labor Amendment,” (February 7, 1924), 76-77.

⁸⁵ “Proposed Child Labor Amendment,” (February 7, 1924), 76-77.

⁸⁶ “Proposed Child Labor Amendment,” (March 6, 1924), 250.

⁸⁷ “Proposed Child Labor Amendment,” (February 7, 1924), 58.

⁸⁸ “Proposed Child Labor Amendment,” (February 16, 1924), 75.

⁸⁹ “Proposed Child Labor Amendment,” (March 6, 1924), 250.

need to keep the amendment broad, when he testified that he “would prefer to take the advice and judgment of the mothers and fathers of the community to that of some governmental agency,” because:

I know not who the Children's Bureau is composed of; I have heard intimations that there are not many mothers connected with the direction of that bureau. I, for one, want to leave that parting thought with the committee, that if you want to ascertain the wishes of the people of this country, on this subject of child labor, I would not endeavor to obtain those views from the Children's Bureau.⁹⁰

In addition to attacking their parental status, others like Mary Kilbreth of the Woman Patriot Publishing Company (formerly of the anti-suffrage organ *Woman's Protest*) accused Abbott, her predecessor Julia Lathrop, and others (dating back to reformers such as Florence Kelley in the late 1890s) of operating under Socialist influence.⁹¹ In the eyes of many Americans, Abbott's and many of the Children's Bureau's staff's lack of first-hand parenting experience, and the taint of non-democratic affiliation, sorely undermined their credibility.

But it was *Dagenbart* champion, David Clark who shrewdly inflicted the most damage on the attempt to ratify the Child Labor Amendment.⁹² Clark strategically preyed upon southern and western farmers' fear of federal intervention in the home. With his *Southern Textile Bulletin* he repeated and amplified the concerns expressed by opponents at the hearings and warned that the amendment would strip parents of their authority when a “swarm of federal inspectors” invaded farms, preventing children from performing agricultural and domestic chores.⁹³ Calling the Children's Bureau an “army of old maid inspectors,” and he accused Abbott of scheming to secure a bigger salary for herself through passage of the amendment.⁹⁴ Taken aback, Abbott lamented that the “propaganda that there has been against [us] is difficult for even a hardened old person like myself to believe possible.”⁹⁵ To further strengthen opposition, Clark secretly founded and funded the Farmers' States Rights League to rally rural parents in opposition to the amendment and to disseminate propaganda against it, including placing advertisements in rural newspapers. By couching the amendment as a threat to parental sovereignty and the family farm, and casting doubt on the integrity of proponents, Clark successfully muddled the issue and helped to stall ratification.

Sensing impending failure, child welfare advocates took a conservative stance in order to appease Clark and his band of angry parents. In doing so, they softened their position on agriculture, reinforcing a distinction between sectors. In a follow-up statement regarding the

⁹⁰ “Proposed Child Labor Amendment,” (February 27, 1924), 102-104.

⁹¹ “Proposed Child Labor Amendment,” (February 29, 1924), 156-177.

⁹² Although both houses of Congress passed the Child Labor Amendment it struggled with ratification and was never enacted.

⁹³ Dredge, “Defending White Supremacy,” 59-91; Bart Dredge, “David Clark's ‘Campaign of Enlightenment’: Child Labor and the Farmer's States Rights League, 1911-1940,” *North Carolina Historical Review* 91, no. 1 (January 2014): 30-62; Kriste Lindenmeyer, *A Right to Childhood: The U.S. Children's Bureau and Child Welfare, 1912-46* (Urbana: University of Illinois Press, 1997), 130-131.

⁹⁴ Dredge, “David Clark's ‘Campaign of Enlightenment’,” 39.

⁹⁵ Grace Abbott to Katharine Philips Edson, January 29, 1925, box 3, folder 6, Edson Papers.

amendment's intended scope, Grace Abbott seemed to reverse her earlier position, saying "As the employment of children in agriculture is usually on the home farm and is seasonal and out of doors, it is much less objectionable than employment in mines and factories." To clarify, she continued:

Moreover, many of the farm children merely help their fathers with the farm work just as the girls help their mothers with the housework. If not too arduous, such work is, of course, valuable to boys and girls for the training it gives and the sense of responsibility which it develops. Therefore those who have advocated the Amendment have been especially concerned with the child employed in nonagricultural occupations.⁹⁶

In order to fend off the opposition, Abbott reverted to rhetoric that affirmed children's farm labor as a component of the idealized family farm. Her unequivocal reassurance to rural parents had profound implications, precisely because she was Chief of the United States Children's Bureau—a division of the Department of Labor. For, were the amendment to pass, *she* (and her successors) would be the arbiter of the forms of child labor that the federal government would deem necessary to limit, regulate, and prohibit. In an extremely savvy move, Clark had tapped into agrarian resistance to fortify manufacturers' interests while also prompting the chief to exclude children's agricultural labor from the amendment's scope. But despite Abbott's conciliatory stance, the Child Labor Amendment remained stalled in state legislatures and was still eight states short of ratification thirteen years later when Congress again took up the issue (which will be discussed in chapter two).

While in sympathy with the Children's Bureau, the National Child Labor Committee refused to equivocate when it came to children's agricultural labor. The private advocacy organization simply did not have to negotiate government bureaucracy, as did the Bureau. Moreover, until 1943, men comprised the leadership of the National Child Labor Committee. As such, they were not susceptible to the vicious gender-based attacks that opponents leveled against Abbott and the U.S. Children's Bureau. So while the Bureau was embroiled in the Amendment controversies, the Committee was in the midst of an exposé of the sugar beet industry. While sugar had been a lucrative commodity with a global market in the 1910s, overproduction and declining prices by 1920 sent domestic growers clamoring for high tariffs against foreign sugar producers. This brought much publicity to the sugar market and its production process. The National Child Labor Committee seized the political moment to raise the visibility of child labor through a focus on sugar beets, announcing in April 1923 that the committee had become "steeped in beets—almost to the exclusion of everything else."⁹⁷ National Child Labor Committee investigations revealed how growers intentionally sought large families as it provided the cheapest supply of labor. They highlighted the industrialized processes of the sugar beet industry with accounts of children as young as six or seven who performed monotonous and repetitive tasks while crawling, hunching, stooping, and bending for as many as fourteen hours a day in the hot sun.

⁹⁶ Grace Abbott, "The Child Labor Amendment," *North American Review* 220, no. 825 (December 1924), 229.

⁹⁷ "Beet Complex," *American Child* (June 1923): 2.

Reports included images of young children wielding long hooked knives and captions such as: “I hooked me knee with a beet knife, but jest [sic] went on a-workin’.”⁹⁸ News outlets and anti-tariff politicians repeated the National Child Labor Committee message claiming that tariffs placed a hardship on children across the classes because high prices simultaneously took the candy out of the mouth of babes while subsidizing the exploitation of working-class children.⁹⁹ The targeted campaign met with some success as the 1934 Sugar Act, the Agricultural Adjustment Act, and finally, the Sugar Act of 1937 (which replaced the repealed 1934 act) prohibited the labor of children younger than fourteen and limited work hours for those under sixteen. The legislation also implied that at least certain crops could be categorized as industrial, and therefore, were undesirable for child employment.¹⁰⁰

On the surface this appeared to be a step toward eradicating exploitative agricultural child labor. However, the Committee’s near exclusive focus on sugar beets left the public with the impression that the crop was an anomaly amidst an otherwise benign industry. Moreover, growers engaged loopholes that were justified by the agrarian ideal. When Congress passed the Sugar Act, they acknowledged parental rights by exempting children’s labor from the law when it was performed on family farms. Then, to skirt the law, commercial sugar beet growers reconceptualized and redefined their operations as family farms by signing their workers to sharecropper contracts. As has been discussed, sharecropping was not a path to self-sufficiency but rather a form of labor that actually increased risk and perpetuated poverty. Yet, because the law recognized sharecroppers as family farmers, their children’s labor was exempted even though it ultimately supported a commercial venture. Therefore, while the nature of children’s labor did not change the legal framework within which it was performed did, leaving them as unprotected as before the law was passed.¹⁰¹

Ultimately, child labor reformers were just too successful in juxtaposing the agrarian ideal against industrial urban America. Like Grace Abbott, in their fight to end industrial labor, many reformers succeeded in reinforcing binary imagery that contrasted children’s indoor manufacturing labor as unhealthy and outdoor farm labor as far more salubrious and a family endeavor. Indeed, for most Americans, the images of children picking berries, tomatoes, or peaches so starkly contrasted with Lewis Hine’s more widely publicized photographs of young, bedraggled factory or mine workers as to make the two utterly unrelated. Though Hine also photographed children performing agricultural labor, images of children working outdoors in the sunshine did not illicit the same visceral reaction as did

⁹⁸ Bertram H. Mautner and W. Lewis Abbott, *Child Labor in Agriculture and Farm Life in the Arkansas Valley of Colorado* (New York: National Child Labor Committee, 1929), 29-33; “Beet Sugar Child Labor.”

⁹⁹ April Merleaux, *Sugar and Civilization: American Empire and the Cultural Politics of Sweetness* (Chapel Hill: University of North Carolina Press, 2015), 147-153, 157-165; Kathleen Mapes, *Sweet Tyranny: Migrant Labor, Industrial Agriculture, and Imperial Politics* (Urbana: University of Illinois, 2009), 180-181.

¹⁰⁰ Merleaux, *Sugar and Civilization*, 174-175, 184-185, 197-200; Effland, “Agrarianism and Child Labor Policy for Agriculture,” 292.

¹⁰¹ Du Pre Lumpkin and Douglas, *Child Workers in America*, 73; Hinton, *The Politics of Agricultural Labor*, 102-103; Albert H. Cotton, “Regulations of Farm Landlord-Tenant Relationships,” *Law and Contemporary Problems* 4, no. 4 (October 1937): 508-538.

those of the industrialized manufacturing and extraction sectors.¹⁰² The myth was simply too deeply engrained for most Americans to peer beyond the veil.

OF FARMERS AND PIONEERS

During the Great Depression, Americans looked to the past in search of hope for the future. The waning days of Herbert Hoover's presidency were marked by unprecedentedly high unemployment; a national income that was half what it had been when the stock market crashed; and widespread concern over the viability of the increasingly urban and industrial nation.¹⁰³ It was within this disillusioned modern milieu that Ida Louise Raymond had advised her client, Laura Ingalls Wilder, to more clearly situate her novels within the romance of a pioneering agrarian past. In reading the *Little House on the Prairie* books, as well as other agrarian-based novels, readers clung to a nostalgia that reassuringly intimated that the American character would pull through the tough times.¹⁰⁴ This longing for a triumphal nationalism also fueled the popularity of the Hollywood western, a genre that was merely in its nascency in the 1930s, but one that cinema historian Robert Pippin calls "an attempt at a form of collective self-knowledge...of a distinctly American imaginary," that fed the American imaginary through a string of low-budget B-films that featured such national heroes as pioneers, gunslingers, lawmen, and farmers.¹⁰⁵ A number of Americans translated the nostalgic frontier impulse into personal decisions to embrace agrarianism and take up a farming lifestyle. Children and their labor were key components in this Depression-era turn to family farming. Examining America's embrace of the pioneering, agrarian ideal in the 1930s sheds light on the mores and convictions that set the tone for Congress's consideration of the issue of child labor and the Fair Labor Standards bill in 1937. At that historical moment, it was simply unfathomable that a law would restrict children's productive capacity in what was viewed as so beneficial and virtuous an occupation as farming. To do so was quite simply, un-American.

¹⁰² Even now, attention to Lewis Hine's work often omits reference to his agricultural labor images. This attests to the significant and overshadowing place and legacy that his industrial photographs have held in American thought. Some recent prominent discussions of Hine's work that have neglected his agricultural images, see: The Metropolitan Museum of Modern Art online essay: "Heilbrunn Timeline of Art History: Early Documentary Photography," http://www.metmuseum.org/toah/hd/edph/hd_edph.htm; "Stanford Professor Sheds New Light on Lewis Hine's Iconic Photos of Child Workers in a Powerful New Exhibition," a press release about the exhibition, "Soulmaker: The Times of Lewis Hine," May 21-October 31, 2016 at the Cantor Arts Center at Stanford University, https://museum.stanford.edu/news_room/Hine.htm. Moreover, the J. Paul Getty Museum's online exhibit displays only one child farmworker out of 106 images: <http://www.getty.edu/art/collection/artists/1566/lewis-w-hine-american-1874-1940/>.

¹⁰³ For an excellent discussion of the period, see William Leuchtenberg, *Franklin Roosevelt and the New Deal, 1932-1940* (New York: Harper & Row Publishers, 1963).

¹⁰⁴ Eleanor Hubbard Gerst, "New Books You'll Want," *Better Homes and Gardens* 12, no. 4 (December 1933): 19, 30-31; "The Harper Book Parade," *Parents' Magazine* 12, no. 12 (December 1937): 68; "Early Days on the Plains," *Nation* (October 30, 1937): 483; Blair, "A Library of Good Children's Books."

¹⁰⁵ Robert B. Pippin, *Hollywood Westerns and American Myth: The Importance of Howard Hawks and John Ford for Political Philosophy* (New Haven: Yale University Press, 2010), 102. For more on the heyday of Hollywood Westerns (1939-1969) see Michael Coyne, *The Crowded Prairie: American National Identity in the Hollywood Western* (London: I.B. Tauris Publishers, 1998). The Big-5, or the "majors," were Metro-Goldwyn-Mayer (MGM), Paramount Pictures, RKO Pictures, Twentieth-Century Fox, and Warner Bros.

Amidst the despair of 1932, thousands of urbanites embraced the agrarian ideal and moved west to pursue farm ownership. This “back to the land” movement was termed by many to be a new era in pioneering, and the migrants themselves saw continuity between their decision and that of their forefathers.¹⁰⁶ For example, one couple from Chicago who were on their way to purchase a farm in Southern Oregon announced, “we already feel just like old-time pioneers. We’re doing just what our grandparents did when they came West.”¹⁰⁷ And this couple was not alone in their westering adventure. Between 1930 and 1940, out-of-state migrants established more than one thousand new family farms in Oregon.¹⁰⁸ Calling the movement a “vital demonstration of new pioneering,” Leland C. Stoll, the director of Oregon’s state employment service praised the “energetic new crop of pioneer migrant citizens in Oregon.”¹⁰⁹ Reflecting on the decade of farm growth and migration to Oregon, Washington, and Idaho, George Herrington of the federal Farm Security Administration, commented:

The old pioneer spirit of moving on west to seek a new start after encountering adversity has been in evidence through the whole movement. There has been characteristic in this migration a movement of families intact. There is particularly evident among these families a spirit of work, little defeatism, [and] strong hope.¹¹⁰

For observers like Herrington, such moves west strengthened the nation by offering families opportunities to prove themselves through agrarian living.¹¹¹

Domestically-oriented magazines fanned the flames of pioneer nostalgia and may have contributed to the trend in new farm ownership. For example, *Better Homes and Gardens* regularly featured rugged minimalist home designs, furniture, and decor, and readers could order blueprints by mail for a “pioneer home.”¹¹² Articles advised housewives on how to stretch tight budgets and entertain frugally by drawing on the resourceful ways of their frontier foremothers, while farm wives in sunbonnets were hailed as “the hero of

¹⁰⁶ “Fresno Farm Boom Seen: Pioneer Subdividers, Sensing Back-to-Land Trend,” *Los Angeles Times*, April 23, 1932; “Local Men to Sponsor Vast Arizona Farm Deal,” *Los Angeles Times*, June 12, 1932; “City Folk Rush Back to Farms,” *Los Angeles Times*, July 16, 1932; “Northwest Folk Go Back to Farms” *New York Times*, August 14, 1932; “National Trend Back to Farms Called Benefit: Encouragement for Mass Exodus From Cities Aided by States,” *Washington Post*, February 11, 1934; “Reminiscence: Florence Harmon on Depression-Era Homesteading in Lincoln County,” *Oregon Historical Quarterly* 89, no. 1 (Spring, 1988): 46-69.

¹⁰⁷ Frazier Hunt, “America is Dreaming Again!” *Good Housekeeping* 101, no. 4 (October 1935): 29.

¹⁰⁸ *Hearings before the Select Committee to Investigate the Interstate Migration of Destitute Citizens, House of Representatives*, Part 6, San Francisco, 76th Cong., 3rd sess., September 24-25, 1940, 2256-2259. Hereafter referred to as the “Tolan Commission.”

¹⁰⁹ Tolan Commission, 2587.

¹¹⁰ Tolan Commission, 2658.

¹¹¹ Tolan Commission, 2267, 2329.

¹¹² “Rustic Charm with Comfort,” *Ladies Home Journal* 52, no. 5 (May 1935): 68-69; “With Wings Widespread,” *Better Homes and Gardens* 15, no. 12 (August 1937): 25; “Our Pioneers Liked Stone and Wood,” *Better Homes and Gardens* 15, no. 8 (April 1937): 58; “Comfort in Cottage or Cabin,” *Better Homes and Gardens* 16, no. 2 (July 1938): 27, 68.

America.”¹¹³ Gardening was referred to as “frontier farming”; Heinz Tomato Juice was a “pioneer-days beverage”; and “pioneer” quilting patterns were regularly featured.¹¹⁴ Even advertisements for the popular Lincoln Logs (a building set of small notched wooden “logs”) promised to make “the early struggles and sturdy qualities of our pioneer forefathers become real” for children.¹¹⁵ Expansion packs included farm family figurines so that children could play at frontier farming while building toy log cabins.

Starting in 1933, the federal government also fostered dreams of farmstead ownership by establishing master-planned subsistence farming communities. From Florida to Alaska, the government purchased land, constructed homes and outbuildings, and recruited impoverished families to populate small subsistence farming communities. In the spirit of Jeffersonian agrarianism, the intent was to uplift and reinvigorate American citizenry through a renewed commitment to small family farms.¹¹⁶ Eleanor Roosevelt’s pet-project, Arthurdale, in West Virginia has received the most scholarly attention, but government agents sought applicant families with the “ability and willingness to do hard work, managerial capacity, and a spirit akin to that of the early pioneers,” to fill the new farm communities across the nation.¹¹⁷ Since the federal government expected applicants to work and improve the land, families were preferred to single applicants and children’s potential labor was viewed favorably. Selected families were often noted as those who demonstrated “a rugged, pioneering spirit.”¹¹⁸

Then, from 1937, under the Farm Security Administration, government intervention moved away from master-planned farming communities to providing credit directly to tenant farmers so that they might purchase their own land. This may have been in response to public pressure as expressed in a 1936 Gallup Poll that reported that most Americans favored government-extended credit for tenant farmers. Government officials in states with

¹¹³ Mari Sandoz, “Pioneer Ways for the Modern Home,” *Better Homes and Gardens* 16, no. 2 (October 1937): 93, 128-131; Anne O’Hare McCormick, “A New Frontier: We Are Pioneering Again—Toward a Better Day of Reality in Living and Life,” *Ladies Home Journal* 49, no. 7 (July 1932): 5, 78-79.

¹¹⁴ H.J. Heinz Co., “Pioneer Days Beveridge,” *Good Housekeeping* 102, no. 4 (April 1936): 130; Ruby Short McKim, “Here’s How to Make Them,” *Better Homes and Gardens* 11, no. 6 (February 1933): 18-19; Anne Orr, “Novel Handwork for 1937,” *Good Housekeeping* 104, no. 1 (January 1937): 76-77.

¹¹⁵ “Lincoln Logs,” *Parents’ Magazine* 8, no. 12 (December 1934): 84; “Young America with Lincoln Logs,” *Parents’ Magazine* 11, no. 12 (December 1936): 120.

¹¹⁶ Blanche Weisen Cook, *Eleanor Roosevelt: The Defining Years, 1933-1938*, volume 2 (New York: Penguin Books, 1999), 130-152; C.J. Maloney, *Back to the Land: Arthurdale, FDR’s New Deal, and the Costs of Economic Planning* (Hoboken, N.J.: John Wiley & Sons, 2011); Jeanne S. Rymer, “Arthurdale, a Social Experiment in the 1930s: Foundations, Fantasies, Furniture, and Failures,” *West Virginia History*, no. 46 (March 1985): 89-102; Orlando W. Miller, *The Frontier in Alaska and the Matanuska Colony* (New Haven: Yale University Press, 1975); “Day by Day Story of the Experimental Farm: Pioneer Recipes,” *Chicago Daily Tribune*, November 18, 1934.

¹¹⁷ Tolan Commission, 2356; Cook, *Eleanor Roosevelt*, 139-140.

¹¹⁸ Helen Hegener, *The 1935 Matanuska Colony Project: The Remarkable History of a New Deal Experiment in Alaska* (Wasilla, AK: Northern Light Media, 2014), 56. The migrants to the Matanuska Colony were regularly referred to as pioneers. “Uncle Sam Starts Colonizing Alaska with Sturdy Midwest Pioneers,” *Washington Post*, March 24, 1935; “Pioneers Reach Alaskan Valley: Minnesota Families, First to Arrive, Find Homestead Sites Picturesque,” *New York Times*, May 12, 1935; Elsie McCormick, “Planned Economy is Put to the Test,” *New York Times*, September 8, 1935.

high tenant populations, such as Arkansas Governor Junius Futrell, also favored this move as a counter to rising Socialist influence, such as with the Southern Tenant Farmers' Union. Federal loans, Futrell claimed, would provide "real protection against foreign invasion and conquest." Claiming that "farm ownership is definitely related to character and patriotism [and was] conducive to...good citizenship," the Arkansas Farm Tenancy Commission proclaimed that "America will not be a great nation by the end of the century unless she preserves a healthy rural life." Like many other Americans, the Commission embraced the idea that family farms were a safe harbor in the economic storm.¹¹⁹

Agrarian aspirations endured throughout the decade, even in destination-states such as California and Arizona, where the reality of large-scale commercial agriculture diminished opportunities for family farms. This has been best documented among migrants to California, a large portion of whom hailed from Oklahoma. Although many of these migrants and their children ended up working in the state's "factories in the fields," their journey was motivated by the desire for farm ownership. While much attention on Oklahoma out-migration to California has centered on the 1930s, James Gregory notes that it was actually part of a continuum that spanned the 1920s through the 1940s.¹²⁰ Sheila Goldring Manes points to a longer-term pattern of migrancy leading to successive farm tenancy and ownership in Oklahoma that was common, at least since the great Land Run of 1889. She views the Depression-era migration as simply "the last of a many-staged odyssey" in a legacy of pioneering that was always motivated by a desire for farm ownership.¹²¹ Manes explains that as Oklahomans decided to seek new farms in the West in the 1930s, they did so "without a great deal of self-conscious probing [as] they tapped into their traditional way of solving problems, drawn from a pioneering past."¹²² The crux of this assertion differs from Dorothea Lange and Paul Taylor's interpretation, which saw the migrants as displaced proletarians, because it recognizes the agency of Oklahoman farming families who set out in an intentional pursuit of their American dream.¹²³ In proudly declaring, "We are the pioneers of the Depression," one Oklahoma migrant and resident of a farm labor camp in Marysville, California proclaimed his place within the legacy.¹²⁴

While Farm Security Administration photographs and accounts depicting rural poverty have dominated historical studies of agrarian life during the 1930s, a number of outlets also reported on the pioneering impulse.¹²⁵ For example, sympathetic observers in

¹¹⁹ Grubbs, *Cry from the Cotton*, 127-129.

¹²⁰ James N. Gregory, *American Exodus: The Dust Bowl Migration and Okie Culture in California* (New York: Oxford University Press, 1989), 9-10.

¹²¹ Sheila Goldring Manes, "Depression Pioneers: The Conclusion of an American odyssey, Oklahoma to California, 1930-1950," (Ph.D. diss., University of California, Los Angeles, 1982), 263.

¹²² Manes, "Depression Pioneers," 15-17, 330-373.

¹²³ Dorothea Lange and Paul S. Taylor, *An American Exodus: A Record of Human Erosion* (New York: Reynal and Hitchcock, 1939).

¹²⁴ Quoted in Charles J. Shindo, *Dust Bowl Migrants and the American Imagination* (Lawrence: University of Kansas Press, 1997), 32; Manes, "Depression Pioneers," 321.

¹²⁵ Federally employed Farm Security Administration photographers did much to craft the image of farm life during the Depression. The images appeared in dozens of public exhibitions around the country, as well as in magazines such as *Survey Graphic*, *Time*, *Fortune*, *Nation's Business*, *Literary Digest*, *Collier's*, and *Look*. As their primary purpose was to amass support for New Deal relief programs, a majority of the photographs

the West countered the negative publicity surrounding westward migrants by situating them within the nation's pioneering heritage. One newspaper called the migrants the "last and most desperate of frontiersmen," while another claimed that "These new transients are frequently not hoboes but pioneers...enterprising and energetic people."¹²⁶ And Dorothy W. Smith, a Federal Transient Service social worker in Los Angeles claimed that, "Our forefathers would have called these transients pioneers."¹²⁷ In referring to the migrants as pioneers, advocates implied that it was the social framing that had changed, rather than the impulse to seek land and opportunity out west. Farm Security Administration photographer Arthur Rothstein reinforced this claim with images such as that of an Oklahoma migrant family traveling in a horse drawn wagon—the father holding the reins to steady the team, the mother, attired in a calico dress and bonnet, and three children peering shyly at the camera man demonstrates pictorially a historical continuity inherent in the pioneer motif.¹²⁸ A Yakima, Washington newspaper printed a similar image of a family of four standing in front of a tarp-covered wagon. The caption read: "PIONEERS—men and women actuated by the same kind of courage which buoyed the early settlers of this district."¹²⁹ And a Farm

focused on rural poverty and despair, highlighting the need for federal aid. These were oftentimes carefully scripted and even posed for that purpose. As a result, images of despair are far more common in the nation's historical imaginary, but they only tell a portion of the story. For a comprehensive discussion of the FSA's motivation and methods for capturing rural poverty during the 1930s, see: Cara A. Finnegan, *Picturing Poverty: Print Culture and FSA Photographs* (Washington, D.C.: Smithsonian Books, 2003).

¹²⁶ Katherine Glover, "California Farm Nomads," *New York Times*, August 20, 1936; Chapin Hall, "Transient Influx Seen as Vital Problem," *Los Angeles Times*, April 28, 1935.

¹²⁷ "Transients Get Defense," *Los Angeles Times*, June 16, 1935.

¹²⁸ Cara A. Finnegan, *Making Photography Matter: A Viewer's History from the Civil War to the Great Depression* (Urbana: University of Illinois Press, 2015), 128. Such photos are more representative of the self-perception and motivation of the westward migration than countless others that highlight only despair. This point is especially significant considering that the photographs of Dorothea Lange are most commonly noted as representative. But her habit of portraying migrants as a disenfranchised proletariat was greatly at odds with how they viewed themselves and how they wished to be perceived by others. This fact came to light in retrospective interviews with Florence Owens Thompson's daughter Katherine. Thompson was the woman who became known as Lange's iconic "Migrant Mother." The image brought much acclaim to Lange, and bolstered New Deal relief efforts, but did nothing to alleviate the Thompson family's struggle. To the contrary, Katherine explained that it actually increased their emotional duress. Upon seeing the widely distributed image, her family was "embarrassed by that picture." It laid bare their poverty for others to see and judge. Other children taunted her when they recognized her famous mother. Carolyn Jones, "Daughter of 'Migrant Mother' Proud of Story: Iconic Image: Kids of 'Migrant Mother' were Proud of Her," *SFGate*, August 23, 2009; Thelma Gutierrez and Wayne Drash, "Girl from Iconic Great Depression Photo: 'we were ashamed'," *CNN*, December 3, 2008; Bill Ganzel, *Dust Bowl Descent* (Lincoln: University of Nebraska Press, 1984), 30-31. This incongruity stems from the fact that, as subjects, Lange treated migrant agricultural families in the same vein as the tenants and sharecroppers who stayed behind. While this supported the FSA's agenda, it blurred the distinction between those who remained in the east, and those who placed their hope in a westerling agrarian ideal. Rather than proletarians, migrants identified as farmers, not laborers. Manes, "Depression Pioneers," 363; Gregory, *American Exodus*, 154-164

¹²⁹ This was especially true of Oklahomans. See, James E. Sidel, *Pick for your Supper: A Study of Child Labor Among Migrants on the Pacific Coast* (New York: National Child Labor Committee, 1939), 68.

Security Administration booklet reinforced this distinction when it informed readers that such migrants were “displaced farmers”—people of the soil—“of good pioneer stock.”¹³⁰

America’s affinity for the agrarian ideal was strong in the late 1930s when Congress met to consider whether and how to enact a Fair Labor Standards bill. For centuries, agrarianism had provided an ideological foundation for the growing nation and it was still a source of strength and national identity late in the Depression. Children’s labor had long been viewed as an integral component to the farming lifestyle, and in a rapidly modernizing world, the notion of the family farm as sanctuary and cultural redeemer reinforced the nation’s desire to perpetuate the myth. Therefore, despite the fact that rural children labored in a variety of scenarios that differed from the ideal, the notion that their work should be regulated by anyone other than their parents was considered a thoroughly alien (and un-American) concept. The mores with which Congress approached the regulation of children’s labor in 1937 and 1938 were firmly rooted in the agrarian myth.

¹³⁰ David Cushman Coyle, “Depression Pioneers,” (Washington D.C.: Government Printing Office, 1939), carton 6, folder 40, Ralph W. Hollenberg Collection, materials relating to the Farm Security Administration, Region IX, San Francisco, Calif., BANC MSS C-R 1, Bancroft Library, University of California, Berkeley.

CHAPTER TWO

A “HEAD ON COLLISION WITH *DAGENHART*”: CHILD LABOR AND THE NEW DEAL

It was a sweltering June day in 1937 when a joint committee on labor gathered in room 357 of the Russell Senate office building in Washington, D.C., to hear testimony regarding the proposed Black-Connery bill (also known as the Fair Labor Standards bill). Amidst the rattle and hum of the air conditioner, House Democrat Reuben Wood pressed the witness, Judge Harley Langdale, who testified on behalf of the American Turpentine Farmers Association.¹ “Would you suggest that we prohibit the employment of children under 16 in your industry?” Wood asked. “Would you agree to that? Would you favor that portion of the bill?” Staring back across the highly-polished mahogany conference table, the Georgia native responded coolly, “No sir; I would not be in favor of that.” Wood queried incredulously, “You would not be in favor of that? You would think that it is necessary that children work at less than 12, 13, or 14 years of age in order for business to survive, would you?”

All eyes rested on Langdale as his fellow witnesses and the Congressmen anticipated his response, for it would determine whether the Fair Labor Standards Act would apply to the gum naval stores industry (commonly known as the turpentine industry). As president of the American Turpentine Farmers Association, Langdale was accustomed to having to explain his business to lawmakers, and calmly replied: “When children are not in school, they do a little work around the turpentine farm, just like they do in other southern farm commodities. I do not see any material objection to it. It is out in the open, the conditions are good, it is healthy. It is not like staying in some shop.”² Despite Congressman Wood’s continued skepticism, the other committee members seemed satisfied with the response. Since they were persuaded that the industry fell within the bounds of agriculture, exemption from the bill was all but assured. They moved on to other business.

More than a decade after the debates surrounding the 1924 Child Labor Amendment, the exchange between Wood and Langdale demonstrates that children’s agricultural labor was still construed as and commonly accepted to be benign and healthful, and not akin to

¹ *Senate, Hearings on the Fair Labor Standards Act, Before the Joint Committee of the Senate, Education and Labor Committee and the House, Committee on Labor, 75th Cong., 1st sess., (June 21, 1937), 1176; Monday, June 21, 1937 was a typically sweltering summer day in Washington, D.C., topping out at 85 degrees with 90% humidity. The Senate building was equipped with air conditioning, though the early units such as those with which the federal buildings were outfitted were notoriously noisy. For more on early air conditioning, see Matthew B. Gilmore, “It’s not the heat, it’s the humidity: Ninety Years of Manufactured Weather in Washington,” *InTowner*, September 1, 2017, <http://intowner.com/2017/09/01/its-not-the-heat-its-the-humidity-ninety-years-of-manufactured-weather-in-washington/>; Katy Steinmetz, “Brief History: Air Conditioning,” *TIME*, July 12, 2010, <http://content.time.com/time/nation/article/0,8599,2003081,00.html>; For historic weather data for that day in Washington, D.C., see: https://www.wunderground.com/history/airport/KDCA/1937/6/21/DailyHistory.html?req_city=&req_state=&req_statename=&reqdb.zip=&reqdb.magic=&reqdb.wmo=. For description of the Russell Senate Office Building, where the Senate committees met in the 1930s, see <https://www.senate.gov/RSOB/>.*

² *Hearings on the Fair Labor Standards Act, 75th Cong., 1st sess., (June 21, 1937), 1176.*

child labor in other sectors. And although Representative Wood pushed Langdale on the matter, he did not do so in order to urge protection for young agricultural laborers. Even Wood accepted this. His motivation was to argue that the turpentine industry was *not in fact* agriculture, but that such children were involved in industrial production. The nature of children's work was key because an industrial designation would make the turpentine industry subject to the bill's provisions should it become law.

Until recently, Congress could have taken the industrial designation for granted because the southeastern gum naval stores industry had been one of the world's largest producers of forest material (turpentine, resin, pine lumber) that was used in the manufacture of wooden ships since the colonial period. Because the gum naval stores industry harvested the sap from living trees, federal officials had long ruled that turpentine and rosin were not agricultural products, but rather forest byproducts, just as was pine lumber. Hence, the industry had always been classified under forestry. However, after it was excluded from the Agricultural Marketing Act of 1929, turpentine industry leaders sought an agricultural designation so that they might benefit from government programs that provided subsidies to farmers. To do so, they argued that their pine forests were actually farms and that the work was not unlike the seasonal crops grown elsewhere. In 1931, the Agricultural Marketing Act was amended to include the industry, clearing the way for benefits under New Deal legislation. However, the industry's status remained ambiguous and the agricultural designation unevenly recognized. For example, in 1935, turpentine producers were subject to the Social Security Act, unlike the agricultural sector generally.³ Langdale was known as "the world's largest gum naval stores producer," with three million trees in production, and he had established the American Turpentine Farmers Association in 1936 specifically to lobby for the agricultural designation when necessary.⁴ So it was on that June day in 1937 that Langdale invoked the image of healthful and beneficial child farm labor to convince lawmakers of his industry's agricultural status. In doing so, he secured the coveted designation that many knew to be a golden ticket to exemption from the Fair Labor Standards bill.

The Black-Connelly bill (popularly and interchangeably referred to as the Wages and Hours bill and the Fair Labor Standards bill),⁵ proposed to substantially expand federal authority over the regulation of labor practices. President Franklin Roosevelt touted it as the fulfillment of a campaign promise and a popular mandate, but its passage was impeded and nearly blocked altogether due to his obsessive desire to bring the Supreme Court in line with his own goals. The labor bill was composed of three provisions that were intended to regulate businesses that engaged in interstate commerce: one provision would set a federal minimum wage; a second would limit the number of hours permitted in a normal workday; a

³ Robert B. Outland, *Tapping the Pines: The Naval Stores Industry in the American South* (Baton Rouge: Louisiana State University Press, 2004), 207-254, 271-281.

⁴ Outland, *Tapping the Pines*, 271.

⁵ This chapter will refer to the bill as both the "Fair Labor Standards" and "Black-Connelly."

third aimed at restricting the use of child labor.⁶ This was a controversial bill that pitted states’ rights against federal; Northern business interests against Southern; and even splintered the solidarity of labor organizations. But it was the fact that Black-Connery was introduced in the wake of the Judicial Procedures Reform bill (also known derisively as the court-packing plan) that nearly stalled the issue before it could gain traction. While this appears to reveal a conflict of interests, FDR’s simultaneous push for the two seemingly disparate bills was meant to accomplish similar ends: to bend the will of the Court to the president’s resolve.

Scholars have rightly marked the late 1930s as the most contentious period of FDR’s presidency. A number of excellent studies have examined Roosevelt’s campaign against the Supreme Court, and others have acknowledged how this tension slowed the passage of the Fair Labor Standards bill. But what scholars have failed to recognize is that the issue of child labor played a crucial role in the president’s court agenda.⁷ His frontal assault on the Court came in the form of a judicial reorganization bill, but it was with the child labor provision of the Black-Connery bill that he intended to upset the judicial precedent that was set by the Supreme Court in 1918 when they struck down the Keating-Owen Act with *Hammer v. Dagenhart*. Barring judicial reorganization, Roosevelt would use the issue of child labor to force the Court to adopt a more liberal position on federal authority. Yet, scholarship on this period is nearly silent with regard to the child labor provision. In order to fully appreciate the severity of this omission, this chapter briefly explores the presumptions that have obscured the point, and then delves into the history of the Black-Connery bill, filling in the details that until now have been missed. While much of this chapter does not focus specifically on agricultural labor, this discussion is important to the subject nonetheless, because an examination of the child labor provision’s role in FDR’s agenda is crucial for understanding why it was not politically prudent or feasible for child welfare advocates to challenge prevailing assumptions about children’s agricultural labor. In

⁶ “The Roosevelt Proposal,” *New York Times*, May 25, 1937; “Text of Roosevelt’s Message to Congress,” *Los Angeles Times*, May 25, 1937; Senate. *Congressional Record*, 75th Cong., 1st sess., (May 24, 1937), 4960-4961; “Roosevelt Drafts Plan to Boost U.S. Income, Help Underprivileged,” *Washington Post*, June 16, 1937. The 1937 Black-Connery bill should not be confused with the 1933 Black-Connery bill, which dealt exclusively with hours in proposing a thirty-hour workweek. The 1933 bill was predicated on the much-hyped “share-the-work” plan, which sought to increase disposable income and leisure time in order to drive national economic prosperity through consumerism. The 1933 bill received a good deal of support initially but ultimately failed to pass, with both the president and others favoring the Wagner bill instead (what became the National Labor Relations Act).

⁷ Ira Katznelson, *Fear Itself: The New Deal and the Origins of Our Time* (New York: Liveright Publishing Corporation, 2013); William E. Leuchtenburg, *Franklin D. Roosevelt and the New Deal, 1932-1940* (New York: Harper Torchbooks, 1963); Jeff Shesol, *Supreme Power: Franklin Roosevelt vs. the Supreme Court* (New York: W.W. Norton & Company, 2010); Marian C. McKenna, *Franklin Roosevelt and the Great Constitutional War: The Court-Packing Crisis of 1937* (New York: Fordham University Press, 2002); William E. Leuchtenburg, *Supreme Court Reborn: The Constitutional Revolution in the Age of Roosevelt* (New York: Oxford University Press, 1996); Mario R. DiNunzio, *Franklin D. Roosevelt and the Third American Revolution* (Santa Barbara: Praeger, 2011); Gregory A. Caldeira, “Public Opinion and the U.S. Supreme Court: FDR’s Court-Packing Plan,” *American Political Science Review* 81, no. 4 (Dec., 1987): 1139-1153; Benjamin Hunnicut, *Free Time: The Forgotten American Dream* (Philadelphia: Temple University Press, 2013), 116-121; David R. Roediger and Philip S. Foner, *Our Own Time: A History of American Labor and the Working Day* (New York: Greenwood Press, 1989), 243-250.

order for the Fair Labor Standards Act to provoke a challenge to the *Dagenhart* ruling, it had to include a child labor provision in a form that was true to the Keating-Owen Act. Understanding this makes clear that the expectations of child welfare reformers and the interests of child farm laborers were politically irrelevant.

Although historians have acknowledged the Fair Labor Standards Act as a legislative labor landmark, they have failed to recognize the child labor component's essential role in the resulting law, and thus have not fully grasped the measure's significance to FDR's agenda. Indeed, it was the widest-ranging piece of legislation that was passed by the seventy-fifth Congress and it firmly insinuated the federal government into labor affairs. Ira Katznelson deemed it noteworthy as the "last lawmaking victory of the New Deal's radical moment."⁸ But even as scholars acknowledge the significance of the Fair Labor Standards Act, their discussions focus almost exclusively on the wages and hours issues and give the child labor provision short shrift. In fact, the child labor component is rarely mentioned. It seems somewhat ironic that William Leuchtenberg's simple statement that it was "the most memorable provision" may be considered verbose acknowledgement alongside discussions that otherwise treat it as a mere rider or omit it altogether.⁹ Scholars' perfunctory treatment of the provision has left a gap in the scholarship on the Fair Labor Standards Act and FDR's battle with the Supreme Court. Closer analysis reveals that the child labor provision was actually essential to the bill's purpose in challenging the *Dagenhart* decision, and as such, it was a significant component of the resulting legislation and at the forefront of FDR's second term agenda.¹⁰

Given the child labor provision's significance to FDR's agenda, one might expect the scholars of children's history to give it a more mindful treatment, and while they do generally refer to the Fair Labor Standards Act as the first sustained federal child labor law, even they discount the provision's significance beyond recognition of this milestone. For example, in his seminal work on the history of child labor reform, Walter Trattner refers to the provision simply as a "sweetener"—that is, an appealing but nearly superfluous component introduced to make the other elements (wages and hours) more politically palatable or compelling.¹¹ In doing so he uncritically adopts the language of contemporary detractors, who disparaged the

⁸ Katznelson, *Fear Itself*, 272.

⁹ Leuchtenberg, *Franklin D. Roosevelt and the New Deal*, 262.

¹⁰ The following is a sampling of excellent discussions on the Fair Labor Standards Act except in their treatment of the child labor provision. Willis J. Norlund, *The Quest for the Living Wage: The History for the Federal Minimum Wage Program* (Westport, CT: Greenwood Press, 1997); Katznelson, *Fear Itself*, 267-272; Roediger and Foner, *Our Own Time*, 253-256; Landon R.Y. Storrs, *Civilizing Capitalism: The National Consumers' League, Women's Activism, and Labor Standards in the New Deal Era* (Chapel Hill : University of North Carolina Press, 2000), 334, note 21; Howard D. Samuel, "Troubled Passage: The Labor Movement and the Fair Labor Standards Act," *Monthly Labor Review* (December 2000), 32-37.

¹¹ Walter I. Trattner, *Crusade for the Children: A History of the National Child Labor Committee and Child Labor Reform in America* (Chicago: Quadrangle Books, 1970), 203. Congressmen who wished to downplay the child labor provision's significant routinely referred to it as a rider and a sweetener. Repetition of these terms in scholarly works makes it clear that historians have adopted that language in their own discussions.

provision and dismissed its proponents. Subsequent historians have relied heavily on Trattnor’s assessment and have repeated these claims.¹² Even more egregious, Hugh Hindman suggests that the provision was actually unnecessary. By 1938, Hindman claims, “child labor had largely and long been relegated to the past” due to state labor and compulsory schooling laws.¹³ This claim overstates the efficacy of the institutional application and enforcement of such laws, and in so doing, ignores the influence and impact of regional culture, classism, and racism.

Scholarly accounts that reduce the provision to political posturing misinterpret its purpose and discount its impact. Such scholarship does little to bring perspective and balance to textbooks, juvenile literature, and fiction that oversimplify the provision’s purpose and overstate its effect by claiming without qualification that the Fair Labor Standards Act abolished child labor in 1938.¹⁴ This myth has become standard history across the nation from elementary to college classrooms and has contributed to the omission of agricultural labor in discussions of child labor reform. Taken together, these scholars seem to agree that child labor reform was an idea whose time had come and that the provision was the simplest and least contentious of the three. Yet, these assumptions are not borne out by the historical record.

This chapter examines the political wrangling of the 1930s with a focus on the battle to pass the Fair Labor Standards Act. In addition to tracing the passage of the law, it also makes three critical interventions. First, in response to the claim that existing laws and public sentiment had already set the practice of child labor on the road to extinction (and thus made its inclusion in the Fair Labor Standards Act superfluous), I argue that the decline of child labor was not inevitable and show that the employment of minors actually fluctuated throughout the 1930s. While public opinion during the Depression did increasingly support the abolition of child labor, the sentiment was not universal or constant, nor was there consensus on how, who, and what to regulate. As demonstrated in Chapter One, opponents of federal child labor legislation often expressed concern that such laws might infringe on states’ rights to legislate and parents’ rights to govern their children’s activities.¹⁵ This resistance successfully obstructed earlier attempts at federal regulation and would continue to resurface throughout the 1930s. Failure to acknowledge the fact that child labor was still

¹² See, for example: Hugh Hindman, *Child Labor: An American History* (Armonk, N.Y: Routledge, 2002), 85, 337; Jeremy P. Felt, “The Child Labor Provisions of the Fair Labor Standards Act,” *Labor History* 11, no. 4 (1970): 468.

¹³ Hindman, *Child Labor*, 85, 337.

¹⁴ Popular works, especially children’s literature, often oversimplify and overstate the effect of the Fair Labor Standards Act on child labor. See for example: Alexander Nemerov, *Soulmaker: The Life and Times of Lewis Hine* (Princeton: Princeton University Press, 2016); Michael Burgan, *Breaker Boys: How a Photograph Helped End Child Labor* (Mankato, MN: Compass Point Books, 2011); Russell Freedman, *Kids at Work: Lewis Hine and the Crusade Against Child Labor* (New York: HMH Books for Young Readers, 1998); Susan Campbell Bartoletti, *Kids On Strike!* (Boston: HMH Books for Young Readers, 2003). Some United States history textbooks also definitively state that the legislation ended child labor in 1938. See, for example: OpenStax, “Chapter 26.3,” *U.S. History* (Houston: Rice University, 2017), <https://cnx.org/contents/p7ovu1kl@3.84:1kubRjAq@3/The-Second-New-Deal>.

¹⁵ Joseph P. Chamberlain, et al., *Child Labor Amendment, Argument for Ratification* (Washington, D.C.: The Court Press, 1934), 31-33.

a contentious issue in the 1930s diminishes the noteworthiness of including the provision in a major piece of legislation and reads modern sensibilities onto early twentieth-century actors. Upon closer scrutiny, it is clear that the federal legislation was necessary.

Second, this chapter argues that the Fair Labor Standards Act's child labor provision was significantly more consequential than scholars have heretofore recognized. The provision is typically dismissed as a mere "sweetener" or a rider to the bill, but this assessment misses the bigger political picture. The child labor provision was actually an intentional and integral element of a bill that served as a three-pronged attack in FDR's battle with the Supreme Court. Roosevelt himself made this point explicitly in his May 1937 address to Congress that urged the swift passage of a fair labor standards bill. He asserted Congress's authority to regulate labor practices in interstate commerce by citing the minority opinion in the 1918 *Hammer v. Dagenhart* decision. With reference to the case that had struck down the first federal child labor law, FDR signaled the child labor provision's import and intentionality as a direct challenge to the High Court. The intent was clear to contemporaries like Attorney General Hugh Cumming, who remarked that the fair labor standards bill was on "a head on collision with *Hammer v. Dagenhart*."¹⁶ In recognizing that the provision's primary purpose was to firmly re-establish federal authority over interstate commerce through what they believed would be an inevitable legal rematch, it also becomes clear that the president and legislators did not specifically intend the fair labor standards bill as a piece of child welfare legislation. That is, the endeavor was never entirely about what the federal government could do for child labor, but rather, what child labor could do to check the power of the judiciary. This fact made some people uneasy with the child labor provision, while others outright opposed it in favor of bills that did not confront the Court. With this in mind, concessions and the strategic exemption of children's agricultural labor make more sense. In order to pass the legislation with the key child labor provision, child welfare advocates and New Deal politicians could not go against popular opinion that viewed children's farm labor as beneficial. In so conceding, they deferred agricultural child laborers' welfare in order to secure greater congressional authority through regulation of the more popular and obvious labor of young industrial workers.

Finally, this chapter complicates conventional assessments of what the Fair Labor Standards Act did with regard to child labor. Scholarly and popular discussions of the law either overstate its achievement by claiming the total abolition of child labor, or dismiss it as ineffective by pointing to occupations that fell *outside* the law's scope. But the federal legislation should be understood for what it was, rather than what it could not be. The Fair Labor Standards Act was an *interstate* commerce bill. As such, it dealt with the flow of goods across state lines and it simply was not within congressional jurisdiction to regulate employment in intrastate commerce or the local service and domestic labor sectors. Assessing the law in relation to child labor by looking at occupations that were outside of the bill's scope do little to enlighten us as to the legislation's merits and shortcomings. What is

¹⁶ Shesol, *Supreme Power*, 456. The fact that the child labor provision was intended to challenge the *Dagenhart* decision was also mentioned in House Committee on Labor meeting minutes, discussion of H.R. 3941, Amendments to the Fair Labor Standards Act, May 9, 1946, as well as in news and political commentary. See, for example: "Wage Bill Termed Unconstitutional," *New York Times*, June 14, 1938.

more useful, and what the end of this chapter addresses, is the partial exemption that was granted to the agricultural sector; an industry that engaged in interstate commerce, and therefore, should have come within the full scope of the law. But it was also an industry in which Americans still believed that the nature of children’s farm labor was qualitatively different from that performed in factories, mines, and mills. As a result, the law did not apply to agricultural child laborers in the way that it did for other sectors that were engaged in interstate commerce. Hence, whereas certain occupations were deemed outside the scope of federal legislation, and were therefore not *included*, the agricultural sector and child labor within it was intentionally *exempted*. The difference is notable because the exemption codified the commodification of children’s labor in the commercial agriculture industry and set a precedent that would long shelter the sector from further attempts at regulation. As such, child agricultural workers were left vulnerable to conditions that were potentially detrimental to their health, education, and well-being—which was the Fair Labor Standards Act’s very definition of oppressive child labor and what it purported to end.

A LABOR PRACTICE IN FLUX

The child labor provision was an integral part of the Fair Labor Standards bill. But to fully appreciate its inclusion in the landmark legislation, it must be recognized that the practice of child labor was not on course for an inevitable demise absent federal intervention; a federal law was necessary. Claims to the contrary—that child labor was on the decline and would phase out naturally—are simply quantifiably unsupportable. Evidence for this assertion typically stems from the 1940 census, which reported lower rates of child labor than did the survey ten years prior. However, closer scrutiny reveals that there is not enough comparable data available to accurately deduce the rate of change in child labor between 1930 and 1940. This is because the measurement metrics changed between the two census periods. Superficially, the raw numbers of the 1940 census do indeed evidence a decline, reporting that the employment of boys decreased from 40.1 to 35.4 percent and that of girls from 22.8 to 19.0 percent. But these numbers do not provide a full picture as the 1940 census only counted fourteen- to nineteen-year-olds, whereas the 1930 also counted ten- to thirteen-year-olds. By the latter census, the category of younger workers had been entirely dropped from the inquiry. Moreover, census takers no longer noted the labor of minors who worked as subcontractors (or “helpers”) to their parents, as was common in home-based sweatshops and agriculture. These two changes in data gathering followed the passage of the Fair Labor Standards Act, after which, only *legal* employment was counted. And whereas the 1930 census counted seasonal agricultural laborers as gainfully employed whether or not they engaged in work during the week of the survey, 1940 census takers only counted those who worked that week. This substantially decreased the count for agricultural workers because the census was conducted during the week of March 24 to 30, which was a seasonally low time for agricultural employment. Essentially, it counted employment for the week rather than engagement in the occupation. Such omissions rendered invisible the children who worked illegally or in seasonal employment during any of the other fifty-one

weeks of the year. Therefore, it is impossible to conclusively assume a downward trend substantial enough to claim that demise was inevitable absent federal legislation.¹⁷

To the contrary, rather than decline, children's employment fluctuated throughout the decade in reaction to new and then repealed federal regulation. When it rose, it was often at the expense of adult jobs. Reports from the early 1930s demonstrate that many employers navigated tough economic times by hiring lower-waged child employees. A January 1930 article in *The Survey* reported a rise in child employment early in the Depression and remarked that *children's* jobs "might prove a godsend to idle men."¹⁸ By late 1931, the Los Angeles Central Labor Council recognized the displacement of adult employees by children. The Council notified the California State Labor Commission that elementary, middle, and high schools had increased their issuance of work permits to boys, and that such permits allowed the children to "stay out of school and take jobs where men are being laid off."¹⁹ Attempting to halt the job shift, both the council and commission appealed to the Los Angeles City Board of Education to eschew the issuing of additional permits.

The practice of replacing adult workers with minors continued throughout the decade in various locations and industries.²⁰ For example, in 1937, the Central Labor Board of Alameda County in California, complained of the "exploitation of children at the expense of their education," when a number of Sonoma County and Central Valley high schools declared crop holidays so that students could be released to work the harvest. The labor board filed a petition with the California State Board of Education complaining that the occasion did "not warrant hiring children at low wages to handle crops" when there were "thousands of able-bodied adults needing work."²¹ Although the use of cheaper child labor was not new—as demonstrated by one cynical member of the Plumbers, Gas, and Steam Fitters' Local No. 339 in 1911 who wrote: "'Suffer little children to come unto Me,' For they pay a bigger profit than the men, you see?"—clearly, the Great Depression had provided employers with an excuse to economize.²²

¹⁷ *Fifteenth Census of the United State: 1930 Population. Occupations, by States.* (Washington, D.C.: Government Printing Office, 1933); *Sixteenth Census of the United States: 1940. Population. The Labor Force (sample statistics), Industrial Characteristics* (Washington, D.C.: Government Printing Office, 1945). A more accurate accounting of potential variations over the course of the decade may have been possible had the Child Labor Census bill (H.R. 3475) passed in 1937. But the House Committee on Census decided against conducting the national assessment because they deemed the estimated expense of \$10 million "too costly." They assumed that this information would be included in the future 1940 census and thus the committee decided that the survey could wait. House, U.S. Congress, "H.R. 3475 Child Labor Census," 75th Cong., 1st sess., April 20, 1937.

¹⁸ "Idle Men—Working Children," *Survey* (January 15, 1930): 452.

¹⁹ "Auditor's Financial Report," Board of Education meeting minutes, Los Angeles City School District, November 12, 1931, box 77, Los Angeles Unified School District Board of Education Records, Charles E. Young Research Library, University of California, Los Angeles.

²⁰ "Idle Men—Working Children," 452-453; Herbert H. Lehman, "Regulating Use of Child Labor as Aid to Unemployed," (January 13, 1931), folder 18, box 25, John Randolph Haynes Papers, Charles E. Young Research Library, University of California, Los Angeles; Beatrice McConnell, "The Shift in Child Labor," *Survey* (May 1933): 187-188.

²¹ "Child Labor Harvest Struck," *San Francisco Chronicle*, September 26, 1937.

²² D.K. Young, "Nursery Rhymes," (1911), box 25, folder 18, Haynes Papers; "Proceedings of Pennsylvania State Association," *Plumbers, Gas and Steam Fitters' Journal* 16, no. 4 (April 1911): 40.

The large-scale displacement of adult employees by children is one of the reasons that public opinion began to turn in favor of legislation. Child welfare advocates and labor reformers gained traction with the American public by citing child labor as a reason for adult unemployment. In a radio broadcasted speech on September 2, 1931, William Green, president of the American Federation of Labor, urged a recall of children's work permits and advised young workers to return to school. With "5,000,000 persons walking the streets looking for jobs," he declared that it was "double folly [to take] from an adult the opportunity to earn a living and [give] it to a child," and thereby "deprive" the young of an education.²³ Likewise, in her December 10, 1932 address at the Conference on Present Day Child Labor Problems, future Secretary of Labor Frances Perkins remarked, "To countenance child labor at a time like this is to sanction extending the depression into the lives of the next generation."²⁴ Conference delegates unanimously agreed and resolved that, "in this economic crisis every available job should be given to an adult."²⁵ This "cold economic logic," as one historian put it, was part of the reasoning behind the 1935 Social Security Act, which enacted old-age pensions and supplied aid to families with dependent children in order to remove the old and young from the workforce.²⁶ Child welfare reformers welcomed such logic as it influenced a rising tide of public sentiment that supported their own agenda.

Scholars often point to the National Recovery Administration (NRA) as an effective curb on child labor after 1933. But NRA codes only applied to some of the industries where children were employed, and after the Supreme Court declared the codes unconstitutional in 1935, child employment again increased dramatically.²⁷ Historian Kriste Lindenmeyer notes that the United States Children's Bureau worked tirelessly to encourage manufacturers to abide by the child labor codes, despite the repeal.²⁸ But the competitive business environment coupled with a lack of uniform regulation sent child labor rates soaring. The Bureau reported a 182 percent rise in the number of children under sixteen who left school to enter the workforce in the twelve months following the 1935 ruling.²⁹ The significant rise in child employment indicates that the NRA was merely a stopgap measure, and its efficacy did not indicate a downward trend, but rather, a period of federally enforced abstinence.

²³ "State Restriction Asked to Prevent Child Employment," *U.S. Daily*, September 3, 1931.

²⁴ U.S. Children's Bureau, "Summary of Conclusions of the Conference on Present Day Child Labor Problems," (December 10, 1932) in Eleanor Roosevelt to Katharine Lenroot, Correspondence of Eleanor Roosevelt, 1933-1945, Franklin D. Roosevelt Presidential Library, http://www.fdrlibrary.marist.edu/_resources/images/ersel/ersel065.pdf.

²⁵ U.S. Children's Bureau, "Summary of Conclusions."

²⁶ David M. Kennedy, *Freedom From Fear: The American People in the Depression and War, 1929-1945* (New York: Oxford University Press, 1999), 257.

²⁷ Courtenay Dinwiddie to John Haynes, February 19, 1935, box 26, folder 1, Haynes Papers; "Child Labor Today," *The Washington Post*, June 8, 1937.

²⁸ Kriste Lindenmeyer, *"A Right to Childhood": The U.S. Children's Bureau and Child Welfare, 1912-46* (Urbana: University of Illinois Press, 1997), 196.

²⁹ "Roosevelt Pleads on Child Labor Act," *New York Times*, January 9, 1937; *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 8, 1937), 396; "Child Labor Today," *Washington Post*, June 8, 1937; Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 27, 1937), 7664; "Find Large Numbers of Children Toiling Back in Sweatshops and Factories," *The Progressive*, January 25, 1936.

This fact was obvious to contemporaries as is made clear in a 1936 cartoon in *The Progressive*. The image depicts Lady Justice standing tall in a corporate office. A small, disheveled figure labeled "child worker" stands downcast behind her protective stance. Justice points out the window at countless adult workers queued outside of a factory fence while she confronts a rotund, cigar-smoking industrialist who is seated behind an ample desk. "Is your greed and avarice so unbounded, so inhumane that you use your power to degrade little children in order to mass huge profits for yourself?" she asks. To which the industrialist plainly replies, "Well, it's constitutional, ain't it?"³⁰ Clearly, the practice was not on the road to a natural demise if child employment rates rose dramatically absent restrictive legislation. The marked rise in the employment of minors following the Supreme Court's decision demonstrates that a substantial number of businesses would continue to lower operating expenses by hiring cheaper child labor so long as it was legal.

By 1937, popular support for the abolition of child labor positively correlated with rising anxiety over adult unemployment. In fact, of forty different concerns in January 1937 (including war and Social Security), the overwhelming majority of Americans polled pointed to unemployment as "Social Enemy No. 1."³¹ Another poll found that rising numbers of Americans supported the idea of child labor legislation with seventy-six percent of respondents reporting that they were in favor of abolishing the practice altogether.³² For many, the two concerns had become inextricably linked. E.L. Oliver, the executive vice president of Labor's Non-Partisan League, told Congress that, "the availability of children tends to decrease the employment of adults; we have now large numbers of children working in industry while their parents are unemployed."³³ The *Los Angeles Times* predicted that public support for the Democrats "may ebb away" by the 1940 election year if Roosevelt's efforts to abolish child labor "failed to reduce unemployment sharply."³⁴ The economic crisis helped catalyze public opinion in favor of abolishing child labor, but defining how, who, and what to include in regulation would not be so simple.

In dismissing the child labor provision as unnecessary, scholars underestimate its import for both those children who were covered and those whose labor was specifically exempted. This position uncritically echoes the comments of disappointed contemporary child welfare advocates who had preferred the more comprehensive but stalled Child Labor Amendment. For example, Homer Folks of the National Child Labor Committee evidenced this position when he reported that *only* 30,000 to 50,000 children were banned from labor under the Fair Labor Standards Act.³⁵ While this indeed represented only a fraction of the

³⁰ "Yes, It's Constitutional," *The Progressive*, January 25, 1936.

³¹ "History in the Making: Poll Shows Vital Issues of 1937," *Los Angeles Times*, January 24, 1937. The American Institute of Public Opinion was founded by George Gallup in 1935. Such polls were later referred to simply as Gallup Polls.

³² Senate, U.S. Congress, *Hearing to Regulate the Products of Child Labor, Before the Committee on Interstate Commerce*, 75th Cong., 1st sess., (May 18, 1937), 44.

³³ Senate, U.S. Congress, *Hearing to Regulate the Products of Child Labor* (May 20, 1937), 172.

³⁴ "History in the Making: Poll Shows Vital Issues of 1937," *Los Angeles Times* (January 24, 1937).

³⁵ Paul H. Douglas and Joseph Hackman, "The Fair Labor Standards Act of 1938 II," *Political Science Quarterly*, 54, no. 1 (Mar., 1939): 48-49; Felt, "The Child Labor Provisions," 477; Trattner, *Crusade for the Children*, 203-204; Grace Abbott, "Federal Regulation of Child Labor, 1906-1938," *Social Science Review* 13, no. 3 (September 1939): 427-428.

total estimated employed children, it was a significant number nonetheless. Reframed, it is fair to say that the Fair Labor Standards Act was consequential in preventing 30,000 to 50,000 children from prematurely leaving school and engaging in activity that often resulted in poor health and fixed futures. The truth is, the Fair Labor Standards Act removed tens of thousands of children from industrial employment and paved the way for additional regulation in subsequent years. Furthermore, it recognized federal authority over the regulation of child labor and prompted higher standards in many states. All of which were elusive goals prior to federal intervention.

CHILD LABOR INTEGRAL TO ROOSEVELT'S AGENDA

The child labor provision was an integral component of the Fair Labor Standards bill and its inclusion was fundamental to Roosevelt's vendetta against the Supreme Court. But its presence in the labor bill was not novel. In fact, as just mentioned, the federal government had attempted something similar just a few years earlier through the National Recovery Administration (NRA). This was a part of the larger plan that was established under the National Industrial Recovery Act (NIRA) in 1933 to limit competition and spur economic growth by stabilizing prices, wages, and production through a cooperative partnership between labor, business, and the federal government. A separate executive order created the short-lived NRA, which charged various sectors with voluntarily devising industry-wide codes (fair practice policies regarding wages, hours, prices, and production) to which all related businesses agreed to abide. Some industries also imposed prohibitions on child labor. The NRA approved and enforced the codes, while a national campaign urged Americans to limit their patronage to those businesses that displayed posters bearing a stylized blue eagle, which denoted support for the program.³⁶

A federally contracted Warner Brothers Studio short film, *The Road is Open Again*, reinforced the virtue of the tripartite goal. The six-and-a-half minute film explained to the American public that the regulation of wages, hours, and child labor were at the heart of NRA policies and economic recovery. It featured a dream sequence in which [former presidents] George Washington, Abraham Lincoln, and Woodrow Wilson appeared to an NRA songwriter who was confused about the purpose of the new government agency (this indicated that public confusion was normal). Wilson explained that the NRA would "end unemployment and restore the purchasing power of the American people." Washington elaborated, "President Roosevelt has asked each employer to split up existing work to give more people jobs and see to it that every man has a living wage." "Yes, a *man* in every *man's* job," Lincoln emphatically concurred, and continued: "I lived to see the freeing of the slaves. But this is a step toward the freeing of the slaves of the sweatshops—eliminating child labor."³⁷ In linking child labor with slavery, Lincoln invoked a moral purpose and historical continuity, but also intimated that such oppression was of a less-enlightened era. One thing that is especially notable in this explanation was that child labor was referred to as an evil of the manufacturing sector. As with so much else, the agriculture industry was exempt from

³⁶ David Brinkley, *The End of Reform: New Deal Liberalism in Recession and War* (New York: Vintage Books, 1995), 39-46.

³⁷ *The Road is Open Again*, directed by Alfred E. Green, (Burbank, CA: Warner Brothers Studio, 1933), b & w, 6:36 minutes.

the NLRA. Ultimately, the government program fell short of its lofty goals when the Supreme Court declared the NRA unconstitutional in 1935.³⁸ This was one of a series of Court-dealt blows to FDR's New Deal that fueled his desire to confront and restructure the nation's top judiciary organ.

An examination of the child labor provision, in relation to this endeavor, is necessary for comprehending how integral it was to the Fair Labor Standards bill. That measure was introduced as the Black-Connery bill in 1937, and it was designed to codify and institutionalize what had been voluntarily adopted by some industries under the NRA. Since his 1933 inauguration, President Roosevelt had deftly and repeatedly wielded considerable power through New Deal legislation, but enacting a wages, hours, and child labor bill at the start of his second term would not be simple. In fact, it was thoroughly difficult. This was because the Black-Connery bill was introduced amidst a political firestorm between the president and the Supreme Court, with members of Congress variously aligning. As a result, the bill became one of the most contentious pieces of New Deal legislation. For thirteen months, an embattled and divided Congress struggled to refine the labor bill's provisions, and at times, obstructed its passage.

Congressional discord stemmed most directly from the pending Judicial Procedures Reform bill, which would have granted the president unprecedented authority to reconfigure the Supreme Court and thereby craft a judicial branch more positively inclined to approving his New Deal agenda. Ostensibly, the Judicial Procedures Reform bill proposed to revitalize the Court by authorizing the president to appoint a new judge (up to six) for every justice that remained on the bench six months beyond his seventieth birthday. Though the eldest court justice, Louis Brandeis, typically supported New Deal initiatives, FDR considered four other conservative septuagenarians—Willis Van Devanter, James Clark McReynolds, George Sutherland, and Pierce Butler—to be his arch-nemeses. These "Four Horsemen" (as the press branded them) were the undisguised target of the reform bill. In addition to halting a number of attempts at child labor reform since the 1910s (Van Devanter and McReynolds had composed part of the majority in those decisions), the Supreme Court invalidated six major New Deal laws in 1935 and 1936 alone, and opposed the president on a number of other measures.³⁹

While many Congressmen sympathized with the president's irritation over the Court's consistent obstruction of New Deal legislation, most refused to countenance the takeover of one branch by another. Democratic Senator Burton K. Wheeler was "flabbergasted" upon learning of the president's proposal for judicial reorganization. "Here was an unsubtle and anti-Constitutional grab for power to destroy the Court as an institution," he declared. Vowing, "to do everything [he] could to fight the plan," he successfully rallied other

³⁸ Brinkley, *The End of Reform*, 39-46.

³⁹ For more detailed accounts of FDR's court-packing attempt and the court rulings that preceded it, see: Shesol, *Supreme Power*; McKenna, *Franklin Roosevelt and the Great Constitutional War*; Leuchtenburg, *Supreme Court Reborn*; DiNunzio, *Franklin D. Roosevelt and the Third American Revolution*; Caldeira, "Public Opinion and the U.S. Supreme Court," 1139-1153; Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 231-239; Brinkley, *The End of Reform*, 29-30; Hunnicut, *Free Time*, 117-119.

Democrats and quite a few Republicans against the bill.⁴⁰ The court-packing controversy divided New Dealers' allegiances and resulted in a bipartisan coalition that was specifically committed to preserving the Court's integrity. The bill's reluctant champion, Senator Joe Robinson, told young James Roosevelt that his father's court bill was "raising hell with the Democratic Party."⁴¹ For the first time in his presidency, Roosevelt faced substantial resistance from within his own caucus. Undaunted, the president launched the Black-Connery bill as a volley across the High Court's bow.

The issue of child labor was thoroughly entwined with the president's attack on the judiciary and he did not shrink from the association. In fact, when Roosevelt urged support of the Black-Connery bill on May 24 he devoted much of the address to denouncing the Supreme Court's 5-4 ruling in the 1918 *Hammer v. Dagenhart* case. With that decision, the Court had declared the first child labor law, the Keating-Owen Act, "repugnant to the constitution" and a Congressional overstep. The Court's majority opined that it was the states that possessed the lawful authority to regulate the nation's commerce, and not the federal government.⁴² To the contrary, Justice Oliver Wendell Holmes expressed the dissenting opinion that "national welfare" necessitated Congressional regulation over the interstate commerce of child-produced goods. Lauding the "wisdom and rightness" of Holmes's words, the president claimed that though "he spoke for the *minority* of the Supreme Court, he spoke for the *majority* of the American people."⁴³ Therefore, declared Roosevelt, Congress had a duty to the nation to assert its authority over interstate commerce, even in the face of an obstructionist Court. At a press conference the next day, the president confidently explained that when the law passed, "somebody is almost sure to take it up to the Court."⁴⁴ Although close aides advised him against so directly confronting the *Dagenhart* decision, Roosevelt insisted that the Court must either sustain or overturn the decision.⁴⁵ By including the child labor provision in the Black-Connery bill, he aimed to codify Congress's authority to regulate labor practices in interstate commerce while also forcing the Court to prove that it could be amenable without realignment.

Nonetheless, Roosevelt's push for federal child labor legislation was not solely a vendetta, but also an attempt to fulfill a campaign promise to lower adult unemployment. By the late 1930s, Americans looked to the federal government to remove child labor and its attendant competition from the industrial workplace despite the fact that many states already had child labor laws on the books. This was because state regulations and enforcement were inconsistent and uneven, and proponents of federal legislation argued that this caused unfair competition for businesses that were engaged in interstate commerce.⁴⁶ Statistics compiled by the United States Children's Bureau during the first half of 1937 confirmed the variation.

⁴⁰ Burton K. Wheeler, with Paul F. Healy, *Yankee from the West: The Candid, Turbulent Life Story of the Yankee-born U.S. Senator from Montana* (Garden City, N.Y.: Doubleday and Company, 1962), 319.

⁴¹ Quoted in McKenna, *Franklin Roosevelt and the Great Constitutional War*, 450.

⁴² Shesol, *Supreme Power*, 154.

⁴³ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (May 24, 1937), 4960-4961.

⁴⁴ Franklin D. Roosevelt, Press Conference #369, May 25, 1937, http://www.fdrlibrary.marist.edu/_resources/images/pc/pc0045.pdf

⁴⁵ Shesol, *Supreme Power*, 456-457.

⁴⁶ *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 8, 1937), 384.

Only ten states had laws that stipulated a minimum working age of sixteen years; four had a fifteen-year minimum; thirty-three states and the District of Columbia had a fourteen-year minimum. One state (unnamed in the report) mandated no minimum age for employment at all.⁴⁷ Moreover, some states restricted the sale of child-made products while other states had no such legislation. This meant that businesses in states that prohibited child labor competed with those out-of-state that did not have such regulation. Hence, child labor gave a competitive edge, and some argued, an unfair advantage to businesses in states with lenient or little legislation. In turn, the advantage to those businesses, and consequent state tax revenue, created a disincentive in those states to abolish child labor, or to strictly regulate or enforce laws.⁴⁸ Therefore, it was argued, state-specific legislation was simply not an effective way to deal with a national problem.

The issue of regulating goods that were produced by child labor invoked the question of whether states had a right to commercial sovereignty when dealing with the national market. Included in that query was the matter of which entity was responsible for workers’ well-being—was this a state or federal issue? For twenty years, *Dagenhart* preserved this as the former’s prerogative, but many people questioned this logic in the late 1930s. In a petition that claimed that child labor worked “to the detriment of adult wage earners” and placed local economies at an unfair disadvantage, the New York state legislature petitioned Congress to support federal child labor legislation that would level the inequity.⁴⁹ Similarly, E.L. Oliver, the executive vice-president of the Labor’s Non-Partisan League, insisted that the interstate nature of business and labor relations “makes federal handling of the child-labor problem absolutely necessary and...requires that any legislation shall be uniform and uniformly enforceable.”⁵⁰ Others, such as former Democratic Senator Edward Keating (of the defunct Keating-Owen Act) pointed out that children who worked were themselves at a disadvantage in life and that the federal government bore some responsibility in safeguarding the well being of these future citizens: “the problem of protecting the American child is not a State matter exclusively,” he averred.⁵¹ Like Oliver, Keating, and the New York state legislature, many believed that the contemporary state of affairs necessitated federal attention, even at the risk of individual states’ commercial autonomy.

The persistent use of child labor through the 1930s, and the growing perception that the practice was detrimental to children, adult employees, and at least some states’ economies made the issue a popular one as the seventy-fifth Congress convened in 1937. Indeed, the Black-Connery bill was introduced amid a flurry of other child labor bills. No less than eight, of these were already under consideration prior to the president’s May 24 speech endorsing Black-Connery. These included a stand-alone child labor bill introduced

⁴⁷ *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 8, 1937), 384.

⁴⁸ By 1937, thirty-one states collected corporate income taxes. U.S. Advisory Commission on Intergovernmental Relations, “Table 14: Dates of Adoption of Major State Taxes,” *Significant Features of Fiscal Federalism*, Vol. 1. *Budget Processes and Tax Systems* (Washington, D.C.: Government Printing Office, 1993), 34.

⁴⁹ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (May 10, 1937), 4258. The phrase “free adult labor” was used to denote a difference with regard to prison labor. Prison-made goods were regulated under specific legislation intended to minimize unfair competition.

⁵⁰ Senate, U.S. Congress, *Hearing to Regulate the Products of Child Labor* (May 20, 1937), 172.

⁵¹ Senate, U.S. Congress, *Hearing to Regulate the Products of Child Labor* (May 12, 1937), 16.

by Senator Hugo Black himself just five days before he introduced the Fair Labor Standards bill; a revised Child Labor Amendment, sponsored by Republican Senator Arthur Vandenberg; and a bill modeled on a previously successful prison-made goods act that was jointly introduced by Senators Burton K. Wheeler of Montana and Democratic Senator Edwin C. Johnson of Colorado. Noting the atypical amount of attention suddenly devoted to the issue, Johnson remarked that, "the interest of so many Senators in child-labor legislation in this session is most gratifying."⁵² While certain constituents had long been interested in abolishing child labor for the sake of children's well being, the ranks of these proponents were boosted by the economic exigencies of the Depression, making such legislation a hot ticket in Congress. But it would be a mistake to think that Congress would support the measure in just any form. Rather than a sweetener that would ease the passage of any bill, the child labor provision in Black-Connery faced opposition from those who favored alternative legislation, especially options that were less entangled with the issue of judicial reorganization.

TROUBLED PASSAGE

Although scholars have produced some excellent research on the debates and controversies surrounding the wages and hours provisions of the Black-Connery bill, their silence regarding the child labor provision results in an incomplete assessment of the measure that fails to grasp just how crucial the third component was to FDR's battle with the Court. Therefore, examining the bill's legislative progress with an eye to seeing how central the child labor provision was reveals that the third provision was not merely a sweetener or a humanitarian measure, but rather, a significant part of FDR's political agenda. It was precisely because the law would have to confront the *Dagenhart* decision that the child labor provision was integral and necessary in the form that it took. For this reason, the bill's proponents had to either appease or quash alternative measures and challenges. Doing so was not about finding the best way to prohibit child labor, but rather, to render a final bill that could provoke a judicial rematch.

From the moment that the Judicial Procedures Reform bill was introduced in February 1937, it was clear that the Supreme Court was a focal point of President Roosevelt's second term. Although his displeasure with the Court had been apparent before, such a radical move departed from his previously cautious position; so much so that it took most people by surprise, including members of his own party.⁵³ But while the court-packing plan was the most direct, it was not his only assault on the Supreme Court that spring. Shortly after his second inauguration, the president approached Secretary of Labor, Frances Perkins, about the "nice unconstitutional bill [that she] had tucked away."⁵⁴ By this he meant that it was time to resurrect the essence of the NRA from the constitutional scrapheap. To do so, Perkins enlisted the help of FDR's legal brain trust, Thomas Corcoran and Benjamin Cohen, as well as various labor and child welfare advocates. Together, they

⁵² Robert C. Albright, "Senate to Push Study of Child Labor Control," *Washington Post*, May 5, 1937; Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 27, 1937), 7663.

⁵³ For an excellent discussion of FDR's battle with the Court, see Leuchtenburg, *Franklin D. Roosevelt and the New Deal*, 231-238.

⁵⁴ Frances Perkins, *The Roosevelt I Knew* (New York: The Viking Press, 1947), 255.

crafted a wages, hours, and child labor bill that was grounded in the Constitution's commerce clause.⁵⁵ In doing so, they claimed authority for the federal government that the Court had previously denied it with the *Dagenbart* decision. Not surprisingly, the child labor provision was remarkably similar to the Keating-Owen Act of two decades earlier.

Senator Hugo Black introduced the bill in the Senate on May 24, 1937, immediately following the president's scathing remarks regarding the Supreme Court and the *Hammer v. Dagenbart* decision. Black was an obvious sponsor for the bill. An ardent New Dealer, he had stumped for FDR during his recent reelection bid, and helped to draft the 1936 Democratic platform. He also publicly supported the president's court-packing plan despite private misgivings.⁵⁶ Black was a pro-labor Southerner who adamantly believed that the federal government should implement a nationwide standard for wages, hours, and child labor.⁵⁷ Even after his 1933 bill for a thirty-hour workweek failed, he continued to promote a share-the-work ideal. Journalist Joseph Alsop called him an "absolute anomaly—an intellectual leftist liberal from below the Mason and Dixon line...and probably the most radical man in the Senate."⁵⁸ At the president's request, Black abandoned his campaign for the thirty-hour workweek, and his recently introduced child labor bill, in order to sponsor the Fair Labor Standards bill.⁵⁹

Roosevelt keenly needed Black's support for marshaling Southern congressmen; a contingent whose efficacy and motivation were severely circumscribed by racism. For, despite Black's otherwise progressive leanings, his political record demonstrated that he was willing to compromise on issues of race when it was politically expedient to do so (such as when he joined the Ku Klux Klan to garner support for his Alabama Senate bid).⁶⁰ It was this willingness to compromise that helped push the Fair Labor Standards bill through the Senate that summer. In a contemptible bargain, Black quashed an anti-lynching bill so that Southern Democrats would ease their opposition to the equalization of black and white workers' wages.⁶¹

Certain that his coterie could fast track the bill, FDR was confident that he would sign it into law by summer's end. To expedite the process, Senator Black and Representative William Connery of Massachusetts convened a co-chaired joint hearing of the House and Senate labor committees in early June, little more than one week after the bill's introduction. Connery was liked and respected by labor leaders as well as his fellow congressmen. His own diverse occupational background made him a fervent pro-labor supporter. He had already co-sponsored a number of labor bills, including a wages and hours bill with Black in

⁵⁵ Perkins, *The Roosevelt I Knew*, 255-257; Susan Ware, *Beyond Suffrage: Women in the New Deal* (Cambridge: Harvard University Press, 1981), 103-105; Walter Trohan, "Corcoran and Cohen, 'The Gold Dust Twins,'" *Chicago Tribune*, October 17, 1937; Virginia Van Der Veer Hamilton, *Hugo Black: The Alabama Years* (Baton Rouge: Louisiana State University, 1972), 264; Newman, *Hugo Black*, 214; Storrs, *Civilizing Capitalism*, 183; Lindenmeyer, *A Right to Childhood*, 109.

⁵⁶ Newman, *Hugo Black*, 211-214; McKenna, *Franklin Roosevelt and the Great Constitutional War*, 540.

⁵⁷ Van Der Veer Hamilton, *Hugo Black*, 260, 306; Newman, *Hugo Black*, 205, 211-214.

⁵⁸ Quoted in Newman, *Hugo Black*, 226.

⁵⁹ Van Der Veer Hamilton, *Hugo Black*, 264.

⁶⁰ Newman, *Hugo Black*, 91-92; McKenna, *Franklin Roosevelt and the Great Constitutional War*, 539.

⁶¹ "Wages and Hours Bill Passes Senate, 56-28," *Washington Post*, August 1, 1937; Katznelson, *Fear Itself*, 268.

1933, and the National Labor Relations Act in 1935.⁶² His specific interest in the Fair Labor Standards bill stemmed most directly from the economic difficulties faced by Massachusetts's textile and shoe manufacturing industries that had to compete with businesses that operated in states with lower labor standards. With Black lobbying Southerners, and Connery rallying Northerners, FDR's anticipated triumph seemed all but assured. But a swift victory was not to be. Tragically, Connery's advocacy was cut short when he was fatally afflicted with food poisoning on the evening of June 15 just two weeks after the joint hearing began.⁶³ His sudden death halted the hearing for a number of days, and his absence no doubt contributed to what became a protracted and nearly aborted legislative effort. Democratic Representative Mary T. Norton (New Jersey) assumed the lead thereafter, but she clearly struggled to muster the support of the old boys' club that was the House of Representatives. When the bill finally passed, it was a year later than FDR had anticipated.

The controversies surrounding the wages and hours provisions are well documented, but a study of the Black-Connery bill is not complete without an examination of the challenges and competing bills that rivaled the child labor portion of the proposed legislation. A number of Congressmen disapproved of including the issues of wages, hours, and child labor in a single bill. Some argued that the contentiousness of the wages and hours provisions would doom the child labor provision to failure, while others resented inclusion of the latter because it made those who opposed other portions of the bill appear hard toward child protection. Still others preferred to pursue child labor reform with legislation that steered clear of the Court controversy.⁶⁴ But on the first day of the joint hearing, Assistant Attorney General, Robert H. Jackson reasoned that a tripartite bill was not only necessary, but also logical because low wages, long hours, and child labor were all unfair business practices that could only be satisfactorily regulated in interstate commerce with federal intervention. Moreover, he believed that "the time has come when the child labor decision should be challenged and reargued. We may reasonably entertain the hope that

⁶² Connery, William Patrick (1888-1937), Biographical Directory of the United State Congress, http://bio_guide.congress.gov/scripts/biodisplay.pl?index=C000694. Prior to Congress he had worked in theater, the military, public utilities, and candy manufacturing.

⁶³ "Connery Dies Unexpectedly of Food Poisoning," *Washington Post*, June 16, 1937; "W.P. Connery, Jr. Dead in Capital," *New York Times*, June 16, 1937. *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 21, 1937), 997; Will P. Kennedy, "Life, Character and Public Service of Hon. William P. Connery, Jr., Late a Representative from Massachusetts," *House. U.S. Congress*, 75th Cong., 1st sess., (July 12, 1937), App. 1768, see also: memorial remarks by various Congressmen (July 15-23, 1937) and statement of Matthew A. Dunn (July 16, 1937), App. 1502; James R. Wason, *Legislative History of the Exclusion of Agricultural Employees from the National Labor Relations Act, 1935 and the Fair Labor Standards Act of 1938* (Washington, D.C.: Library of Congress, 1966), 5.

⁶⁴ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 27, 1937), 7665; "Radio address, transcript, H. Styles Bridge Senate," U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (June 23, 1937), App. 1569-1571; "Sen. Bridges Asks Separate Child Labor Bill: Would Cut Provisions Out of Administration Wage and Hour Measure," *Washington Post*, June 7, 1937; "Child Labor Today," *Washington Post*, June 8, 1937; Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 31, 1937), 7665; Walter Lippmann, "What to do with the Connery Bill," *Los Angeles Times*, June 1, 1937; "Child Labor—Minus Politics," *Wall Street Journal*, June 14, 1937; "To End Child Labor," *New York Times* (June 24, 1937).

Hammer v. Dagenhart be laid to a tardy and unmourned repose."⁶⁵ From the start, the threefold nature of the Black-Connery bill was defended as inseparable and the issue of child labor was central.

Nonetheless, a number of Congressmen opposed the tripartite measure and advocated stand-alone child labor bills instead. One of those alternative bills entailed reviving the Child Labor Amendment. In an attempt to mitigate the issues that had stalled ratification since 1924, Republican Senator Arthur Vandenberg of Michigan proposed a new amendment with a few significant changes. Though he was otherwise mildly progressive on labor issues, Vandenberg himself had entered the workforce at the age of nine after his father lost his horse-tack supply business during the Panic of 1893, and this experience motivated his advocacy.⁶⁶ His proposal suggested two significant changes to the original amendment. It lowered the covered age from eighteen to sixteen, and to deal with the opposition that had been raised by and on behalf of parents, he supplemented the words "employment for hire" in place of the word "labor." This was meant to clarify that the law was intended "to prevent the commercial exploitation of children," but that it would not limit parental authority in directing children's household chores. The new amendment read: "The Congress shall have power to limit and prohibit the employment for hire of persons under 16 years of age."⁶⁷

Despite these modifications, and a respectable amount of support, Vandenberg's proposal met with enough resistance to ultimately prevent the bill's passage. Child welfare advocates, such as those of the National Child Labor Committee, balked at the phrase "employment for hire," as it left children vulnerable to exploitation through parentally contracted piecework.⁶⁸ They were reserved in their support and continued to urge ratification of the original amendment. Notwithstanding changes to the amendment's language, the court-packing row had alarmed parents who, according to Republican Representative from Kentucky John M. Robsion [*not a typo, his name was Robsion*], reportedly felt "that their rights to care for, train, and order the affairs of their own children may be taken from them and placed under bureaucratic control here in Washington."⁶⁹ And although the amendment would have endowed the federal government with more comprehensive authority to limit and prohibit child labor than the Black-Connery bill, it would not instigate an overturn of *Dagenhart* as the president desired. Though he had been a vocal proponent of the amendment in the past, his support was more reserved while the Black-Connery bill was pending. Vandenberg's proposal did not pass, but it is significant

⁶⁵ *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 2, 1937), 6; "Wages and Hours Bill Challenges High Court," *New York Times*, August 8, 1937.

⁶⁶ Hendrik Meijer, *Arthur Vandenberg: The Man in the Middle of the American Century* (Chicago: University of Chicago Press, 2017), 3-4, 10. For a discussion of Vandenberg's general opposition to the second New Deal, see 102-107.

⁶⁷ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (May 6, 1937), 4252.

⁶⁸ "Child Labor Passing in Industry," *U.S. Daily*, (July 15-22, 1933), folder 18, box 25, Haynes Papers; National Child Labor Committee, "Congress and Child Labor: What to Watch for in the Special Session," (New York: Department of Research and Publicity, 1937), folder 50, box 43, Underground, Alternative, and Extremist Literature, Charles E. Young Research Library, University of California, Los Angeles.

⁶⁹ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (May 17, 1937), 4708.

nonetheless because it reminded proponents of the fair labor standards measure that they necessarily had to consider the concerns of parents and child welfare advocates if they wanted to minimize opposition to their own bill.

While the modified Child Labor Amendment posed little real threat to the Black-Connery bill, the Wheeler-Johnson “child-made goods” bill presented a more significant challenge. The bill, proposed by Democratic Senators, Burton K. Wheeler of Montana and Edwin C. Johnson of Colorado, was modeled on the so-called “prison-made goods” Hawes-Cooper and Ashurst-Summers Acts. These laws subjected prison-made goods to state laws, required that those goods be labeled “prison-made,” and forbade their shipment across state lines where such goods violated state laws.⁷⁰ Pointing to the fact that the Supreme Court had upheld the constitutionality of both acts with the *Whitfield v. Ohio* (1936) and *Kentucky Whip and Collar v. Illinois Central Railway* (1937) decisions, Wheeler and Johnson asserted that a child labor bill along the same lines stood a better chance because it did not risk running up against the Court.⁷¹ Both Wheeler and Johnson vehemently opposed FDR’s attack on the Court. Throughout the summer, they continued to press the fact that their bill did not inflame the controversy while forcefully opposing the inclusion of child labor in the Black-Connery bill. At one point, Johnson aggressively moved to strike “every word, phrase, part of sentence or sentence, part of paragraph or paragraph, part of section or section, referring to child labor.”⁷² While he protested that it was “not fair to pillory the elimination of child labor in such a cause,” Wheeler declared the child labor provision a threat to the other two issues because it “absolutely flies in the face of the Supreme Court of the United States of America.”⁷³ As he encouraged support for his stand-alone bill, he warned that child labor as a component of a fair labor standards bill would doom the law to repeal.

While a number of Congressmen showed interest in this less controversial, stand-alone measure, child welfare advocates deemed the Wheeler-Johnson bill inadequate and unacceptable because the enforcement methods were onerous, retroactive, and punitive rather than preventative; it did not prohibit child labor but sought to deter it through fines where it was already illegal. The law would only be broken once child-made goods (as denoted by labeling on shipment containers) crossed a state line where labor laws were more restrictive than the originating state. Opponents argued that such a law would create a logistical nightmare for shipping, but more importantly, because it would be broken only upon entering the receiving state, it would transfer the onus of law enforcement and cost of the court system to the prohibiting state rather than the producing one. The proposed law would not prevent child labor, and absent additional and uniform state laws, permitted the continuation of state differentials that already intersected with interstate commerce.

⁷⁰ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 27, 1937), 7664. The Wheeler-Johnson bill (S. 2226) was the consolidation of Senator Burton K. Wheeler’s S. 1976, introduced on March 24, and Senator Edwin C. Johnson’s S. 2068, introduced on March 29. Some texts and contemporary news articles incorrectly attribute the co-sponsorship of S.2226 to Senator Hiram Johnson of California. There were in fact three Johnsons in Congress in 1937 (the third being Representative Luther Johnson from Texas).

⁷¹ “Child Labor Legislation—Its Past, Present, and Future,” *Fordham Law Review* 7, no. 2 (1938): 235.

⁷² Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 27, 1937), 7663-7665.

⁷³ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 27, 1937), 7663-7665; Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 31, 1937), 7930.

Moreover, it was noted that the logistics of determining prison-made goods was much simpler as there were many fewer prison factories than employers of child labor. Critics claimed that a law based on the Wheeler-Johnson proposal would be overly complicated, unenforceable, and ineffective—fundamentally worse than no law at all.⁷⁴

Rather than work to redress these objections, Wheeler and Johnson claimed that the opposition to their bill was politically motivated retaliation for Wheeler's public repudiation of the court-packing effort.⁷⁵ Believing that Roosevelt was behind the resistance, Wheeler treated those who expressed opposition with suspicion.⁷⁶ And when female members of the Department of Labor—Secretary of State Frances Perkins, Children's Bureau chief Katharine Lenroot, and former chief Grace Abbott—all stated that they preferred both the Child Labor Amendment and the Black-Connery bill over the Wheeler-Johnson proposal, the two Senators launched an attack similar in tone to David Clark's 1924 character assault.⁷⁷ Wheeler derided the women's domestic credentials when he proclaimed to the Senate:

I have raised six children, and I think I know something about children and how they ought to be regulated. I get weary of hearing women who have never had any children and never have known what it is to raise children tell me and my wife how we should raise our children. I object to women who have made miserable failures of raising their own children telling the mothers of the country who have raised their children in a decent manner how they should raise them.⁷⁸

In a charge that was similar to those contemporaneously leveled against the president, Johnson alleged that Lenroot's support of the Black-Connery bill was born of a lust for power. The child labor provision in a fair labor standards law, he claimed, would make the chief of the Children's Bureau, "the dictator over child-labor products in interstate commerce." When he charged that she might arbitrarily "sanction [child labor] in a Ford factory and stop it in a General Motors factory," he cast doubt on her competence and hoped to convince others that the Black-Connery bill was just another federal power grab.⁷⁹ For a brief moment in November, the Wheeler-Johnson bill actually replaced the child labor provision within the House version of the Black-Connery bill. The move boxed out the Children's Bureau from the bill's administrative apparatus. But the Senate rejected this change and the original provision was soon restored, for a child labor provision modeled on Wheeler-Johnson would not force the showdown that the president intended.

When the Black-Connery bill finally passed in June 1938, it was only after a protracted and stubborn battle, in which the president remained insistent that the bill should

⁷⁴ National Child Labor Committee, "Congress and Child Labor," *Underground, Alternative and Extremist Literature*; Senate, U.S. Congress, *Hearing to Regulate the Products of Child Labor* (May 20, 1937), 184.

⁷⁵ Wheeler was unabashedly vocal in his opposition to the court-packing bill. See for example: Burton K. Wheeler, "Radio Address on the Supreme Court," (February 23, 1937) folder 8, box 1, Burton K. Wheeler Papers 1924-1947, Merrill G. Burlingame Special Collections, Montana State University.

⁷⁶ "Wage Bill Revives, Clashes in the Senate from Court Fight," *New York Times*, July 28, 1937.

⁷⁷ *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 8, 1937), 383.

⁷⁸ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 31, 1937), 7931.

⁷⁹ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (July 27, 1937), 7665.

be carried in the form that would fit his purpose. In a Fireside Chat on June 24, 1938 (the evening before he signed the bill into law), the president presented the Fair Labor Standards Act as a victory for the economy, labor reformers, and the American people. In a spirit of altruism, he informed the public that, "After many requests on my part, the Congress passed a Fair Labor Standards Act.... Except perhaps for the Social Security Act, it is the most far-reaching, far-sighted program for the benefit of workers ever adopted here or in any other country."⁸⁰ But it was also his victory—a vindication even. Though the president had lost the judicial reorganization battle, he had won a Fair Labor Standards Act complete with the carefully worded child labor provision that facilitated a rematch with the High Court. On February 3, 1941, the Supreme Court unanimously confirmed the constitutionality of the Fair Labor Standards Act with *United States v. Darby Lumber Co.* "Hammer v. Dagenhart, is now specifically overruled," declared *The Washington Post*.⁸¹

AGRICULTURE AND FAIR LABOR STANDARDS

When President Roosevelt addressed Congress on May 24, 1937, he explicitly directed them to pass fair labor legislation to "help those who toil in factory and on farm."⁸² Yet, in order to pass the revolutionary bill, Congress unequivocally had to exempt the agriculture industry. The nation's agricultural interests and the Southern farm bloc simply would not have it any other way. There is already a good deal of excellent scholarship on the rise and influence of agricultural interests through the 1930s, yet none discuss the ramifications of New Deal policies on agricultural child labor.⁸³ Therefore, what follows is a brief explanation of the agrarian influence on the Black-Connery bill in order to provide context for the subsequent discussion of the child labor provision and its ramifications for child agricultural laborers.

After roughly a decade of intense lobbying through the 1920s, the agriculture industry consolidated its hold on Congress in the early days of the New Deal. In fact, historian John Mark Hansen calls the New Deal congressional reception of farming organizations

⁸⁰ "Pay Act Signed, 200,000 to Get Raise Oct. 24," *Washington Post*, June 28, 1938; "Wage-Hour Plan Approved as Law," *New York Times*, June 28, 1938; Franklin D. Roosevelt, "Fireside Chat," June 24, 1938, *American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=15662>. At a press conference Roosevelt reiterated this by stating: "next to the Social Security Act [the FLSA] is the most important Act that has been passed in the last two or three years." Press Conference transcript, Hyde Park, June 28, 1938, Press Conferences of Franklin D. Roosevelt, 1933-1945, Franklin D. Roosevelt Presidential Library, <http://www.fdrlibrary.marist.edu/archives/collections/franklin/?p=collections/findingaid&id=508>.

⁸¹ "Federal Powers," *Washington Post*, February 4, 1941; "Child Labor Amendment Fight to Go On: Miss Lenroot Says Wage Act Doesn't Cover Intrastate Commerce," *Washington Post*, February 4, 1941; "An Historic Decision," *New York Times*, February 5, 1941; Lewis Wood, "Wage Law Upheld By Supreme Court; Old Decision Upset: Justice Stone Writes Opinion Overruling a 22-Year-Old Child Labor Case," *New York Times*, February 4, 1941.

⁸² "Text of Roosevelt's Message to Congress," *Los Angeles Times*, May 25, 1937.

⁸³ See for example: Robert K. Fleck, "Democratic Opposition to the Fair Labor Standards Act of 1938," *Journal of Economic History* 62, no. 1 (March 2002): 25-54; Norlund, *The Quest for the Living Wage*; Katznelson, *Fear Itself*, 267-272; David E. Hamilton, *From New Day to New Deal: American Farm Policy from Hoover to Roosevelt, 1928-1933* (Chapel Hill: University of North Carolina Press, 2011); R. Douglas Hurt, *Problems of Plenty: The American Farmer in the Twentieth Century* (Chicago: Ivan R. Dee, 2002), 90-96; Grant McConnell, *The Decline of Agrarian Democracy* (Berkeley: University of California Press, 1959).

“compassionate and friendly”—meaning that many an agrarian organization found Congress amenable to its agenda.⁸⁴ A prime example of Congress’s responsiveness was when they reinstated price supports within just eight weeks of the Supreme Court’s invalidation of the Agricultural Adjustment Act in 1936.⁸⁵ But, even as agricultural business interests benefited from New Deal legislation, their laborers were increasingly denied protection and benefits (as was evident in their exclusion from the National Industrial Recovery Act (1933), the Social Security Act (1935), and the National Labor Relations Act (1935), to name just a few). As Cletus Daniel notes, exemption from federal labor legislation was significant because it “effectively codified the traditional powerlessness of farm laborers [and]...legitimized a notion of agricultural exceptionalism that would serve for decades thereafter as an ideological rationale for denying farmworkers the rights afforded other workers.”⁸⁶ The marginalization of this group of laborers during the 1930s would have significant repercussions on generations of farmworkers for decades to come.

But the farm-favorable policies did not result solely from congressional altruism or savvy agrarian lobbying; it was also facilitated by racism. Congressmen from the heavily rural Jim Crow South staunchly opposed any legislation that might upset the racial inequality that was the foundation of southern society. Through their numbers and force of will, the southern farm bloc and their constituency were able to obstruct or advance nearly any piece of legislation through the 1930s. So it was with the Black-Connery bill, where from the start, Southerners turned out to defend their agricultural labor practices and head off any attempts at change. For example, at the June 1937 hearings on the fair labor standards bill, the secretary of the Virginia State Horticulture Society, W.S. Campfield warned that “arbitrarily” including agriculture in the bill would bring “dissatisfaction on the part of agriculture” that “ultimately...would defeat your aims with this type of legislation.”⁸⁷ Throughout debates, Southern Democrats continued to paint the labor legislation as potentially “injurious to our farmers.”⁸⁸ As Congress took up the issue again in a special session late that autumn, Senator Theodore Bilbo of Mississippi employed the trope of the virtuous but vulnerable farmer when he asserted that if such employers were made to pay minimum wages to their employees, that they would be “reduced to rags, starvation, or abject poverty [while they themselves] produc[ed] food and clothing for 130,000,000 people.”⁸⁹ That Bilbo seemed not to recognize (or be disturbed by) the impoverishment of his state’s primarily African American farm labor force reveals a worldview deeply infected by racism.

Hence, despite the fact that Roosevelt included agricultural laborers in his mandate for fair labor practices, the wages and hours provisions of the Black-Connery bill did not apply to the agricultural sector. In fact, much of the bill’s debate and testimony concerning

⁸⁴ John Mark Hansen, *Gaining Access: Congress and the Farm Lobby, 1919-1981* (Chicago: University of Chicago Press, 1991), 81.

⁸⁵ Hansen, *Gaining Access*, 77-92; Senate, U.S. Congress, *Congressional Record*, 75th Cong., 2nd sess., (June 14, 1938), 9161.

⁸⁶ Wason, *Legislative History of the Exclusion*, 10-11; Cletus E. Daniel, *Bitter Harvest: A History of California Farmworkers, 1870-1941* (Ithaca: Cornell University Press, 1981), 261-262.

⁸⁷ *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 21, 1937), 1120.

⁸⁸ House, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (December 16, 1937), 1689.

⁸⁹ House, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (December 17, 1937), 1724.

agriculture centered on broadening the sector's definition in order to expand applicable exemptions. As a result, Section 3(f) of the Fair Labor Standards Act liberally defined agriculture as:

farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities...the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.⁹⁰

For good measure, it also exempted commodities defined as agricultural by the Agricultural Marketing Act of 1931, which no doubt pleased Langdale who had invoked the image of child farm labor to argue an agricultural designation for the gum turpentine industry. Then, referring to this definition of agriculture, Section 13(a)(6) exempted businesses that were designated as agricultural from the wages and hours provisions stipulated in Sections 6 and 7. This marginalization of adult agricultural laborers was yet another step in the general legislative trend that had increasingly favored the interests of growers over laborers. But excluding child agricultural workers would require still another step.

THE CHILD LABOR PROVISION

Understanding that the child labor provision was essential to the president's Supreme Court agenda sheds light on why the Fair Labor Standards Act fell short of reformers' expectations; that was never the bill's intent. The plan to provoke the Court into reconsidering the precedent set by *Dagenhart* necessitated a child labor provision with the essence of the Keating-Owen Act. That act did not and could not include agriculture because the conviction that children's agricultural labor was a healthful, wholesome pursuit was too entrenched in the nation's psyche. For decades, opposition from farming interests, parenting groups, and nostalgic congressmen had thwarted attempts at such inclusion. Indeed, many people agreed with Senator Wheeler's assessment that, "It is much better that the children be out doing some useful work around the farm than it is to have them playing around the streets and getting into mischief."⁹¹ So while child labor in manufacturing was described as a scourge, it was considered beneficial when conducted in an agricultural environment.⁹² And while members of the U.S. Children's Bureau and the National Child Labor Committee may have held reservations as to the propriety of children's labor in at least certain crops, their opposition was not absolute, and they were not ready to sabotage the potential regulation of many other sectors for a nuanced battle with one that would otherwise be wholly exempted from the law. When it came to the child labor provision, children's agricultural work was clearly differentiated from that performed in factories, mines, and mills as something that generally did not require federal intervention.

⁹⁰ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 2nd sess., (June 14, 1938), 9159.

⁹¹ Senate, U.S. Congress, *Hearing to Regulate the Products of Child Labor* (May 12, 1937), 36.

⁹² House, U.S. Congress, *Congressional Record*, 75th Cong., 1st sess., (December 17, 1937), 1798.

Hence, rather than quibble over whether agricultural labor was harmful to children, child welfare advocates found it more expedient to argue (as they had for years) that federal legislation should simply support state compulsory education laws as a way to keep farm labor in check.⁹³ This approach was successful, and it resulted in the Section 13(c) exemption, which states: “The provisions of Section 12 relating to child labor shall not apply with respect to any employee employed in agriculture while not legally required to attend school.”⁹⁴ In other words, the law would not apply to agricultural child laborers during the periods in which they were not required to attend school. Consequently, the Section 13(c) exemption left children’s agricultural labor completely unregulated during the times that young workers were not required to attend school. Just like their adult counterparts, roughly half a million child agricultural workers lacked basic protections afforded to other laborers who were engaged in production for interstate commerce.⁹⁵

On the surface, the Section 13(c) exemption did appear to provide at least some protection through compulsory attendance laws. But in effect, this provided no protection at all since there were myriad conditions that excused rural children from school attendance. For example, in order to skip the hassle and expense of serving children who only attended intermittently, many rural communities did not extend attendance requirements to migrant children. In other cases, migrant labor camps were located just beyond city limits, and thus child residents were not subject to compulsory education laws. Moreover, the law excused from attendance children with disabilities; those who lived more than two miles from a schoolhouse in a district that did not provide bussing; and those who were older or younger than the required age for compulsory attendance (which varied by state).⁹⁶ In relying on compulsory schooling laws to curb agricultural child labor, the Fair Labor Standards Act

⁹³ U.S. Children’s Bureau, *Every Child in School: A Safeguard against Child Labor and Illiteracy* (Washington, D.C.: Government Printing, 1920); Gertrude Folks, “Farm Labor vs. School Attendance,” *American Child* (May 1920): 77; *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 8, 1937), 383-389; Senate, U.S. Congress, *Hearing to Regulate the Products of Child Labor* (May 12, 1937), 63-65.

⁹⁴ Senate, U.S. Congress, *Congressional Record*, 75th Cong., 2nd sess., (June 14, 1938), 9161. Section 13(c) also specifically exempted “any child employed as an actor in motion pictures or theatrical production.” For an introduction to this topic, see Jennifer Robin Terry, “The Wolf at the Door: Child Actors in Liminal Legal Spaces,” *Journal of the History of Childhood and Youth* 11, no. 1 (Winter 2018).

⁹⁵ Courtenay Dinwiddie, “The Present Status of Child Labor,” *Social Service Review* 13, no. 3 (September 1939): 431-439; National Child Labor Committee, “More Than Half a Million Left!” pamphlet, (c.1939) folder 36, box 1, National Child Labor Committee Publications Collection, Kheel Center, Cornell University.

⁹⁶ Edith Lowry, *They Starve That We May Eat: Migrants of the Crops*, (New York: Council of Women for Home Missions, 1938); National Child Labor Committee, “The Nation’s Southern Children,” *American Child* (October 1938): 1. Children with disabilities were commonly denied a public school education in most states until federal legislation in the 1970s. This study will address migrant children and those whose age placed them outside the requirements of school attendance, but children with disabilities is outside the scope of this project. For more information on the education of children with disabilities, see: David Sperry et al., *Education Law and the Public Schools: A Compendium* (Norwood, MA: Christopher-Gordon Publishers, Inc., 1998); Edwin W. Martin, Reed Martin, and Donna L. Terman, “The Legislative and Litigation History of Special Education,” *The Future of Children* 6, no. 1 (Spring 1996): 25-39; Anthony F. Rotatori, ed., *Advances in Special Education: History of Special Education*, vol. 21 (Bingley, UK: Emerald Group Publishing, 2011).

created a loophole that permitted growers to have unfettered access to young workers who were not required to attend school.

Thus, the Section 13(c) exemption left the burden of regulating agricultural child labor where it had always been—with the states, and specifically, with local schools. This was problematic because compulsory schooling laws varied widely and enforcement was often lax in intensively agricultural areas. It was not uncommon for parents, growers, and educators to ignore the law when the exigencies of crop cultivation and harvest demanded it. Many migrants knew this, and such states became popular destinations for working families. For example, one man claimed that although Arizona had “the same school law” as other states, they were “not too strict” on enforcement, and so all of his children worked in the fields during the cotton harvest rather than attend school.⁹⁷ In California (the state with the strictest compulsory education laws), Helen Heffernan, head of the state’s Division of Elementary Education noted with dismay that migrant “children and their parents are wanted only as a solution to a labor problem.” As such, they frequently faced discrimination from “socially myopic adults who would decry long hours of labor as barbarous for their own children, [but] actually advocate labor rather than education for the migratory child.”⁹⁸ In 1935 and 1936, migrant families who received state aid were forced by the Los Angeles County relief authorities to work in the walnut orchards during the school day. This violated compulsory schooling laws but the justification was that “since the whole family was on relief, the whole family including the children must work.”⁹⁹ Segregated schools also meant varying school terms for different groups of children. For example, in Louisiana, all-black schools typically operated on a modified schedule so that African American children were not required to be in school during planting and harvest periods. This continued well into the post-World War II period.¹⁰⁰ Segregation made it so that schools were not in violation of compulsory schooling laws, but this further contributed to the inequity of education offered to black and white students.

Another problem with relying on schools as enforcers was that rural school boards often declared “harvest holidays” and “crop vacations,” releasing children from their legal requirement to attend school so that they could help local farmers. The practice, considered elsewhere in this project, merits a specific example here to demonstrate the futility of linking child labor curtailment with compulsory education laws. By 1937, “cotton holidays” had been a tradition in southeastern Missouri for forty years. A local newspaper reported that starting that year, the Missouri State Teachers College would offer a “cotton term” for teachers who could attend classes and earn college credit while their students worked to harvest the cotton. The teachers’ own education benefitted even as their students toiled. In

⁹⁷ “California Division of Labor Statistics and Enforcement,” *Digest of California Child Labor Laws*, folder 44, carton 15, Paul Schuster Taylor Papers, Bancroft Library, University of California, Berkeley; miscellaneous notes, folder 46, carton 15, Paul Schuster Taylor Papers.

⁹⁸ James E. Sidel, *Pick for your Supper: A Study of Child Labor Among Migrants on the Pacific Coast* (New York: National Child Labor Committee, 1939), 38.

⁹⁹ Sidel, *Pick for your Supper*, 40-47; “Storm Over Dole-Aid Shut-Off Brews Anew: Relief Authorities Receive Protests Concerning Men Sent to Valley Jobs,” *Los Angeles Times*, November 30, 1937.

¹⁰⁰ Louisiana, State Department of Education, “Ninety-Fifth Annual Report for the Session 1943-1944,” Bulletin No. 543 (December 1944), 47.

rural communities, the interests of growers, parents, and even teachers often trumped children's education.¹⁰¹

The worst abuses occurred with the children of southern sharecroppers who lived on plantations, which were typically situated a good distance from schools. Occasionally, landowners permitted small schools to operate on plantation land, but their academic schedules were circumscribed by the rhythms of the crops. It was not unusual for these schools to operate for less than four months of the year. By and large, sharecropper children had little access to education. Their impoverished parents sorely needed their labor, and growers had little incentive to provide for the education of their labor force. One Texas grower told investigator Paul Taylor that school only made Mexican workers "dissatisfied and teaches them to read the wrong kind of literature and listen to the wrong kind of talk" (meaning union literature). Another told Taylor that, "If the Mexicans learn English they don't work so well; if they get educated a little they don't make such good farm hands."¹⁰² Compulsory education laws did not extend protection to the children of sharecroppers who remained largely illiterate and innumerate and became the next generation of croppers, deeply in debt, and without the skills and education to change the course of their life.

The child labor provision was essential to president Roosevelt's goal of overturning *Hammer v. Dagenhart*, but because of this, it was limited in scope and less effective as a regulatory measure than child welfare advocates would have liked. While the Fair Labor Standards Act provided at least some measure of protection to children in many sectors that were involved in interstate commerce, the Section 13(c) exemption not only left children who labored in agricultural labor vulnerable to exploitation, it also provided the loophole with which to exploit them. Children who worked in agriculture labored under a system that had little regard for their health, education, and welfare. In 1939, R.W. Wishart, a forty-year veteran of the turpentine industry, told a Works Progress Administration interviewer that most laborers in the gum naval stores industry were born and raised in the turpentine camps, "and few of them ever see the inside of a school house."¹⁰³ This casts the absurdity of Judge Harley Langdale's testimony on June 21, 1937 into stark relief. When the president of the American Turpentine Farmers Association argued for an agricultural designation for his industry at the joint hearing over Black-Connery, it was by explaining that, "when children are not in school, they do a little work around the turpentine farm.... I do not see any material objection to it."¹⁰⁴ In fact, as they likely did not attend school, he probably saw only material gain.

¹⁰¹ "School Children Begin Cotton-Picking Holiday," *Tuscaloosa News*, September 28, 1937.

¹⁰² Paul S. Taylor, "Mexicans North of the Rio Grande," in *On the Ground in the Thirties* (Salt Lake City: Gibbs M. Smith, 1983), 2, 9-10.

¹⁰³ C. W. Wimster, "Turpentine Man," interviewed by Lindsay M. Bryan, Tampa, Florida, August 22, 1939. U.S. Government, Library of Congress, <https://www.loc.gov/item/wpalh000375/>.

¹⁰⁴ *Hearings on the Fair Labor Standards Act*, 75th Cong., 1st sess., (June 21, 1937), 1176.

CHAPTER THREE

A MISSED OPPORTUNITY: CHILDREN'S FARM LABOR DURING TOTAL WAR

In his memoir, *Rows of Memory: Journeys of an Immigrant Sugar-Beet Worker*, Saúl Sánchez recalls his earliest childhood memory—that of working in the carrot fields in Watsonville, California. His memories are infused with sensory data. This type of memory imprinting is common for children who oftentimes are not able to grasp the broader context of a situation, but are nonetheless impressed by the smells, sounds, and sensations associated with activities. So it was with Sánchez, for whom his early days were awash in sensory-imprinted memories. He remembers that at three-years-old, he spent long days hunched over raised rows of damp earth. He recalls the cold, muddy soil, and how upon wriggling his little fingers into the soggy mess, he would often drawback in pain as the broken shafts of carrot tops slid between his fingertips and nails. This all too frequent reminder caused him to move slowly and cautiously. After shaking off the pain, the youngster would once again feel his way under the surface until he felt the hard skin of the carrot. Wrapping his fingers around its circumference, he would give a good pull and exhume the muddy, orange vegetable. Adult pickers, like his parents, worked swiftly ahead of him, deftly extracting carrots by their tasseled tops, and tossing them into burlap bags slung around their shoulders and backs. They left the stemless carrots behind for the children who performed the more time-intensive task of digging out the broken topped produce. Another early memory is that of standing in the hot sun in a strawberry field in Salinas, California. Sánchez recalls that the strong aroma of sweet, ripe berries so permeated the air that he could practically taste the fruit on his tongue. These are memories of 1946 and 1947—nearly a decade after the Fair Labor Standards Act had banned oppressive child labor. But, at four-years-old, Saúl Sánchez was already a veteran of the ten-hour workday.¹

The condition of young Saúl Sánchez demonstrates that the problem of exploitative agricultural child labor was not soon fixed. Although the Fair Labor Standards Act banned oppressive child labor in businesses that were engaged in interstate commerce, the Section 13(c) exemption to the child labor provision left curtailment of agricultural labor exploitation where it had always been—in the hands of parents, school administrators, and farming interests. Hence, the landmark legislation did not regulate young agricultural laborers' hours, wages, or working conditions, nor would it safeguard their educational opportunities. This meant that roughly half a million child laborers were left unprotected. And though Congress did eventually amend the exemption in 1949, the change was minor. Rather than prohibit the labor of children who were “legally required to attend” school, the amended version attempted to ban it during school hours. Thus, the law still did not prohibit or regulate the practice when it occurred outside of the normal school period. Growers, parents, educators, and children easily ignored the amended law and it remained as ineffective as the original.

¹ Saúl Sánchez, *Rows of Memory: Journeys of a Migrant Sugar-Beet Worker* (Iowa City: University of Iowa Press, 2013), 27-29.

But the minor revision and the ease with which the law was sidelined are not the most notable things about agricultural child labor regulation during the decade of the 1940s. For, if one considers Section 13c of the Fair Labor Standards Act in 1938 and its subsequent amendment in 1949 as two points on a child labor legislation spectrum, there is nothing remarkable or surprising about the minor modification given the cultural milieu in which they were passed. However, what is notable is the fact that for a short time during World War II, federal and state agencies, as well as local institutions, recognized that children's agricultural labor should be regulated, and they moved to do so. Ironically, this was a period when wartime demand across most industries reversed many of the advances that were made in child labor regulation in the previous decade. However, in these cases, it was not that the Fair Labor Standards Act was repealed, but only that it was largely ignored "for the duration" while children filled jobs that were vacated by adults who enlisted for military service or sought higher-wage defense jobs. So, although wartime patriotism justified regressive labor practices, children's agricultural labor actually became better organized and monitored than it had ever been.

This chapter focuses on the period between 1938 and 1949 in order to examine the relatively quick rise and decline of agricultural child labor regulation. It traces the continuing efforts of child welfare advocates; the increased demand for and reliance on children's farm labor; and the implementation of a nationwide emergency child farm labor program. It argues that the frenzied demand for labor worked in concert with wartime jingoism and a ubiquitous acceptance of the agrarian myth to foster and justify the expansion of agricultural child labor to include youngsters who did not normally perform farm work. The publicity surrounding the wartime farm labor demand and the influx of nonfarm children into the workforce increased the visibility of agricultural child labor, giving rise to potential scrutiny. But it also created conditions in which, for the first time, proponents of children's farm labor and child welfare advocates aligned in purpose, albeit for different motives. In 1942, the two sides came together and agreed upon a national program that would safeguard the health, safety, and well-being of young farm laborers. Through the Victory Farm Volunteers, child welfare advocates were able to implement some of the regulatory apparatus that they had long championed, and in complying with a well-regulated program, proponents of child farm labor reified the image that children's agricultural labor was a benign occupation. Though the program did not benefit all child laborers, and the regulations were sometimes unevenly applied, the Victory Farm Volunteers program was, nonetheless, a model of agricultural child labor regulation. Ultimately, however, this chapter argues that because federal administrators and local officials myopically viewed the employment of children in farm labor as a temporary fix to a war-induced problem—rather than an ongoing condition of modern commercial agriculture—when Congress terminated the Victory Farm Volunteers in 1947 without replacing it with a peacetime equivalent, they missed an opportunity to significantly strengthen agricultural child labor legislation.

THE IMMEDIATE WAKE OF A LEGISLATIVE MILESTONE

The United States Children's Bureau and the National Child Labor Committee (NCLC) had both lobbied tirelessly to see federal child labor legislation come to fruition. But in the few years between passage of the Fair Labor Standards Act and the U.S. entry into

World War II, clear distinctions emerged between the two organizations' varying roles, capacities, and purposes with regard to agricultural labor. As the Children's Bureau worked to implement the child labor provision, the shortcomings of the Section 13c exemption, as well as the limitations of the Bureau, were quickly realized. Though the Bureau collaborated with the various state departments of labor and education to systematize the minors' work certificate process nationwide, this age verification requirement did not apply to young agricultural workers in most states, and it was entirely irrelevant for those youngsters who were not required to attend school. And while the Bureau expressed faith in compulsory schooling laws as the way to curb exploitative labor, rural schools continued to delay and interrupt their academic calendars as they deemed it necessary to meet local farm labor demand. Since labor was just one of the many child welfare issues that the Bureau was tasked with monitoring, little extra effort and resources could be expended on matters outside of their federal scope, such as the state-level loopholes in the agriculture exemption.

Whereas child labor was only one of many issues with which the Bureau dealt, it was the sole preoccupation of the NCLC. And once the act passed, the NCLC marshaled its resources toward exposing child labor law violations; reporting both progressive and regressive child labor bills in state legislatures; and highlighting the plight of working children. And starting in 1939, the NCLC focused greater attention on the condition of migrant agricultural children through a number of reports that examined farm labor conditions across the nation. It found that migrant indigence touched the lives of diverse children across the nation: African American, Mexican American, and white, as well as European and Mexican immigrants. Such children, the NCLC reported, worked nine to twelve hours a day, did not typically go to school, were malnourished, undersized, and lived in squalid hovels and camps.² And while the NCLC acknowledged that the Fair Labor Standards Act was a "real victory," it also declared that "more than half a million...[young migrants experienced] oppressed childhoods" and that this necessitated continued vigilance in the fight for more regulation. A brief but scathing pamphlet condemned the states that "welcome the labor of these children but refuse to accept responsibility for their education, health, and welfare."³ In declaring that, "these children are growing up without a chance to go to school and play as children should," the NCLC affirmed the idea that *all* children were entitled to these rights and that school and play were essential components of healthy childhoods in the modern sense.⁴

² See for example: "Backsliding in Tobacco Fields," *American Child* (January 1939): 2; "Eastern Children Also Follow the Crops," *American Child* (February 1939): 1, 3; "Who Picks your Strawberries," *American Child* (April 1940): 1; Raymond G. Fuller, "Growing Up While on the Move—A Footnote on Migrancy," *American Child* (May 1940), 1; "New York's Child Farmers," *American Child* (November 1940): 2; "Tobacco Road in Connecticut," *American Child* (October 1941): 1; "Child Berry Pickers Injured," *American Child* (October 1941): 2.

³ National Child Labor Committee, "More Than Half a Million Left!" pamphlet, (c.1939) folder 36, box 1, National Child Labor Committee Publications Collection, Kheel Center, Cornell University. The National Child Labor Committee's estimate of half a million was two and a half times greater than what was reported by the 1940 census. This is yet another reason why scholars should not to base their understanding of the rise and fall of child labor on Census Bureau reports.

⁴ "More Than Half a Million Left!," National Child Labor Committee Publications Collection.

But while the NCLC was single-mindedly focused on curbing child labor, it was a private organization with only moral authority. Under no delusions to the contrary, the NCLC urged the Children's Bureau to take a stronger lead in advising states to regulate child labor in rural areas, "where the greatest amount, and perhaps the gravest abuses, of present-day child labor are found."⁵ But the agriculture industry's political clout within Congress, and the federal government generally, limited the bureau in this respect. An example of this tempering of the Bureau's voice is found in its only significant investigation of migrant labor conditions of this period.⁶ During the spring of 1940, Children's Bureau investigator Amber Warburton studied the living and working conditions of 998 migrant child laborers from 342 families in Hidalgo County, Texas. On the surface, Warburton's report differed little from those of the bureau from a decade earlier. She reported that Mexican and Mexican American migrant families depended on their children's labor to supplement parents' meager earnings; that the children did not attend school; were insufficiently clothed and housed; and that poor sanitation facilities and polluted drinking water led to high rates of diarrhea, dehydration, and even death. But where Warburton's report did diverge was how she attributed responsibility for the children's conditions. In a bold move, she shifted blame away from the parents and asserted that it was "the employment practices of the agricultural industries" that were at fault for devastated childhoods.⁷ Explaining that growers deliberately recruited more large families than they could possibly employ full time, she accused them of intentionally creating a labor surplus so as to drive down the workers' wages while increasing their own profits. In doing so, Warburton charged an entire industry with deliberately fostering exploitative child labor. But despite her conclusion, the Children's Bureau took a conservative and diplomatic approach to the final public report. Rather than provoke the ire of the agriculture industry, the bureau simply attributed the plight of migrant children to the condition of poverty.⁸ The bureau's vague and trite conclusion clearly demonstrated the limitations of bureaucratic leadership in the fight against child exploitation in the agriculture industry.⁹

It was because of the political limitations under which the Children's Bureau operated that the NCLC was actually the more effective organization at that point in influencing change at the state level. Between 1939 and the end of 1941, a number of state legislatures considered bills to either strengthen or weaken age-based work permit certification or compulsory education requirements. NCLC investigations and advocacy proved instrumental in holding the line, if not provoking progress. For example, as a result of the NCLC's 1939 study of migrant labor in the Pacific states, the Labor Commissioner of

⁵ "Federal Legislation," *American Child* (February 1939): 2.

⁶ Once the U.S. entered the war the federal government stopped funding investigations that did not directly support the war effort: see Kriste Lindenmeyer, "*A Right to Childhood*": *The U.S. Children's Bureau and Child Welfare, 1912-46* (Urbana: University of Illinois Press, 1997), 223. Curtailing migrant labor was not a move that supported the war effort, and in fact, would have quite the opposite effect.

⁷ Quoted in Christian Brannstrom, "The Discovery of Hispanic Child Labor in Agriculture in the Lower Rio Grande Valley, Texas: A Life Geography Approach," *Annals of the American Association of Geographers* 106, no. 3 (2016): 715.

⁸ Brannstrom, "The Discovery of Hispanic Child Labor," 705-721.

⁹ As mentioned in chapter two, the farm bloc wielded great influence within the federal government. It is quite possible that the bureau's final report was the result of the influence of this political pressure.

California imposed a minimum age of twelve for agricultural child labor during school holidays, fourteen and older during school hours, and instituted a work permit requirement.¹⁰ And after the NCLC reported in 1940 that migrant families from Pennsylvania evaded compulsory schooling laws by harvesting crops in New Jersey, the Garden State passed a law prohibiting non-resident children under the age of sixteen from working during the hours that school was in session in their resident state.¹¹

At other times, the NCLC's advocacy prevented regressive legislation. This was the case when California Senator James J. McBride introduced a grower-backed bill that was intended to repeal the requirement for work permits "of any type" for minors' agricultural labor. Other bills attempted to weaken compulsory schooling requirements. The sponsors of such bills framed them in terms of protecting parents' rights. They claimed that the labor of "children of itinerant, migratory, or seasonal agriculture, horticultural, or viticultural workers, who accompany and work with their parents" amounted to occupational training, and that such training was within the parent's purview to regulate as they saw fit.¹² The California Farm Bureau strongly advocated regressive legislation under this guise, claiming that, "there should be no unnecessary governmental or official interference in the matter of parental authority in the discipline and training of children in habits of industry which are part and parcel of child education and development."¹³ What these attempts at regressive legislation reveal is that agrarian interests did not shy away from aggressively moving to strike down the only tools that curbed the agriculture industry's exploitation of children. Moreover, in implying that migrant parents took their children into the fields for vocational training (rather than to supplement their otherwise meager and insufficient income) farm interests denied their industry's exploitative business practices.¹⁴ The NCLC's relentless campaign against regressive legislation held most repeals at bay. Yet, because rural communities' views of agricultural child labor were often in line with such justifications, illegal employment abounded despite the NCLC's legislative successes.

The intransigent problem of agricultural child labor persisted, but the NCLC's condemnation of the practice increased in vehemence following the Supreme Court's unanimous ruling in *United States v. Darby Lumber Co.* on February 3, 1941. The decision overturned *Hammer v. Dagenhart*, upheld the constitutionality of the Fair Labor Standards Act, and secured the federal government's jurisdiction over child labor in businesses that were engaged in interstate commerce. The committee declared the ruling "most gratifying"

¹⁰ "Changes Without Legislation," *American Child* (December 1939): 2; "Children Under 14 Barred From Work on Farms," *San Bernardino County Sun*, January 17, 1940.

¹¹ "The States' Legislative Record—1940," *American Child* (October 1940): 1.

¹² James E. Sidell, "Senate Bill No. 1215 Must Be Killed," correspondence to members of the National Child Labor Committee mailing list, February 1941, folder 9, carton 36, Paul Schuster Taylor Papers, Bancroft Library, University of California, Berkeley; "Digest of California Child Labor Laws," September 1941, folder 44, carton 15, Paul Schuster Taylor Papers; Senate Bill No. 1215, California Senate, January 25, 1941, folder 44, carton 15, Paul Schuster Taylor Papers; "State Child Labor Legislation in 1938," *American Child* (October 1938): 2; "State Child Labor Legislation in 1939," *American Child* (May 1939): 1; "Legalizing the Exploitation of Children," *American Child* (March 1941): 3.

¹³ Edward A. O'Neil to Courtenay Dinwiddie, February 24, 1941, folder 9, carton 36, Paul Schuster Taylor Papers.

¹⁴ "National Child Labor Committee Activities," *American Child* (May 1941): 3.

but pointed out that nearly two million children younger than eighteen remained outside of the parameters of the law, and one-quarter of those worked in agriculture.¹⁵ Nonetheless, heartened by the ruling, the NCLC vowed to “devote its efforts toward extending legislation,” and it found a friend in Senator Robert La Follette, Jr. of Wisconsin.¹⁶ A second-generation activist senator, “Young Bob” had gained recognition in his own right by leading congressional inquiries into labor abuse and union obstruction through the late 1930s. In November 1941, he partnered with the NCLC and sponsored a bill to amend the Fair Labor Standards Act’s child labor provision and Section 13c exemption. Finding “serious objections” to the original statute, the framers of the bill sought to redefine “oppressive child labor” to include commercial agriculture, and permit the Children’s Bureau to regulate it, “without interfering with the institution of the family farm.”¹⁷ This last qualification aimed specifically at mitigating potential opposition that would pit children’s best interests against parental rights.

By the end of 1941, the NCLC was riding high on a tide of legislative progress. And although the NCLC’s general secretary, Courtney Dinwiddie, cautioned that amending the Act would be difficult because of the “widespread belief on the part of many that farm work is good for children,” Senator La Follette’s support sparked hope nonetheless.¹⁸ The NCLC’s associate general secretary, Gertrude Folks Zimand, pressed the importance of their crusade by asserting, “[the] public must be made to realize the difference between the work that children do on their home farms and their employment in industrialized agriculture.... [Such] conditions [are] not very different from those that characterized child labor in factory work some years ago.”¹⁹ But their effort was thwarted within weeks, when Japan launched a surprise attack on the United States naval base at Pearl Harbor, Hawaii on December 7. The U.S. entered the war the following day, and defense mobilization legislation supplanted child labor reform efforts; La Follette’s bill was one of the first legislative casualties of war as it languished and died in committee. But the war ushered in a different perspective on children’s agricultural labor as it took on new significance in light of national defense; children quite literally became a reserve army of labor and legislative reform would have to wait for peace.²⁰

¹⁵ Senate, U.S. Congress, “S. 1435,” 77th Cong., 1st Sess., (May 1, 1941), carton 36, folder 9, Paul Schuster Taylor Papers; “To Press for Amendment,” *New York Times*, February 4, 1941; “The Significance of the Supreme Court Decision,” *American Child* (March 1941): 1-2.

¹⁶ “S. 1435,” Paul Schuster Taylor Papers; “To Press for Amendment”; “The Significance of the Supreme Court Decision.”

¹⁷ Senate, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (November 17, 1941), 8906.

¹⁸ “Our Goal—S. 2057,” *American Child* (December 1941): 2.

¹⁹ Gertrude Folks Zimand to various recipients, December 11, 1941, folder 46, carton 6, Ralph W. Hollenberg Collection, materials relating to the Farm Security Administration, Region IX, San Francisco, California, Bancroft Library, University of California, Berkeley.

²⁰ Fredrich Engels first articulated the notion of a reserve army of workers with regard to English manufacturers in *The Condition of the Working Class in England* (Leipzig, Germany: Otto Wigand, 1845). Karl Marx subsequently elaborated on this notion in many of his works (see for instance his *Communist Manifesto* and *Das Kapital*).

WARTIME FARM LABOR DEMAND

American agricultural production was a vital component of the defense effort, even before the United States officially entered World War II. American farmers produced food and fiber not only for the nation's civilians and military personnel, but also for other Allied nations through the lend-lease program. Hence, agricultural output had already increased through 1941, and once the U.S. officially entered the war, farm production soared as small farmers and large growers alike worked to meet federal quotas. Initially, farmers expressed some concern that increased production would lead to a market glut, causing prices to drop, but the farm bloc pushed for and won the Emergency Price Control Act in January of 1942, thereby safeguarding farmers' profits and spurring production. As a result, the output of farm products for human consumption during the three full years of the war (1942-1944) increased 128 percent over the prewar years of 1935-1939. The increase was even more substantial for versatile, high-use crops, such as soybeans, which saw a 338 percent increase in those same years.²¹

While the increased demand for agricultural products was an economic boon for many farmers, it occurred at a time most difficult for recruiting and retaining labor. Outmigration from the farms to the cities spiked with the demand for military and defense manufacturing labor (both of which paid better and carried more wartime prestige). Initially, the federal government attempted to mitigate the loss of experienced farmers and farm hands through enlistment deferments that were granted under the Selective Training and Service Act of 1940. Such men were classified as II-C, or "men necessary to farm labor," and as such, were not required to provide military service. But, even this did not stem the outmigration of rural young men following the attack on Pearl Harbor. For, as Katherine Jellison writes, "many young farm men felt duty bound to pursue military service rather than deferment."²² Other rural young men and women (including migrant workers) moved to cities for defense jobs. Consequently, rural America lost roughly five million people (one-sixth of the farming population) to military enlistment and war production jobs between January 1940 and January 1945.²³ Moreover, the west coast states also saw a significant shift in the farming population when the federal government ordered the forced relocation and internment of more than 110,000 people of Japanese ancestry away from coastal areas in early 1942. A Senate investigative committee found that Executive Order 9066 "greatly aggravated" the farm labor problem, especially in California and Oregon.²⁴ Adding to the problem of the declining farm population was the War Production Board's near total

²¹ Wayne D. Rasmussen, *A History of the Emergency Farm Labor Program, 1943-1947*, Agricultural Monograph no. 13 (Washington, D.C.: Government Printing, 1951), 19; Sherman E. Johnson, *Changes in American Farming* (Washington, D.C.: United States Department of Agriculture, 1949), 1-3; Gilbert C. Fite, *American Farmers: The New Minority* (Bloomington: University of Indiana Press, 1981), 80; R. Douglas Hurt, *Problems of Plenty: The American Farmer in the Twentieth Century* (Chicago: Ivan R. Dee, 2002), 98-99.

²² Katherine Jellison, "Get Your Farm in the Fight: Farm Masculinity in World War II," *Agricultural History* 92, no. 1 (Winter 2018), 7.

²³ House, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (December 10, 1942), 9440; Fite, *American Farmers*, 80.

²⁴ Senate, U.S. Congress, Special Committee to Investigate Farm Labor Conditions in the West, *Investigation of Western Farm Labor Conditions, part 1*, 77th Cong., 2nd sess., (November 23-25, 1942), 24.

requisition of materials, equipment, and factory space that was formerly used in the manufacture and repair of farm equipment. This resulted in fewer new tractors, cultivators, and plows, and limited replacement parts for older equipment. All of these conditions heightened the need to find some replacement for manual farm labor.

In 1942, farmers and their organizations increasingly looked to Congress for assistance in supplying these new sources of labor. The federal government did finally establish the United States Crop Corps in 1943, and within it a well-regulated child labor program: the Victory Farm Volunteers.

Initially, farmers across the nation tried to meet the wartime labor demand by hiring emergency harvesters from within their own communities. To do this, they appealed to local employment offices, placed advertisements in newspapers, and set signs in store windows inviting retirees, women, and children to help with harvests.²⁵ Rural community members were urged to use their days off from work to help their local farmers. The federal government even encouraged their employees to take family vacations in the country to provide labor to farmers in need. And while some local schools excused individual student absences if they worked for farmers, others continued to declare harvest holidays, thereby closing schools for weeks at a time in order to free the entire student body for farm work. As has been explained, this was a common practice in many places, but the NCLC observed a spike in school closures and reported that it was “a new departure” for many communities in 1941.²⁶ Nonetheless, farmers expressed dissatisfaction at the “poorly-directed and make-shift” workforce and sought assistance from state-level organizations.²⁷

Once the United States officially entered the war, farmers’ appeals to state farm bureaus, defense councils, and legislators increased the potential pool of workers. In fact, schoolchildren beyond rural communities also came to be viewed as an excellent source of untapped labor and in response, state legislators moved to increase these children’s availability. In New York, the state legislature passed a bill in 1942 that permitted children to miss up to thirty school days a year for farm work.²⁸ In May 1943, California passed the Minor’s War Emergency Employment Act, which relaxed compulsory school attendance laws and issued work permits to children who found employment in essential war work. Though this law did not apply solely to agriculture, California farmers regularly requested

²⁵ “Urges School Boys to Fill Farm Jobs,” *Omaha World-Herald*, February 7, 1942; “Vacation Time Beckons You to Utah Farms,” *The Salt Lake Tribune*, February 28, 1942; “Farms Will Draw on New Labor Sources for 1942,” *Bismarck Tribune*, March 23, 1942; “School Children as Farm Workers,” *The Wilkes-Barre Record*, May 5, 1942; “Calls on Schools to Provide Labor,” *Salina Journal*, August 24, 1943; “Roswell High School Students to Pick Cotton,” *Roswell Daily Record*, October 16, 1942; “Children Were a Big Help in Saving Crops During Labor Shortage,” *The Montana Standard*, December 14, 1942.

²⁶ “Child Employment Increasing,” *American Child* (December 1941): 1.

²⁷ California Secondary Principals’ Association, “Resolution on Mobilizing and Directing High School Student Harvest Labor,” January 20, 1943, File: F3640-724, Agriculture—Farm Production Council, November 11, 1942–March 15, 1943, Administrative Files, Earl Warren Papers, California State Archives, Sacramento, California.

²⁸ “Children Were a Big Help in Saving Crops During Labor Shortage,” *Montana Standard*, December 14, 1942.

school closures under this measure.²⁹ Moreover, defense councils in a number of communities took to declaring states of emergency so that all schools in impacted agricultural areas would have to close. This was the case in Utah when the state Chamber of Commerce sent a “strongly-worded” request to postpone the 1943 school year so that children could help to harvest crops.³⁰ That fall, an Idaho newspaper also reported that hundreds of “school bells are still” as children reported to the fields rather than the schoolhouse.³¹

Aside from merely releasing students from their academic obligations, schools also actively mobilized children for farm-front defense activity. This was largely done as a component of the *Schools at War* curriculum that the federal Office of Education implemented in January 1942. The program took its lead from President Roosevelt, who declared in a Fireside Chat just two days after the attack on Pearl Harbor, that “every single man, woman, and child is a partner in [the war effort]...the most tremendous undertaking of our American history.”³² The *Schools at War* program was a significant point of federal intervention into public school curricula and the program was specifically aimed at teaching children how to be “good Americans” and mobilize them for national defense. Emphasizing “V for Victory,” the program taught children that they too were citizen soldiers who could help to defeat the Axis powers if they learned to “SaVe, SerVe, and ConserVe.”³³ Farm labor came under the SerVe component and children were urged to volunteer to help a farmer. When the High School Victory Corps was subsequently established in August 1942, it formalized this component for older teenagers, making farm work a part of the curriculum’s community service requirement.³⁴

Public, private, and parochial schools demonstrated their commitment to wartime defense by offering up their students for farm labor, but it was Dorothy Thompson’s Volunteer Land Corps that established the model for the subsequent Victory Farm Volunteers government program. Backed by private funding, Thompson, a foreign

²⁹ “Minors Emergency War Employment Act,” Chapter 771, Statutes of 1943, Issued by State of California, Department of Industrial Relations, effective May 26, 1943, File: F3640:1152, Education Permits, 1943-1944, Administrative Files, Warren Papers; Walter E. Morgan, California State Department of Education, to County Superintendents regarding Minor’s Emergency War Employment, August 3, 1943, File: 18-3, Under-Age, High School Students, Labor Mobilization and Utilization, 1943, box: 2900, series: 269, RG211, Records of the War Manpower Commission, Region XII, Central Correspondence Files, National Archives and Records Administration, San Bruno, California.

³⁰ “School Bus Aid Set for Beets,” *Salt Lake Telegram*, October 8, 1942; “Later School Opening Asked,” *Ogden Standard Examiner*, May 24, 1943.

³¹ “Idaho Students Harvesting Crops,” *St. Petersburg Times*, October 11, 1943.

³² Franklin D. Roosevelt, “Fireside Chat,” no. 140 (December 9, 1941), *American Presidency Project*, <http://www.presidency.ucsb.edu/ws/index.php?pid=16056>.

³³ For more on the *Schools at War* program, see: Lisa L. Ossian, *The Forgotten Generation: American Children and World War II* (Columbia: University of Missouri Press, 2011), 22-39; William J. Tuttle, “Daddy’s Gone to War”: *The Second World War in the Lives of American Children* (New York: Oxford University Press, 1993), 115-122; Gerard Giordano, *Wartime Schools: How World War II Changed Education* (New York: Peter Lang, 2004).

³⁴ For more information on the High School Victory Corp, see: Richard M. Uglund, “‘Education for Victory’: The High School Victory Corps and Curricular Adaptation during World War II,” *History of Education Quarterly* 19, no. 4 (Winter, 1979): 438; Giordano, *Wartime Schools*.

correspondent and newspaper columnist from New York, organized a program that placed 610 students (550 male and 60 female) on farms in Vermont and New Hampshire in 1942.³⁵ Thompson had hoped to place 2,000 sixteen- to twenty-two year olds, but the application process was rigorous in terms of academic and physical requirements, and so the majority of actual placements were college students from Columbia University and New York University. Though the farm hands were drawn from a socio-economically privileged group, Thompson quipped that, “They have been quite easily persuaded that they might as well pitch in with a pitchfork as with a golf stick.”³⁶ Victory Land Corp participants received room, board, and \$21.00 a month in exchange for a summer commitment of labor on Vermont and New Hampshire farms. The program received much acclaim in the media and similar, smaller programs based in high schools in Maryland, Washington, D.C., and New York also mobilized their student body for harvest excursions to Vermont and New Hampshire in 1942.³⁷

In addition to community and school mobilization programs, farmers continued to hire migrant family labor, but the composition of this workforce shifted during the war years. Whereas the prewar agricultural migrant demographic was primarily composed of near destitute itinerant families who competed for limited jobs at starvation wages, the wartime migration stream saw an influx of temporary new workers who became migrants solely for the duration of the war. The prewar demographic gradually declined through 1940 and 1941 (though not entirely) as defense work and military enlistment drew off a substantial portion of the Depression-era migrants, leaving opportunity and a renewed demand for a fresh wave of itinerant workers who were better positioned to command higher wages and better working conditions as the demand intensified in 1942.³⁸ The federal government facilitated the new migration by offering transportation, extra rations for tires and gasoline, and draft deferments to men whose labor was considered necessary for essential crops. Significantly, these policies were not intended to aid the movement of the existing migrant labor force, or what the US Department of Agriculture termed, “workers who customarily migrated at their own...expense,” but rather to augment that workforce through an influx of temporary migrants.³⁹ Put another way, the federal government did not intend to enable or encourage agricultural migration as a lifestyle, but rather, it enticed temporary workers for a specific purpose and for a limited duration.

³⁵ “3 States Compete for City Farmers,” *New York Times*, March 6, 1942. Of the 610 students, 550 were male and 60 were female. The initial applicant pool was 2500 (1500 male and 600 female).

³⁶ “18 Girls at Hunter Will Work on Farms,” *New York Times*, May 3, 1942; Eliza Berman, “How Summer Jobs Once Kept American Farms from Failing,” *TIME/Life* online, June 15, 2015, <http://time.com/3892364/volunteer-land-corps/>; Rasmussen, *A History of the Emergency Farm Labor Program*, 106; *Youth Farm Volunteers*, produced by Office of War Information, 16mm, 5 minutes, black and white, sound, 1942,* https://media.dlib.indiana.edu/media_objects/7w62f844w. *Though the catalog lists this film as 1942, it includes the 1943 Victory Farm Volunteers poster, and thus actually was not produced until 1943.

³⁷ Rasmussen, *A History of the Emergency Farm Labor Program*, 106-107.

³⁸ In order to entice laborers, farmers doubled and sometimes tripled wages for the 1942 harvest. Senate, U.S. Congress, Special Committee to Investigate Farm Labor Conditions in the West, *Investigation of Western Farm Labor Conditions, part 1*, 77th Cong., 2nd sess., (November 23-25, 1942), 62.

³⁹ Rasmussen, *A History of the Emergency Farm Labor Program*, 83-84.

Some non-farmworker families took advantage of the migrant labor demand and joined the itinerant workforce in order to relocate permanently. Higher wartime wages, even in agriculture, was conducive to this resettlement and sometimes yielded additional opportunities beyond the fields. The Trujillo family provides one such example. Though they had not worked in agriculture before the war, sixteen-year-old Nina Trujillo's family migrated north from Southern California in 1942. Once in Northern California, it was not difficult for her father to find work for himself and many of his fifteen children in the fruit orchards near Santa Cruz, California. Nina recalls that she disliked fieldwork intensely and was excited when the Del Monte canneries began to hire teenagers in 1944. Thus, her family quickly left the migrant life behind in order to move to San Jose to be close to the Del Monte Plant #51. Nina and a few of her siblings found jobs at the cannery. "It was easy to get work," she recalled, "you didn't have to have references or anything."⁴⁰ The Trujillo children gave their wartime wages to their father who used it to quickly pay off a home mortgage. Seventy years later, Nina was still proud that she and her siblings helped to purchase the family home in San Jose with their wartime wages.

The Trujillo's were part of a considerable wartime migration to and through the Golden State. In fact, the Bureau of Agricultural Economics and the Farm Security Administration reported that in-migration to California for war-related agricultural work in 1941, was actually greater than in the preceding five "dust bowl" years; 85,452 migrants crossed at agricultural state border stations in the first nine months alone, which was 25,000 more than in the same period in the previous year. Similar to the earlier period, forty-five percent of those migrants hailed from Oklahoma, Arkansas, and Texas, but the wartime reception of these migrants differed markedly from that of the Depression years.⁴¹ Towns that prospered from the wartime agricultural boom welcomed migrant family laborers (and their spending cash) into their communities. Wartime migrants often found accommodations in modern labor camps that were constructed by the Farm Security Administration during the late 1930s (by December 1941, there were seventy-four such camps located in agricultural communities across the nation).⁴² Living conditions in these camps were much improved over that which had been common just a few years prior as they were equipped with hot and cold running water, indoor toilets and bathing facilities, individual family living units, and many also included mess halls and recreation rooms. Thus, New Deal federal investment in these facilities in the 1930s paid off brilliantly during the war years as they attracted new migrant families to work on the surrounding farms.

⁴⁰ Nina Trujillo, interviewed by Jennifer Robin Terry, Santa Clara, California, November 15, 2015, digital audio file in author's collection. Nina continued to work for Del Monte after the war and eventually became a foreman. She was quite proud of this achievement because it had been "a man's job." Her wartime job turned into a lifetime career.

⁴¹ Jettye Fern Grant, "Educational Achievement and Needs of Migratory Children in California," *California Journal of Elementary Education* 1, vol. 11 (August 1942): 22; Louis J. Ducoff, *Wages of Agricultural Labor in the United States*, Technical Bulletin No. 895, (Washington, D.C.: United States Department of Agriculture, 1945), 23, National Council of Agricultural Life and Labor, Records, 1937-1967, Bancroft Library, University of California, Berkeley.

⁴² Rasmussen, *A History of the Emergency Farm Labor Program*, 11.

The Ary family of eastern Oklahoma demonstrates this wartime sojourn, but also highlights the fluidity of the farming experience during this period. Unlike the dust bowl migrants, the Arys did not intend permanently to relocate to California. Instead, Homer Ary, a white farmer and former sharecropper from Heavener, Oklahoma, left his farm in the capable hands of a tenant in 1942, and with his family—wife Clara, and their three teenaged daughters, Mildred (fifteen), Dortha (fourteen), and Ruby (twelve)—traveled by pick-up truck to Bakersfield, California to pick cotton. They then followed the cotton crop back through Arizona and Texas before returning home and to school late that fall. The following year they left earlier, in the spring, and drove straight to Yuba City where they lived in a Farm Security Administration camp and worked their way through surrounding orchards. By 1944, Mildred and Dortha also found work in the Del Monte cannery in Yuba City. Dortha recalls that she preferred canning peaches to picking them because “the fuzz...would get down your shirt collar [and] before the day was over you’d think you were going to go crazy!”⁴³ Once the canning was complete, the Ary family then followed the crops south through the Central and San Joaquin Valleys, picking prunes, “spuds” (potatoes), and cotton. They repeated this trek annually through the end of 1945. Just as with the Trujillo family, the wages that the Ary daughters earned helped to pay off the mortgage on the family farm by the war’s end.⁴⁴ These sharecroppers, turned family farmers, and concurrently migrant laborers, demonstrate a fluid complexity of farm life that is typically overlooked.

Despite draft deferments, the efforts of migrant families, and support from schools and other community members, farmers across the nation continued to report substantial crop losses and a still inadequate labor supply in the fall of 1942.⁴⁵ Farmers in Ohio claimed to be “doing more and more with less and less,” while those in Kansas warned of “a food shortage that will cripple the war program and threaten the stability of the Nation.”⁴⁶ The Massachusetts Farm Bureau Federation cautioned that, “even with all the patriotism in the world we can’t keep on like this.”⁴⁷ Invoking the wartime mantra, “in total, all-out war,” Illinois Senator, Scott Lucas, asserted that, “the American people cannot afford to lose a single tomato or a single potato.”⁴⁸ All of this served to bolster Secretary of Agriculture, Claude R. Wickard’s insistence that the “problem of farm labor cannot be overlooked....

⁴³ Dortha Ary Moore, interviewed by the author, October 18, 2014, transcript in author’s collection; Dortha Ary Moore, interviewed by the author, October 20, 2014, transcript in author’s collection.

⁴⁴ Moore, interview, October 18, 2014; Moore, interview, October 20, 2014.

⁴⁵ Senate, U.S. Congress, Special Committee to Investigate Farm Labor Conditions in the West, *Investigation of Western Farm Labor Conditions, part 1*, 77th Cong., 2nd sess., (November 23-25, 1942), 37-39; “Government Requirements for Processed Foods,” February 18, 1943, War Food Production Circulars, 1944, San Joaquin County Historical Society.

⁴⁶ Senate, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (September 23, 1942), 7313; Senate, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (September 30, 1942), 7644; Senate, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (October 12, 1942), A3625; House, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (October 5, 1942), 7752; Rasmussen, *A History of the Emergency Farm Labor Program*, 14-20; Hurt, *Problems of Plenty*, 101-102.

⁴⁷ Senate, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (October 12, 1942), A3637.

⁴⁸ Senate, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (September 23, 1942), 7316.

[because] food is just as much a weapon in this war as guns.”⁴⁹ Congress agreed that food production was crucial to the martial mission and they authorized a multipronged approach that would utilize foreign labor, military prisoners-of-war, civilian internees, conscientious objectors, women, and most significantly, children.

The Emergency Farm Labor Act of 1943 established the United States Crop Corps, under which the Victory Farm Volunteers, the Women’s Land Army, and other smaller programs were organized.⁵⁰ As aforementioned, the idea for the Victory Farm Volunteers program originated with Dorothy Thompson’s Volunteer Land Corps, and in fact, may be viewed as the fulfillment of her intent and efforts. But it was precisely because she recognized the limitations of the corps that this was so. Following the initial success of her program in early 1942, Thompson wrote to M.L.Wilson, the director of the U.S. Department of Agriculture’s extension work, and informed him that although her program had immense potential, she “did not see these possibilities apart from the government...[for, she] did not believe that a movement with the dynamic possibilities of this one, requiring such immense organization and supervision, can be privately financed in the midst of war with its tremendous taxes and relief drives.”⁵¹ She insisted that a sustainable youth farm labor program needed government backing. Thompson’s position and the example of her Volunteer Land Corps greatly influenced Congress’s decision to establish the Victory Farm Volunteers.

While Thompson’s program employed primarily college-aged students in early 1942, the demand for military recruits and defense workers of that age group would make this an impractical demographic by 1943. Congress recognized that the nation’s farmers, most assuredly, would have to rely on a younger crowd for farm labor assistance and touted nonfarm children as “the most logical available farm labor supply” and “the greatest single source of farm labor that is available in the country today.”⁵² For farmers who had long relied on the labor of local children, this choice was obvious and the young age of their potential workforce was not a concern. In fact, one Southern California rancher insisted that, “the time has come when our youngsters must harken the clang of the national gong” (by which he meant that the exigencies of war necessitated children’s labor).⁵³ The concern, if any, was with the inexperience of nonfarm youngsters. For example, Senator Hampton Pitts Fulmer of South Carolina saw nothing wrong with recruiting children as young as ten to work on farms, but he thought it unreasonable “to take them from large cities like New York where they know nothing about farming.”⁵⁴ Though Fulmer’s preference was to employ nonfarm children from rural communities, Congress’s overall consensus was that

⁴⁹ House, U.S. Congress, Committee on Agriculture, *Farm Labor and Production: Hearings before the Committee on Agriculture*, 77th Cong., 2nd sess., (September 23, 1942), 18, 122; “The Victory Farm Volunteers: A Plan for School Youth to Aid the War Program,” *National Association of Secondary School Principals Bulletin* 27 no. 113 (March 1943), 3.

⁵⁰ Einer Olstrom and Howard Miller, *Plus Two Score: The Cooperative Extension in Michigan, 1940-1980* (East Lansing: University of Michigan, 1984), 19.

⁵¹ Rasmussen, *A History of the Emergency Farm Labor Program*, 108.

⁵² House, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (December 10, 1942), 9440.

⁵³ W. Ed Edwards to Governor Earl Warren, November 10, 1942, File: F3640-724, Agriculture—Farm Production Council, November 11, 1942-March 15, 1943, Administrative Files, Warren Papers.

⁵⁴ House, U.S. Congress, *Congressional Record*, 77th Cong., 2nd sess., (December 10, 1942), 9440.

urban children would also benefit from their exposure to country work and life.⁵⁵ The *Schools at War* program had already provided the framework for the necessary training, and John W. Studebaker, the U. S. Commissioner of Education, maintained that “many non-farm high-school students will discover that their greatest contribution to the war effort will consist of farm work to increase the production of food.”⁵⁶ President Roosevelt also supported the idea that nonfarm teenagers should “take some time from their school year, and use their summer vacations, to help farmers raise and harvest their crops.”⁵⁷ And although War Manpower Commission chairman, Paul V. McNutt, generally opposed expanding child labor, even he agreed that children should aid in harvests.⁵⁸ Thus, total war necessitated total participation and even urban children were called to the farm front.

The Victory Farm Volunteers was notable in part because of its magnitude. Children’s participation in the emergency farm labor effort far outpaced that of adults in even some of the better-known wartime labor programs. Yet, far greater scholarly attention has been paid to the mobilization of adults.⁵⁹ But of the three most numerically significant wartime federal farm labor programs—the Women’s Land Army, the *bracero* program, and the Victory Farm Volunteers—it was the last of these, which employed children, that was the largest year after year. In fact, during the peak war farm-labor year of 1944, there were 903,794 fourteen- to seventeen-year-olds enrolled in the Victory Farm Volunteers, which was more than double the number of women who were employed in the Women’s Land Army, and nearly eleven times greater than the number of foreign workers that year.⁶⁰ This official number does not include the many thousands of children who were younger than fourteen who also participated in local affiliate programs that set younger age limits, but

⁵⁵ U.S. Children’s Bureau, “Safeguarding Young Workers in Wartime Agriculture,” *The Child* 7, no. 2 (August 1942): 16.

⁵⁶ “The Victory Farm Volunteers: A Plan,” 3.

⁵⁷ Franklin D. Roosevelt, “Fireside Chat,” October 12, 1942, *The American Presidency Project*, <http://www.presidency.ucsb.edu/ws/?pid=16178>; “The Victory Farm Volunteers: A Plan,” 3.

⁵⁸ House, U.S. Congress, Committee on Agriculture, *Farm Labor and Production*, 4, 91; “Against Job Plan for School Youth,” *New York Times*, September 8, 1943.

⁵⁹ On adult wartime farm labor programs, see for example: Hurt, *Problems of Plenty*, 101-104; Stephanie Carpenter, “‘Regular Farm Girl’: The Women’s Land Army in World War II,” *Agricultural History* 71, no. 2 (Spring, 1997): 162-185; Stephanie Carpenter, *On the Farm Front: The Women’s Land Army in World War II* (DeKalb: Northern Illinois University Press, 2003); Louis Fiset, “Thinning, Topping, and Loading: Japanese Americans and Beet Sugar in World War II,” *Pacific Northwest Quarterly* 90, no. 3 (Summer, 1999): 123-139; Lauren Hahn, “Germans in the Orchards: Post-World War II Letters from Ex-POW Agricultural Workers to a Midwestern Farmer,” *Journal of the Midwest Modern Language Association* 33/34, no. 3/1 (Autumn, 2000 - Winter, 2001): 170-178; Thomas Jaehn, “Unlikely Harvesters: German Prisoners of War as Agricultural Workers in the Northwest,” *Montana: The Magazine of Western History* 50, no. 3 (Autumn, 2000): 46-57; Duane Earnest Miller, “Barbed-Wire Farm Laborers: Michigan Prisoners of War Experience during World War II,” *Michigan History* 73 (Sept. 1989): 12-17; Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story* (San Jose, CA: Rosicrucian Press, 1964); Erasmo Bamboa, *Mexican Labor and World War II: Braceros in the Pacific Northwest, 1942-1947* (Seattle: University of Washington Press, 2000); Wayne A. Grove, “The Mexican Farm Labor Program, 1942-1964: Government-Administered Labor Market Insurance for Farmers,” *Agricultural History* 70, no. 2 (Spring, 1996): 302-320.

⁶⁰ Rasmussen, *A History of the Emergency Farm Labor Program*, 127, 148, 199; Ducoff, *Wages of Agricultural Labor*, 23, National Council of Agricultural Life and Labor Records; U.S. Department of Agriculture, *Youth Lends a Hand: Victory Farm Volunteers* (Washington, D.C.: Government Printing, 1945).

FIGURE 1

Categories of farm laborers employed through the U.S. Crop Corps from 1943-1947.

	1943	1944	1945	1946	1947	Total
U.S. Troops*	7,950	0	0	0	0	7,950
Prisoners of War	41,000	102,000	122,000	14,000	0	279,000
Conscientious Objectors	2,759	2,890	n/a	592	n/a	6,241
Japanese American Internees **	8,000	n/a	n/a	n/a	n/a	18,000
Foreign Workers***	65,657	84,340	73,425	51,152	30,775	305,349
Local Workers	2,100,000	2,650,000	2,725,000	2,305,000	2,100,000	11,880,000
Victory Farm Volunteers	834,916	903,794	741,247	600,499	529,350	3,609,806
Women's Land Army	455,049	413,083	360,536	395,472	399,595	2,023,735

SOURCE: Rasmussen, *A History of the Emergency Farm Labor Program*, 148, 199; Louis J. Ducoff, *Wages of Agricultural Labor in the United States*, Technical Bulletin No. 895 (Washington, D.C.: United States Department of Agriculture, 1945), 101-130.

* The zeros in the 1944-1947 columns indicate that after 1943, the U.S. Crop Corps did not augment with U.S. Troops.

** To the total number of Japanese American Internee laborers is added the 10,000 from 1942 whose labor preceded the 1943 Act. Specific figures are not available beginning with 1944 because some Japanese Americans were released from camps for farm labor through the "seasonal leave" program. Their labor was then counted with the local labor supply. The seasonal leave program ended in December 1944 with the revocation of the evacuation order.

***The foreign workers category is composed of guest workers from Mexico, Canada, New Foundland, Barbados, Jamaica, and the Bahamas. Within this category, the largest group by far were those workers who were from Mexico. They composed 215,357 of the total between 1943-1947. Braceros composed 62,091 of the 1944 number, which was the year used for comparison in the above text.

were not included in government counts. Only the government's calculation of the rural workforce is higher, and that number included an unspecified number of children. In total there were more than 3.6 million placements in the Victory Farm Volunteers during the programs' five-year existence from early 1943 through late 1947. Yet, other than brief acknowledgement in passing, the program has received little attention until now.

THE VICTORY FARM VOLUNTEERS

In a rare moment of solidarity, child welfare advocates and proponents of children's farm labor came together to devise a national program that would safeguard the health, safety, and well-being of a dramatically increased young agricultural workforce. The resulting Victory Farm Volunteers program recruited urban teenagers aged fourteen to seventeen to work on the nation's farms from 1943 through 1947. It supplied labor to small-scale family farmers, large commercial growers, and all variations in between. The program was based largely on guidelines that were issued by the Children's Bureau in 1942, and was for the most part, a well-regulated, well-run program, albeit with regional variations. The magnitude and expense of the program necessitated the involvement of agencies at the federal, state, and local levels. It was this decentralization that accounts for the regional variations.

Since the federal government had little authority to regulate children's agricultural labor at the state level, many rural communities were able to adapt and implement the program under their own local labor and schooling customs to recruit rural non-farm children. Hence, the age of the workers and requirement for school attendance was generally lower and more lax in communities that drew their workforce largely from the rural non-farm population. Put another way, whereas the higher-profile programs drew on the urban teenage population in accordance with federal guidelines, smaller farms in more remote communities drew from the closer rural town and village populations where local mores toward child farm labor was more relaxed. For example, in many communities in Oregon, the minimum age for Victory Farm Volunteers was eleven rather than the federally recommended fourteen; Muskegon County, Michigan lowered the age limit to twelve in 1944; and Douglas DeVries of Indiana remembers that he began his three-year commitment to the program when he was only nine years old.⁶¹ For this reason, it should be recognized that the official federal figures, which put the total number of placements at 3.6 million (and only account for fourteen- to seventeen-year-old recruits), is lower than the actual number of children who could claim to have been Victory Farm Volunteers.

While Congress debated the virtues of employing nonfarm children as an emergency labor force, and considered how to fund such a program throughout the fall of 1942, child

⁶¹ Carl H. Knopf, "County Agent's Column," *Montague Observer*, May 18, 1944; "The Victory Farm Volunteers: A Plan," 3; "Victory Farm Volunteers Registration, Lane County," P120:2521, Extension and Experiment Station Communications Photograph Collection, 1912-1997 (P 120), Oregon State University Special Collections & Archives Research Center; "Corvallis High School Students Going to the Fields," P120:2560, Extension and Experiment Station Communications Photograph Collection, 1912-1997 (P 120), Oregon State University Special Collections & Archives Research Center; Thomas Matteo, "Staten Island High School Students Supported WWII Effort as Victory Farm Volunteers," *SILive.com*, October 15, 2014; Douglas DeVries, *Victory Farm Volunteer: Memories of a World War II Farm Worker* (Mustang, OK: Tate Publishing, 2014), 13-15, 51; Beatrice McConnell, "Child Labor in Wartime Agriculture," *The Annals of the American Academy of Political and Social Science* 236 (November 1944), 100; "Farm Labor Programs Work to Bring In the Crops," *Life on the Home Front: Oregon Responds to World War II* online at <http://arcweb.sos.state.or.us/pages/exhibits/ww2/services/farm.htm>.

welfare advocates had already anticipated the increased demand and potential for such a program earlier that year.⁶² Because of this, the Children's Bureau invited the federal Office of Education, the Department of Agriculture, and the U.S. Employment Service to collaborate (in the interest of national defense production) in devising best practice guidelines for employing non-farm children. This is significant because, in doing so, the conference of concerned parties admitted that the Fair Labor Standards Act was inadequate for regulating children's wartime agricultural labor; that is, they recognized that the law fell short of safeguarding the health and welfare of young citizen soldiers whose labor supported the nation's defense effort in a nationally promoted program. It was agreed that attention must be paid to the areas of young laborers' health, nutrition, living and working conditions, remuneration, education, and training. Moreover, delegates believed that young workers should gain a sense of accomplishment from the work performed. (See the Appendix for a full list of recommendations.) The Bureau then widely publicized these guidelines, and issued a best practices pamphlet with advice to agencies, schools, clubs, and farmers.⁶³ As the emergency farm labor program began recruiting in February 1943, the Bureau's *Guides to Successful Employment of non-Farm Youth in Wartime Agriculture: For Use in Victory Farm Volunteer Program* was in great demand.⁶⁴ Within weeks of its initial publication, the Bureau received more than 200,000 requests from those who would help to facilitate the program. Subsequently, youth serving organizations such as the Girls Scouts, Boy Scouts, and Camp Fire Girls, as well as a variety of state subcommittees and councils also issued their own publications for group leaders that largely reiterated the Bureau's guidelines.⁶⁵

An examination of the Victory Farm Volunteers program reveals an administrative apparatus that adhered (for the most part) to the Children's Bureau's recommendations for children's health, safety, and well-being. Though the cozy relationship between Congress and the farm lobby had rendered the bureau largely ineffective in regulating children's agricultural labor prior to the war, the national wartime crisis necessitated federal intervention, and this provided a window of opportunity within which it could exert influence. And while the bureau remained without absolute jurisdiction, its federal and

⁶² National Child Labor Committee, "The Employment of School Children in Agriculture in Wartime," *American Child* (February 1942): 3; National Child Labor Committee, "Children Working in Wartime Agriculture," *American Child* (April 1942): 1; U.S. Children's Bureau, "General Advisory Committee on Young Workers in Wartime," *The Child* 6, no. 11 (May 1942): 293.

⁶³ U.S. Children's Bureau, "Guides to Successful Employment of Non-Farm Youth in Wartime Agriculture: For Use in Victory Farm Volunteer Program," publication 290 (Washington, D.C.: United States Government Printing, 1943); Edwin E. Vallon, "Child Labor in Arizona Cotton Fields," *The Child* 6, no. 10 (April 1942): 271-275; U.S. Children's Bureau, "Policies on Recruitment of Young Workers for Wartime Agriculture," *The Child* 6, no. 9 (March 1942): Children's Bureau, "Safeguarding Young Workers," 15-20.

⁶⁴ Children's Bureau, *Guides to Successful Employment*; Children's Bureau, "Safeguarding Young Workers," 15-20; McConnell, "Child Labor in Wartime Agriculture," 95-97; Lindenmeyer, *A Right to Childhood*, 236.

⁶⁵ National Child Labor Committee, "Farm Labor Plans," *American Child* (May 1943): 4; "Women's Activities: Girls Plan Work on Farms in Lieu of Summer Camps," *Los Angeles Times*, March 28, 1943; "Illinois Moves to Head off Scarcity of Farm Laborers," *Dixon Evening Telegraph*, April 13, 1943; Camp Fire Girls, Inc., Girl Reserve Staff, National Board, Y.W.C.A., Girl Scouts, Inc., *Farm Guides: A Guide for Group Leaders: For use in training in supervisors of groups of high school girls who engage in emergency farm work* (New York: The Woman's Press, 1943).

moral authority was boosted when it could couch the protection of working children within the rhetoric of a wartime democratic nationalism. For, failing to protect young partners in war was considered simply un-American. It is significant, too, that even where decentralization resulted in laxity with regard to age and school attendance, the high-profile nature of the program, and its association with the wartime imperative, motivated agrarian interests to support many aspects of the scheme because they were compatible with the assertion that children's labor was a beneficial, healthful, outdoor activity. In other words, the steps taken to properly train, provision, protect, and compensate child workers actually brought the work more closely in line with the agrarian ideal, and this supported their claim to the beneficence of the occupation. Hence, for a brief moment, the efforts of both child welfare advocates and proponents of children's farm labor aligned.

Administration of the Victory Farm Volunteers was shared by federal, state, and local agencies, institutions, and organizations: specifically, these were the U.S. Department of Agriculture's Extension Service and U.S. Office of Education; various state departments of education and employment; and locally, schools, youth-serving clubs and organizations, and farmers. The federal government provided funding for publicity, recruitment, training, supervision, and salaries for federal-level administrators, and its Agricultural Extension Service coordinated with farmers and identified potential farms in which to assign young workers. The federal and state-level departments of education designed farm-skill training curricula that were offered through local schools. Those schools also handled the recruitment, selection, and supervision of young workers. Farmers, then, were responsible for providing remuneration, as well as transportation and housing when necessary. However, to decrease the expense to farmers and maintain quality control, schools and youth-serving organizations often assumed responsibility for housing and provisioning young workers who participated in camp programs.⁶⁶

The Office of War Information, the U.S. Department of Agriculture, and the U.S. Office of Education implemented a national recruitment campaign in early 1943, which was then augmented by third-party print news articles, advertising, radio, and even a motion picture that featured a "call to farms" (a commonly used puns that correlated farming with defense work). Like other wartime propaganda, the United States Crop Corps literature and recruitment posters explicitly ascribed martial significance to farm labor and linked food production to defense with statements such as: "Farm work is war work" and "Food is a weapon of war." In correlating farm labor with the defense initiative, organizers aimed to make youngsters feel like they were direct participants in the war effort. This especially appealed to those who were younger than sixteen, and thus, too young for employment in

⁶⁶ For a contemporary description of the program's administrative apparatus, see: Senate, U.S. Congress, Subcommittee of the Committee on Appropriations, *Farm Labor Program, 1943, Hearings before the Subcommittee of the Committee on Appropriations*, 78th Cong., 1st sess., (February 17-18, 1943), 28-33. For other overviews of the program, see: Ione L. Clinton, "Boys and Girls in Agricultural Program, 1943," *Child Welfare News Letter*, no. 82 (May 1944), 3; David de Marche, "Back to the Farm," *Los Angeles Times*, June 27, 1943; "The Victory Farm Volunteers: A Plan," 3; "Plan to Recruit Non-Farm Youth for Farm Work," *Journal and Courier*, February 27, 1943; Rasmussen, *A History of the Emergency Farm Labor Program*, 105-135; War Food Administration, *VFFV on the Farm Front*, Publication no. 542 (Washington, D.C.: U.S. Department of Agriculture, 1944).

defense industries or on military installations. The pamphlet *Going to the Farm Front?* clearly demonstrates this recruitment strategy by invoking the fall of Bataan, a United States military defeat in which 15,000 American and 60,000 Filipino soldiers surrendered to Japanese forces in the Philippines in 1942. The pamphlet dramatically claimed, “the last seven words from Bataan radio were, ‘The lack of food was our undoing.’”⁶⁷ Potential recruits were told that if they joined “a vast army of youth serving on the farm front,” that they could help to prevent future tragedies.⁶⁸ The 1945 “Going Our Way” recruitment poster also clearly likened farm work to soldiering by featuring a red-haired, freckle-faced boy smiling confidently as he shoulders a pitchfork and hoe as a soldier might carry a weapon. His posture and focused gaze suggest forward motion, as if with martial purpose, he is marching off to the farm front.⁶⁹ Victory Farm Volunteers insignia and U.S. Crop Corps certificates of recognition reinforced the impression that young workers were farm-front soldiers.⁷⁰

Popular media also reinforced the martial mission while touting the program as enjoyable and even akin to recreation. One Oregon paper announced, “Uncle Sam wants 1,200,000 of his nieces and nephews to work on farms this summer” and celebrated “boys and girls who take a man’s place on the farm [because they] are helping win the war almost as much as if they were on the firing line.”⁷¹ In referring to the emergency farm labor program, a 1944 Pillsbury advertisement in *The Saturday Evening Post* advised youngsters to “plan your vacation now. Work on a farm this summer—help grow and harvest the nation’s vital war crops.”⁷² Ostensibly, the connection between processed dough and the raw farm product was implicit, but what was explicit was Pillsbury’s support for the idea that working on a farm was a worthwhile way to spend one’s summer vacation. Sometimes articles highlighted volunteer’s extraneous experiences to emphasize enjoyment. For example, a

⁶⁷ U.S. Crop Corps, *Going to the Farm Front?* (Washington, D.C.: U.S. Government Printing Office, 1943).

⁶⁸ U.S. Crop Corps, *Victory Farm Volunteers of the U.S. Crop Corps Need 500,000 Boys and Girls* (Washington, D.C.: U.S. Government Printing Office, 1943); U.S. Agricultural Extension Service, *Join us on the Farm Front: Be a Victory Farm Volunteer of the U.S. Crop Corps* (Washington, D.C.: U.S. Government Printing Office, 1944).

⁶⁹ Anton Bruehl, “Going Our Way? Be a Victory Farm Volunteer of the U.S. Crop Corp,” 66 x 47 cm, color poster, 1945.

⁷⁰ Agricultural Extension Service, *Join us on the Farm Front*; Memorandum, G.W. Hall Smith to Chairmen, Local Defense Councils and Administrators of Civilian War Services, “Distribution of VFV Insignia,” August 25, 1943, folder 88, box 7, Victory Farm Volunteers Subdivision, 1943, Rhode Island State Records Collection, Series III: State Agencies, Rhode Island State Council of Defense, Rhode Island Historical Society, Providence, R.I.; Public Relations Division, “Daily Press Release No. 321 & Weekly Release No. 164,” August 26, 1943, folder 88, box 7, Victory Farm Volunteers Subdivision, 1943, in Rhode Island State Records Collection; “Victory Farm Volunteers: The Youth Division of the United States Crop Corps,” in folder 88, box 7, Victory Farm Volunteers Subdivision, 1943, in Rhode Island State Records Collection.

⁷¹ “Boys and Girls—Here’s a Chance for You to Pitch in and Help Win the War,” *Medford Mail Tribune*, June 4, 1944.

⁷² Quoted in John Bush Jones, *All-Out for Victory! Magazine Advertising and the World War II Home Front* (Waltham: Brandeis University Press, 2009), 95. While this type of advertising may be perceived as self-serving, Jones claims that such advertisements “were placed to assist all American agricultural interests, not just [the advertisers’] own,” 93.

Montana newspaper reported that one boy claimed that he would gladly work on the same farm the following summer “if the farmer’s wife will promise to continue making lemon pies and huge stacks of pancakes with plenty of maple syrup.”⁷³ Such popular media and news accounts augmented government posters like “Join Us on the Farm Front” (1944) and “Be a Victory Farm Volunteer” (1943-1945) which drew on the promise of peer camaraderie to entice young workers to join their local program.⁷⁴ Taken together, the message was that there was no more enjoyable way to spend the summer than performing essential war work with one’s friends on the nations’ farms.

The Office of War Information also produced short educational and recruitment films to be shown in classrooms. The 1943 film short, *Youth Farm Volunteers* (produced in collaboration with Dorothy Thompson of the Volunteer Land Corps) opens with a rousing, patriotic overture, and then, against sweeping farm vistas, the narrator comments: “The farms of America have made this country prosperous, a breadbasket of endless acres, and a source of much needed food for ourselves and our Allies.” As a young boy and girl brush a big, black heifer, the narrator explains that boys and girls who are too young to serve in the military may perform a “healthful, outdoor, and vital war job” on farms during the summer. The story then cuts to a classroom scene, where a high school teacher advises her students, “Since we all want to do all that we can to help win the war, perhaps taking a farm job may be the best thing that you can do.” She calls on Paul, a boy who lived and worked on a farm during the previous summer, and asks him to share his experience. As he tells his story, the film shows him and several other teenagers performing farm work. Paul’s story reinforces the agrarian ideal as he tells the class, “I liked to work because it gave me a chance to get out in the fresh air and the sunshine.” Explaining that afternoon softball games were compatible with farm work, he elaborates, “We had fun together, but we learned to work together too.... This is everyone’s war, and raising food is real war job for every fellow and girl my age.”⁷⁵ The film’s message is clear: young people would have fun while doing their patriotic duty on the nation’s farms. The film closes with a shot of the Victory Farm Volunteers poster, which advises students to “see your principal” to sign up for the program.

Hollywood also supported the recruitment effort when MGM studios released *Song of the Open Road* in 1944. This feature-length film was fifteen-year-old Jane Powell’s cinematic debut. The film opens with Powell shooting a promotional video for the Victory Farm Volunteers program. After she and the cast view the finished reel, all of the child extras enthusiastically decide to ride off on bicycles and volunteer for farm labor. Then Powell, dismayed that her privileged celebrity lifestyle has alienated her from important war work, decides to run away from home incognito to join up with young farm volunteers on the road. There are few adults present throughout the film, and although ostensibly about farm work, it primarily features Powell’s vocal talents, teen romance, hijinks, and zany stunts

⁷³ “About 475 Boys and Girls Have Helped Vt. Farmers Hay and Harvest,” *Burlington Free Press*, August 28, 1944.

⁷⁴ U.S. Crop Corps, “Join us on the farm front! Be a Victory Farm Volunteer of the U.S. Crop Corps,” 72 x 52 cm, color poster (1944); U.S. Crop Corps, “Be a Victory Farm Volunteer in the U.S. Crop Corps: See Your Principal,” 56 x 36 cm, color poster, (1943); “Why the U.S. Crop Corps is Needed,” *Hondo Anvil Herald*, June 23, 1943.

⁷⁵ *Youth Farm Volunteers*, 1942 (film).

performed by a large cast of child extras. In the end, the dexterously-inept Powell realizes that her wartime contribution is better made by marshaling her celebrity connections to provide a star-studded impromptu variety show in the middle of an orchard, which draws a crowd of locals who, along with the Victory Farm Volunteers, help to save a farmer's orange crop. All in all, the film reinforced the notion that wartime farm work was a wholesome and fun way to cultivate children's independence and camaraderie.⁷⁶

The purpose of the Victory Farm Volunteer program was to draw workers from nontraditional sources—minors from urban and rural non-farm communities—but administrators recognized the potential pitfalls associated with such an inexperienced workforce. Child welfare advocates warned that farm work could physically tax children, who would then become weary and susceptible to strain and injury. They reasoned that youngsters who had a bad experience with farm labor might also present retention problems in the long run. On a different note, farmers worried that novice laborers would damage equipment and crops, and thus become more of a hindrance than help. And though the Volunteer Land Corps of 1942 had largely set a promising precedent, some commentators observed that those who had quit that program were “city boys and girls [who] had not been able to imagine what hard work is like, and they were either psychologically or physically floored by it.”⁷⁷ There was also concern about the urban-rural culture clash, as some said was manifested by “fresh kids...who walked along village streets, talking loudly in New Yorkese about country hicks.”⁷⁸ In addition to adequately preparing young people, it was clear that administrators would also have to overcome the urban-rural biases that were held by both urban and rural residents. Thus, a desire to protect and promote both the children's and the farmers' interests led to federally funded education and training programs.⁷⁹

In accordance with Bureau guidelines for safety, morale, and general welfare, schools and youth-serving organizations implemented training programs that included both physical conditioning and hands-on agricultural education. The education-oriented programs justified the extensive redirection of academic personnel and repurposing of school facilities toward supporting the war effort. While physical education classes prepared young people for the heavy lifting, bending, reaching, and generally repetitive motion of harvest labor, academic courses taught young non-farm recruits how to cultivate and harvest crops, tend livestock, and safely operate farm equipment in vocational courses.⁸⁰ The national demand resulted in a proliferation of curricula that approached farming methodically and scientifically. Subjects

⁷⁶ *Song of the Open Road*, directed by S. Sylvan Simon (Los Angeles: Charlie R. Rogers Productions, 1944). 93 mins. B&W.

⁷⁷ Dorothy Canfield Fisher, “Youth at the Plow,” *New York Times*, July 26, 1942.

⁷⁸ Fisher, “Youth at the Plow.”

⁷⁹ F.W. Lathrop, “The Victory Farm Volunteers and the Public Schools,” *National Association of Secondary School Principals Bulletin* 28, no. 119 (January 1944): 57; Louisiana, State Department of Education, “Ninety-Fifth Annual Report for the Session 1943-1944,” Bulletin No. 543 (December 1944), 69-74.

⁸⁰ “The Victory Farm Volunteers: A Plan,” 4; F.W. Lathrop, “Non-Farm Youth in Wartime Food Production,” *Agricultural Education Magazine* 15, no. 10 (April 1943): 196-197; F.W. Lathrop, “The Victory Farm Volunteers,” 57; War Food Administration, *Do You Need Additional Farm Help?*; Rasmussen, *A History of the Emergency Farm Labor Program*, 131-134; Julian A. McPhee, “The California Plan for the Training of Emergency Farm Labor,” *Agricultural Education Magazine* 15, no. 10 (April 1943): 186-187; “Schools Open Back to Farm Study,” *Chicago Daily Tribune*, March 28, 1943.

included the selection of appropriate clothing and foot wear; the proper care and use of tools and equipment; studies of the varieties and grades of potatoes; the correct method for harvesting lemons, and many other topics.⁸¹ Experts in vocational agriculture education point to these wartime programs as significant for advancing the curricula development that would have lasting effect in the postwar period.⁸²

Local news stories reinforced the value of such training while recognizing schools and participants for their wartime service. For example, *The Spokesman-Review* highlighted one such program in Poplar, Montana, where students learned to operate farm equipment through actual field training.⁸³ Similarly, students at the suburban Riverside-Brookfield High School just outside of Chicago took accelerated courses consisting of ten hours in the classroom and ten hours of hands-on experience on a farm.⁸⁴ The *Chicago Daily Tribune* featured pictures of the Jung sisters, fourteen-year-old Ella Mae and sixteen-year-old Lillian, who learned how to handle fresh milk and feed young calves at the T.P. Paarlberg dairy farm.⁸⁵ Publicity such as this affirmed youngsters' decision to enlist in emergency farm labor programs and recognized individual schools for their role in wartime defense.

Program administrators, schools, youth-serving programs, and even farming communities worked together to foster understanding across the urban-rural divide. Under the reasoning that familiarity would breed understanding, one educator advised urban youth to study the 1940 census tables on crops and livestock because, he reasoned, "analysis of these tables will enable the prospective farm workers to determine the important farm enterprises of the area and what jobs within these enterprises they may be called upon to perform."⁸⁶ While it is unlikely that this sort of close study of facts and figures appealed to many young people, an instructor at the University of Chicago advocated a more practical and personal approach, believing that young workers "from the city can learn quickly if they have the right point of view and understand the significance of their tasks."⁸⁷ And indeed, it was the actual emersion experience (following a period of hands-on training) that more often than not helped to break down the animosity and misunderstanding between the urban and rural. When urban kids worked hard and performed admirably, farmers and rural communities gained a new respect for young city-dwellers. And by turn, when young

⁸¹ California, State Department of Education, *Organization of Student Harvest Labor and Standards for Student Harvest Camps* (Sacramento: California State Printing Office, 1943), 17; F.W. Lathrop, "The Victory Farm Volunteers," 57.

⁸² "Kersey Outlines Farm Training School Program," *Los Angeles Times*, January 11, 1944; W.T. Spanton, "Accomplishments and Trends in Agricultural Education," *Agricultural Education Magazine* 17, no. 9 (March 1945): 164-165; Arthur K. Getman, "Area Schools—Conversion or Reconversion in Vocational Education in Agriculture," *Agricultural Education Magazine* 17, no. 9 (March 1945): 166-167.

⁸³ "Girls Study Farming," *Spokesman-Review*, April 22, 1943.

⁸⁴ "West Suburban Youths Sign Up For Farm Work: High School Course to Give Training," *Chicago Daily Tribune*, March 21, 1943; "High Schools Enroll 685 In Farm Courses," *Chicago Daily Tribune*, March 24, 1943.

⁸⁵ "215 High School Pupils Enroll for Farm Work: Girls Included in Corps of War Helpers," *Chicago Daily Tribune*, April 4, 1943.

⁸⁶ "The Victory Farm Volunteers: A Plan," 8.

⁸⁷ "Urges Pre-Farm Training for School Youths," *Chicago Daily Tribune*, March 1, 1943; "The Victory Farm Volunteers: A Plan," 5.

volunteers participated in community-sponsored activities, such as church picnics, square dances, grange meetings, hayrides, and 4-H club activities, they came to appreciate the virtues of country life.⁸⁸

The Victory Farm Volunteers offered a number of placement scenarios but emersion into farm life happened most fully in the live-in programs. This was the model provided by the Volunteer Land Corps, and though the federal government touted the live-in option as the best for fostering “a real understanding between city and country people,” placements over the five-year program amounted to less than 18% of the total. One reason for the lower percentage was that administrators viewed it as a sort of urban youth ambassador program, and therefore, it involved a more rigorous screening process than other options. Program administrators sought children who seemed temperamentally suited to living with a farm family. In this scenario, Victory Farm Volunteers lived on farms for an entire summer and provided whatever sort of work the farmer deemed necessary. Where available, local Future Farmers of America and 4-H programs assisted in training, acclimating, and socializing urban youth to rural community life and work.⁸⁹

The live-in option was a good deal for farmers who gained eager and flexible all-purpose laborers. In addition to harvesting fruits, vegetables, wheat, and cotton, the live-in Victory Farm Volunteer may have been expected to paint buildings, build fences, cut hay, clear fields of stones and debris, clean barns, stables, and poultry houses, stack wood, brick, and tile, and drive tractors, among other things. Girl volunteers in particular were often tasked with domestic chores such as cooking, cleaning, sewing, ironing, and childcare. This diversion to work that was not directly related to food production may in part be why the live-in scenario was more popular among boys, who composed more than two-thirds of the total participants in this category, with only 13 percent of the total number of Victory Farm Volunteer girls choosing this option. Moreover, organizations such as the Girl Scouts discouraged the live-in option for girls, preferring the supervision and accountability of group camping over housing in a private farm home.⁹⁰

⁸⁸ War Food Administration, *VFV on the Farm Front*, publication no. 542 (Washington, D.C.: Government Printing Office, 1944); “Mobilizing and Directing Student Harvest and Processing Labor,” Warren Papers.

⁸⁹ Kattlyn J. Wolf and James J. Conners, “Winning the War: A Historical Analysis of the FFA during World War II,” *Journal of Agricultural Education* 50, no. 2 (2009): 112-121; “Illinois Moves to Head off Scarcity of Farm Laborers,” *Dixon Evening Telegraph*, April 13, 1943; George P. Couper, “California Student Harvest Camps,” *National Association of Secondary School Principals* (April 1944): 42.

⁹⁰ Helen R. MacGregor to O.S. Hubbard, March 6, 1943, File: F3640-724, Agriculture—Farm Production Council, November 11, 1942-March 15, 1943, Administrative Files, Warren Papers; Girl Scouts U.S.A., “Highlights from Farm Aide Questionnaires,” October 6, 1943, folder 6, box 3, Food Production and Canning 1943: Defense Collection, Series III: Activities, 1940-1944, Girl Scout National Historic Preservation Center, New York; Girl Scouts U.S.A., “How Councils Can Encourage Girl Scout Participation in the Food Production and Conservation Program of the Nation,” April 1943, folder 6: box 3: Food Production and Canning 1943: Defense Collection, Series III: Activities, 1940-1944; Camp Fire Girls, et. al., *Farm Guides*, 12; “The Victory Farm Volunteers: A Plan,” 10-12; Lathrop, “The Victory Farm Volunteers,” 55; Federal Cooperative Extension Service, *Oregon Farmers: Do You Need Boys Like This?* Extension Circular 438 (Corvallis: Oregon State College, 1944); “Boys Answering Farm Work Call,” *Lubbock Morning Avalanche*, May 24, 1944; Marie F. Lavallard, “Report of the College of Agriculture, University of Vermont, July 1, 1944 – June 30, 1945,” *Annual Report* (October 1945), 38; “Boys and Girls—Here’s a Chance for You”; “North Area Boy

The other two placement scenarios were the day-haul and the group camping programs. These student labor programs expanded educators' and club leaders' scope of duties into the realm of labor management. This was an especially marked departure for teachers and school principals who were told in early 1943 that they should expect to devote "a considerable amount of available time" to administering the program by doing such things as transporting students between home and farm, accompanying them to the fields, providing supervision, and investigating and reporting on work conditions.⁹¹ In accordance with Children's Bureau guidelines, teachers, youth group workers, church leaders, athletic coaches, and Women's Land Army recruits supervised young workers' labor, lunch breaks, rest periods, and ensured that they worked no more than six to eight hours a day. To keep up young workers' morale and sense of well-being, recreation leaders planned evening and weekend activities such as swimming, hiking, hay rides, and dances. While day-haul participants who were drawn from primarily rural, non-farm villages and towns went home at the end of the day, Victory Farm Volunteers from distant cities camped in a wide variety of facilities ranging from converted school gymnasiums, community centers, grange halls, former Civilian Conservation Corps campsites, and even Farm Security Administration migrant labor camps.⁹²

The Victory Farm Volunteers program was also notable for its racial, ethnic, and class diversity. Children across a wide spectrum found opportunities for wartime service within the emergency farm labor program. And while official statistics do not breakdown the demographic representation beyond gender, program officials actively discouraged racial and ethnic discrimination (in keeping with Children's Bureau guidelines and philosophy), and there is photographic evidence that within the day-haul scenario specifically, there was much diversity. This is important to note because until now, the only account to give concerted (yet still limited) attention to the program, alleges racial bias and abuse, likening the Victory Farm Volunteers to foreign worker programs. However, these allegations were drawn from reports specific to early emergency agricultural labor programs in New Jersey and Connecticut in 1941-1942, which occurred before the Victory Farm Volunteers program was established.⁹³ Those abuses at the state level were actually part of the impetus for organizing the federal program.

Scouts Ready for Camp Fun," *Chicago Daily Tribune*, June 13, 1943; Rasmussen, *A History of the Emergency Farm Labor Program*, 124-125; Floyd J. McKay, "Green Beans, Green Cash: Alderman Farms' Post—World War II Teenage Workforce," *Oregon Historical Quarterly* 111, no. 3 (Fall 2010): 372-386.

⁹¹ "The Victory Farm Volunteers: A Plan," 5; California, *Organization of Student Harvest Labor*, 1; California, Bureau of Agricultural Education, *Farm Victory Service: An Outline for Teaching the Importance of Student Farm Labor in the National Food Program* (Sacramento, California State Department of Education, 1942); "Utah Board Agrees to Run Vehicles this Summer," *Ogden Standard-Examiner*, May 24, 1943; "School bus loaded with children to help in harvesting crops," P020:1251, Extension Bulletin Illustrations Photograph Collection, 1915-1963 (P 020), Oregon State University Special Collections & Archives Research Center, Corvallis, Oregon.

⁹² "Victory Farm Volunteers Starts Here," *Herald and News*, August 18, 1943; Lathrop, "The Victory Farm Volunteers," 55; "The Victory Farm Volunteers: A Plan," 12; Helen R. MacGregor to O.S. Hubbard, March 6, 1943, Warren Papers; McKay, "Green Beans, Green Cash," 372-386.

⁹³ Barbara M. Tucker, "Agricultural Workers in World War II: The Reserve Army of Children, Black Americans, and Jamaicans," *Agricultural History* 68, no. 1 (Winter, 1994): 54-73. While Tucker's account is

However, in considering points of divergence or inequality, the clearest point of difference among recruits seems to have been class, which was most evident in the existence of youth-serving organization-sponsored summer camp programs. These one- to three-month long arrangements were typically run under existing organizational structures and in facilities in which it was fairly easy to overlay the framework of the emergency farm labor program. These camps were best at meeting the Children's Bureau's recommendations for supervision, health, nutrition, and personal well-being as they generally provided dietician-designed menus (the Bureau recommended plenty of fresh food and milk daily), wholesome recreation that was in addition to and apart from labor, well-equipped sanitation facilities, and comfortable living quarters. These camps, which incorporated the martial mission into established camp business models, were generally more exclusive to middle and upper-middle class children since it was their parents who essentially subsidized farmers' requirements to house and provision workers when they paid camp fees and expenses. For example, some parents paid as much as \$220 for their children to go away to a summer work camp in Vermont.⁹⁴

By all accounts, Victory Farm Volunteers enjoyed their experience, and gained a sense of satisfaction at earning their own money while contributing to the war effort. Lucille Hawley Dent, a sixteen-year-old who picked cherries in the Antrim County, Michigan recalled that, "We had the feeling that we really were in the army now, helping to win the war."⁹⁵ Another cherry-picker from Rochester, New York admitted a new respect and appreciation for farming, claiming that, "Cherries will no longer be just cherries to me. When I realized the work it takes to plan and care for an orchard, I had a better understanding and appreciation of the people who do it."⁹⁶ Recognition from a variety of outlets also bolstered the children's morale and sense of satisfaction. Indeed, praise sprang forth from seemingly every direction. For example, the director of the Louisiana Department of Education praised students who "rendered heroic services in their communities."⁹⁷ The farm advisor of Cook County, Illinois, commended volunteers, saying: "We have heard much of the glamorous jobs city boys did pulling corn tassels and picking cherries for a

useful for context, her claim that the program was "injurious to children and costly for farmers" is based on pre-program conditions. Moreover, her assumption that all agricultural child labor during the war years came under the purview of the Victory Farm Volunteers is inaccurate.

⁹⁴ "Camp MacArthur, Waitsfield is Summer Home of 60 Youths," *Burlington Free Press*, August 28, 1944; "Maryland Women and the Call to Farms during World War II (part 2)," *Terrapin Tales from the University of Maryland Archive*, <https://umdarchives.wordpress.com/2014/03/28/maryland-women-and-the-call-to-farms-during-wwii-part-2/>; Jonathan D. Sarna, "The Crucial Decade in Jewish Camping," in *A Place of Our Own: The Rise of Reform Jewish Camping*, edited by Michael M. Lorge and Gary Phillip Zola (Tuscaloosa: University of Alabama Press, 2006), 27-51; Walter Roth, "Camp Avodah 1946," *Chicago Jewish History: Newsletter of the Chicago Jewish Historical Society* 23, no. 3 (Summer 1999): 4.

⁹⁵ Dent quoted in Daniel B. Moskowitz, "The Crop Corps: How Agriculture Helped Win the War," *World War II Magazine* (March/April 2017), <http://www.historynet.com/crop-corps-agriculture-helped-win-war.htm>.

⁹⁶ "Highlights From Farm Aide Questionnaires Received at Writing," October 6, 1943, folder 6, box 3, Defense Activities: Food Production and Canning, 1943, Defense Collection, Series III: Activities, 1940-1944.

⁹⁷ Louisiana, "Ninety-Fifth Annual Report," 28.

couple of weeks, but a boy who can crawl on his knees, and work in the dirt with his nose in an onion patch for three weeks, is really a hero.”⁹⁸ And a New Jersey supervisor sung the praises of the “wonderful kids that in spite of back-breaking work in hot, uncomfortable circumstance, their spirit of cooperation could not have been better.”⁹⁹ Rural communities celebrated young workers at harvest parties and even *Life* magazine articles and advertisements lauded the efforts of Victory Farm Volunteers.¹⁰⁰ Public affirmation, positive work experiences, and relatively high wartime compensation culminated in yet another generation enamored of agrarianism, who would be receptive to the notion that farm labor was a positive avocation for children. Yet many young recruits failed to recognize just how extensively their own wartime experiences were constructed, and thus, differed from the peacetime practice. This misconception would have significance consequences for the next generation of young farm laborers as such biases would provide the basis of resistance to later reform efforts.

Though the war ended in 1945, the federal government continued the Victory Farm Volunteers program through the end of 1947. Its peacetime purpose shifted from a martial mission to one of global provision and vocational education. Coming more fully under the USDA’s Agricultural Extension Service, the program was marketed as one in which young workers could earn money, get a healthy dose of exercise, and learn a vocation, all while shoring up the world’s food supply. New pamphlets informed teenagers that they could “learn and earn” while securing the peace.¹⁰¹ While participation numbers declined somewhat after the war, they were still substantial, with more than one million placements over the two peacetime years of the program.¹⁰² Therefore, it was not for lack of interest on the part of young workers that the program was discontinued. But rather, it was likely that farmers found the expense and regulatory requirements onerous absent the single-minded support of schools, youth-serving organizations, and communities, that had been instrumental in the success of the wartime program.

Nonetheless, the Victory Farm Volunteers emergency wartime labor program demonstrated the potential for regulating children’s agricultural labor. For a brief moment, when the interests of child welfare advocates and proponents of children’s farm labor aligned, they were able to agree on a set of guidelines and best practices that served to protect young participants. And because doing so was deemed to be in the national interest, administrators at various governmental levels were willing to mobilize an enormous amount

⁹⁸ “388 City Boys Win U.S. Awards For Farm Work: Get Crop Corps Diplomas For 3 Weeks’ Help,” *Chicago Daily Tribune*, September 19, 1943.

⁹⁹ “Victory Farm Volunteers ‘Wonderful Kids,’” *Summit Herald*, September 21, 1944; “Victory Farm Clubs Forming,” *Daily Capital Journal*, June 2, 1945.

¹⁰⁰ “City Boy Farm Hands Praised at Clarksfield,” *Minneapolis Star*, July 19, 1943; “Crops Were Saved by Novice Workers,” *Life*, (September 27, 1943): 122; Campbell’s Soup, “Summer Goodness and Health,” *Life*, (October 23, 1944): 35.

¹⁰¹ U.S. Department of Agriculture, “Youth Learns and Earns while Helping on Farms with the Victory Farm Volunteers,” pamphlet AIS-50, (April 1946); Rasmussen, *A History of the Emergency Farm Labor Program*, 123.

¹⁰² Rasmussen, *A History of the Emergency Farm Labor Program*, 129-130.

of resources toward the recruitment, training, supervision, and provisioning of young workers to ensure their health, safety, and well-being. Moreover, the program's shortcoming—the fact that these guidelines were sometimes selectively and unevenly applied across the nation—was actually an argument for the desirability of uniform federal regulation. It would seem, then, that when Congress took up the issue again in 1949, that the regulation of children's agricultural labor might have gained more purchase than it had prior to the war. After all, they now had a workable model on which to base legislation. However, this was not to be.

Two significant changes occurred between 1945 and 1949 (when the issue was again considered), concerning the Department of Labor and the agriculture industry, which retarded progress toward regulating children's agricultural labor. The first crucial change was the removal of the Children's Bureau from the Department of Labor to the Federal Security Agency in 1946. With this transition, the bureau lost all jurisdiction over all child labor regulation, and while they continued to report and advocate for migrant children's health and education, they were no longer a voice for agricultural labor reform.¹⁰³ The monitoring and enforcement of the Fair Labor Standards Act's child labor provision then came under the purview of the Wage and Hour Division—a federal agency that was severely hobbled by budgetary cuts with the 1947 appropriations bill that slashed its operating budget by 56 percent. What this meant for child labor enforcement was that the percentage of businesses investigated for violations fell into the single digits, and by the division's own admission, agricultural labor went largely unmonitored.¹⁰⁴

The other serious change was the expansion of the *bracero* program. Until 1947, foreign workers from Mexico composed only about 10 percent of the agricultural labor force in the United States. Although it was originally intended to fill a temporary wartime need, the program expanded in the postwar years, and through a series of short-term agreements and extensions, became a fixture in the farm labor workforce until 1964. The *bracero* program quickly displaced all other federally sponsored efforts (such as the Victory Farm Volunteers) and inadvertently led to extensive illegal immigration as well. The exponential expansion of the foreign worker supply depressed agricultural wages and working conditions for domestic labor—most especially for domestic migrant families. But it also transformed the public, political face of the farmworker into one that was adult, male, brown, and foreign. Therefore, agricultural child laborers (whether black, brown, or white), who now numbered at close to a million, became obscured by the wave of foreign workers and concomitant attention in the postwar period.¹⁰⁵ And just like young Saúl Sánchez, with whom this chapter opened, they would remain virtually invisible to most of the public for the next two decades.

¹⁰³ Lindenmeyer, *A Right to Childhood*, 249-252.

¹⁰⁴ William McComb, "Fair Labor Standards Act Seeks to Protect Children in Agricultural Jobs," *The Child* 13, no. 7 (January 1949), 1-3; Florence Taylor, "On the Child Labor Front," *Social Science Review* 22, no. 1 (March 1948): 23-26.

¹⁰⁵ In October 1947, the census found 750,000 children aged fourteen to seventeen still at work in the fields in violation of compulsory schooling laws. This official number did not account for the child laborers who were younger than fourteen. In 1948, thirty-seven states still permitted exceptions to compulsory education laws for child farm laborers. Florence Taylor, "On the Child Labor Front," *Social*

Thus, it was within this context, where the *bracero* program dominated Congress's attention with regard to farm labor supply, that congressmen were tasked with considering whether to strengthen the Fair Labor Standards Act's child labor provision. Child welfare advocates, now led exclusively by the NCLC, argued that the Section 13(c) exemption, which only prohibited agricultural child labor *if* a child was required to attend school, made enforcement entirely impossible. In a small victory, they were able to secure a revision that ostensibly banned the farm labor of children younger than fourteen *while school was in session*.¹⁰⁶ Though the NCLC was tempted to push for greater protections for young agricultural workers, they recognized that ultimately such radical inclusion would have to wait for "some future time, when the public has become sufficiently aroused about the exploitation of children in commercialized agriculture *outside of school hours*."¹⁰⁷ They knew that the wartime fervor and propaganda had made agriculture the darling of child employment and made it difficult to recognize as a significant contemporary issue.

While the next chapter delves more deeply into the shortcomings of the revised amendment, it is important to note the oppositional tone and position of those who fought even this simple revision. It provides evidence for a resurgence of the parental rights argument and a protectionist stance toward local jurisdiction through compulsory schooling laws. This position is best represented by Graham Barden, who was a Democrat from North Carolina, and chairman of the House Committee on Education and Labor. Even as he conducted the hearing in early 1949, Barden persistently muddled the issue by accusing revision proponents of meddling with school attendance laws and parental authority on the family farm (even though the revision clearly did neither). Barden admonished Director Harry Weiss of the Wage and Hour Division to "keep your hands out of the schools of this country," and implied that agents would find themselves on the wrong side of a pitchfork were they to "cross the boundary line of common sense," for he warned that "you have never opened up a hornet's nest until you go out in the country and try to tell the farmer what he can do with his children."¹⁰⁸ Once again, North Carolina led the way in Southern and rural opposition to the regulation of agricultural child labor on the basis of parental and states' rights.

Science Review 22, no. 1 (March 1948), 29; "McComb Reminds Farmers Working Children Must Attend School," *Labor Information Bulletin* (October 1948), 12-13, folder 47, carton 15, Paul Schuster Taylor papers.

¹⁰⁶ H.R. 5856, October 26, 1949, Public Law 393; U.S. Department of Labor, *A Guide to Child Labor Provisions of the Fair Labor Standards Act*, Child Labor Bulletin No. 101 (Washington, D.C.: U.S. Government Printing, 1961), 15. Section 13c became 13d and read: "The provisions of section 12 relating to child labor shall not apply with respect to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed." *Fair Labor Standards Amendments of 1949: Report to Accompany H. R. 3190*, 22, 42, and 52, folder 9, box 30, Marriner S. Eccles Papers, J. Willard Marriott Library, University of Utah, FRASER: Federal Reserve Archive, https://fraser.stlouisfed.org/sci/bd/?item_id=468363&filepath=/docs/historical/eccles/030_09_0001.pdf#scribdopen.

¹⁰⁷ "The Why and How of Amending the Federal Child Labor Law," *American Child* (January 1949): 1, 4; "Child Labor After Ten Years of Federal Regulation," *American Child* (December 1948) 1, 3; "Testimony on Amendments to Federal Child Labor Law," *American Child* (February 1949): 1, 4.

¹⁰⁸ House, U.S. Congress, Committee on Education and Labor, H.R. 2033, *Amendments to the Fair Labor Standards Act of 1938, Hearings before the Committee on Education and Labor, vol.*, 81st Cong., 1st sess., (January 27, 1949), 76-80.

CHAPTER FOUR

AGRARIAN REASON V. THE RIGHT TO CHILDHOOD: CHILD LABOR IN THE POSTWAR PERIOD

It was on the evening of May 18, 1963, on a rural road in southern Florida, just east of Belle Glade, that a pick-up truck clipped the bumper of the “Poor Slim’s” labor bus as the driver tried to pass the slow-moving vehicle on a levy. The collision sent the twenty-year-old converted school bus and its forty-two passengers careening off the road and into the twenty-five foot deep Hillsboro Canal. Twelve-year-old Ruthie Mae Woodley panicked as the murky water flooded into the sinking bus. The shouts and screams of the other children, as well as the men and women, increased her terror as she felt the cold water swirl and surge against her body. In a swift and powerful move, the man sitting beside her pushed his fist through the window, and after clearing the broken glass, he boosted Woodley through the opening so that she could escape the vehicle. “We was going down under the water,” she later told a reporter. “I was trying to get to my mama but I couldn’t find her.” Another adult helped Woodley swim to shore where a soaked and frightened twelve-year-old Ernest Howell “was waiting for my family to come up from the water. I didn’t see ‘em so I just kept waiting and waiting.” Several hours later, Howell identified the bodies of his mother, two sisters, and a brother. That day, twenty-seven African American farm laborers drown in the murky black water. Woodley’s mother and three younger brothers, as well as Howell’s family were among the deceased. Of those twenty-seven, thirteen were farmworkers who were younger than twelve. “Men and women work in the fields, but what were little children doing on that bus?” asked George W. Karelak, head of the Florida Committee on Rural Health. Like their parents, the children were commuting home after a long day of bean picking.¹ In 1963, neither federal nor state law differentiated between child or adult farmworkers. Hence, they all lived, worked, and commuted without protection.

¹ This account is drawn from descriptions and accounts in Harrison A. Williams, Jr. to Wayne Morse, June 1, 1963, Box 365, Folder 39, Harrison A. Williams, Jr., Papers, Alexander Library, Rutgers University; “Search Dropped for More Dead,” *Fort Meyers News-Press*, May 20, 1963; “27 Drown as Bus Plunges into Canal,” *Chicago Daily Defender*, May 20, 1963; “Ruthie Mae Woodley Will Never Forget,” *Palm Beach Post*, May 20, 1963; “Fla. Youth Loses Mother, Sisters, and Brother in Farm Bus Tragedy,” *Chicago Daily Defender*, May 21, 1963; “27-Death Mishap Tops Nation’s Record for Bus-Truck Collision,” *Orlando Sentinel*, May 21, 1963; “27 Died in 1963 Bus Crash Near Belle Glade,” *Palm Beach Post*, July 29, 2010.

While the Hillsboro Canal crash was the worst single-vehicle traffic fatality accident in Florida’s history, such transportation tragedies were all too common for migrant laborers. For an account of the 1963 Chualar, California bracero tragedy, see Lori A. Flores, “A Town Full of Dead Mexicans: The Salinas Valley Bracero Tragedy of 1963, the End of the Bracero Program, and the Evolution of California’s Chicano Movement,” *Western Historical Quarterly* 44, no. 2 (2013): 124-143. For the 1974 crash in Blythe, California, see: “Drowned in ‘Prison of Seats’: 19 Lettuce Workers Die in Contractor Bus Massacre,” *El Malcriado*, February 22, 1974, 1-2. In a horrifically violent accident on March 14, 1940 in Hidalgo County, Texas, a Missouri-Pacific freight train collided with a pick-up truck carrying forty-two fruit pickers. Eleven of the twenty-seven laborers who were killed instantly in that crash were farmworkers who were younger than sixteen. Christian Brannstrom, “The Discovery of Hispanic Child Labor in Agriculture in the Lower Rio Grande Valley, Texas: A Life Geography Approach,” *Annals of the American Association of Geographers* 106, no. 3 (2016): 705-721.

The Hillsboro Canal migrant-labor bus crash demonstrates just one of the many potential dangers faced by child agricultural laborers in the postwar period. While myriad, weak transportation regulations certainly contributed to the tragedy, the fact that the children were on the bus at all had everything to do with inadequate child labor legislation. The last revision to the Fair Labor Standards Act in 1949 failed to protect young farmworkers because it exempted the industry from the child labor provision when work was performed outside of school hours. This meant that children of any age could work any number of hours, in any crop, as long as school was not in session.² Failure to bring agricultural child labor regulation on a par with other industries in 1949 meant that young rural workers faced the same hazards as adults. As such, their labor often resulted in ill-health and poor self-esteem. But it also hindered their academic opportunities and relegated them to a bleak future as a permanent underclass trapped in dead-end jobs marked by poverty. For them, the agricultural exemption meant exclusion from the rights, opportunities, and advantages of modern American childhood.

This chapter examines the state of children's agricultural labor from the mid-1940s through the early 1960s. During this time, migrant families struggled with exploitation that was exacerbated by the extension and expansion of the bracero program. This made migrant children's labor all the more crucial to their family's survival but it sacrificed their future for immediate subsistence. Meanwhile, modernization, farm consolidation, and government policies that favored corporate farming changed the tone and texture of the agriculture industry causing many rural communities to cling more tightly to a tradition that valued children's labor for reasons that were rooted in agrarianism. Migrant conditions and rising rates of farm accidents (for both migrants and others) led child welfare advocates to attempt to revise the child labor provision of the Fair Labor Standards Act (FLSA). This chapter argues that this effort put rural parents and child welfare reformers once again at odds with one another, with humanitarians and sympathetic congressmen lining up on the side of reform, while agricultural industry representatives sought to stymie revisions by taking up the defense of rural parents' rights and agrarian lifestyles. With echoes of David Clark's successful defeat of the 1924 Child Labor Amendment, the agriculture industry obscured the exploitation of farmworker children and rendered their labor largely invisible under the mantle of family duty and parents' rights.

POSTWAR FARM LABOR CONDITIONS

"The [migrant farm labor] problem in many areas seems to be as bad as, if not worse, than it ever was," declared Sol Markoff of the National Child Labor Committee (NCLC) to the newly appointed President's Commission on Migratory Labor in July 1950.³ The appalling conditions under which migrants lived and worked made the 1949 revision to the FLSA's Section 13(c) exemption all the more disappointing to child welfare advocates like

² Technically, the one exception to this was the sugar beet industry. As discussed in chapter one, the Sugar Beet Act of 1937 prohibited the labor of children younger than fourteen, except in the case of sharecropping and family farms.

³ Sol Markoff, "Statement to the President's Commission on Migratory Labor," July 13, 1950, http://www.trumanlibrary.org/whistlestop/study_collections/migratorylabor/documents/B37_0902_01.jpg.

Markoff. Although the law purported to ban oppressive child labor in businesses that engaged in interstate commerce (and “oppressive” was defined as the employment of children who were younger than sixteen in occupations that were potentially detrimental to young workers’ health, education, and well being) it did not protect children who were exploited by the agricultural industry. While the revised legislation aimed at working more concertedly with compulsory schooling laws, this was a token adjustment and the law still fell far short of the provision’s coverage of other sectors. The fact was that even if children only worked when the law permitted (before and after school, on weekends, during summer and crop vacations), there were no minimum age requirements; no specifications for working conditions; no standards for minimum wages; and no restrictions on the number of hours that a child could work during non-school periods. Therefore, the welfare of working children was left entirely to the discretion of their parents, employers, and states’ regulatory enforcement officials—all entities whose self-interest potentially conflicted with that of the child. This frustrated child welfare advocates, of which the NCLC was a leading voice. For them, the “unbelievably sub-standard conditions” under which migrant children lived and worked, and the increasingly hazardous conditions of farm work generally, were rallying points for which to attempt another effort at revising the law.⁴ An examination of the substandard conditions and the growing hazards of modern farming reveal an incongruity between the agrarian ideal and the reality of agricultural child labor that underpinned child welfare advocates’ position.

In the postwar period, domestic agricultural migrant laborers were still a varied lot, but ethnic and racial demographics had shifted somewhat during the 1940s. Hence, by 1950, the percentage of ethnic-Mexican migrants had risen to 50 percent of the mobile farm labor population, while the percentage of whites and African Americans had declined to roughly 30 and 19 percent (respectively), and Native Americans and Asians collectively comprised less than one percent. For this reason, this chapter deals primarily with the experiences of ethnic-Mexican, white, and African American children. All shared the condition of employment insecurity, low educational attainment, and perpetual poverty. These migrants were most often based in Southern California, Arizona, New Mexico, Texas, and Florida, where they were able to continue harvesting and cultivation throughout the winter months in milder climates. Then, beginning in the spring and continuing through late autumn, migrants traveled north following the crops as they ripened along three main routes, which were complemented by smaller, localized labor patterns across the United States. Thus, migrants from Florida might harvest fruits and vegetables through the Carolinas, Virginia, and Maryland, with some continuing on into New York and the New England states. Those from South Texas often traveled north through Oklahoma, Arkansas, and Missouri, with some branching off toward Colorado, while others continued northward through the Dakotas, Minnesota, and Wisconsin. The western-most route originated in Arizona and Southern California and followed the cotton, fruit, and vegetable harvests north through the Golden State’s San Joaquin Valley, with some migrants continuing through to Oregon and Southern Washington (however, growers in the Pacific Northwest still relied heavily on day

⁴ Memorandum on the inadequacy of states’ agricultural child labor laws, folder 39, box 365, Williams Papers; Markoff, “Statement to the President’s Commission on Migratory Labor.”

labor from the local population using crop vacations when necessary to draw from the elementary, junior high, and high schools). Additional smaller patterns of domestic migration occurred when laborers from a number of southern states traveled east into Florida for the harvest of winter crops, and many migrants in California made a living on a constant rotation within the state throughout the year. Families who followed the crops lived in perpetual poverty, typically earning one-third to one-half of the national median income.⁵ The plight of migrant children is the locus of the most startling contradictions between the agrarian ideal and the reality of midcentury farm work.

Federal reports reveal the difficulty in relying on compulsory schooling laws to curb the labor of roughly one-quarter of the migrant farm workforce. Since the FLSA allowed for summer labor, it is unsurprising that large numbers of children could be found in the fields at that time of the year. For example, in the summer of 1950, the United States Department of Labor surveyed the migrant child labor situation and found that at least 190,000 ten- to thirteen-year-olds and 205,000 fourteen- and fifteen-year-olds were at work in the nation's fields (the count was made according to the pre-FLSA metrics and thus did not record those who were younger than ten).⁶ But what is more striking than these summer numbers is that follow-up investigations in October revealed that many school districts in the Southwest, Colorado, Minnesota, Idaho, and North Dakota had not yet reconvened because children were needed for the harvest. In deferring the start of the school year, districts ensured that

⁵ Henrick L. Blum and Paul F. O'Rourke, "Children of Families Who Follow the Crops—A Responsibility for Public Health," address to the American Public Health Conference, November 11, 1963, file 21, carton 12, Florence Richardson Wyckoff Papers, Bancroft Library, University of California, Berkeley; Florence Wyckoff, "Migrant Children and Youth," National Conference on the Problems of Rural Youth in a Changing Environment, file 52, carton 5, Wyckoff Papers; Robert S. Robinson, "Taking the Fair Deal to the Fields: Truman's Commission on Migratory Labor, Public Law 78, and the Bracero Program, 1950-1952," *Agricultural History* 84, no. 3 (SUMMER 2010), 381-402; Louis Levine, "The Migratory Farm Worker," address before the Cosmos Club, Washington, D.C., December 3, 1956, California and West Coast Labor and Industrial Relations, Selected Publications, University of California, Berkeley, Institute for Research on Labor and Employment Library, <http://oac.cdlib.org/ark:/28722/bk0003z5v6h/?brand=oac4>; "Children in the Crops," Federal Aid Series, no. 19 (November 1948), file 10, box: 34, National Sharecroppers Fund Collection, Part 2, Walter P. Reuther Library, Archive of Labor and Urban Affairs, Wayne State University; Varden Fuller, *No Work Today! The Plight of America's Migrants* Public Affairs Pamphlet, no. 190 (Washington, D.C.: Government Printing, 1953); President's Commission on Migratory Labor, *Report to the President on Domestic Migratory Labor, 1960*, 11, California and West Coast Labor and Industrial Relations, Selected Publications, University of California, Berkeley, Institute for Research on Labor and Employment Library, Calisphere: <https://calisphere.org/item/ark:/28722/bk0003z5v4d/>; U.S. Department of Health, Education, and Welfare, *Children in Migrant Families: A Report to the Committee on Appropriations, United States Senate* (Washington, D.C.: Government Printing Office, 1961), 9; "Recommendations of the President's Commission on Migratory Labor," April 1952, 10, California and West Coast Labor and Industrial Relations, Selected Publications, University of California, Berkeley, Institute for Research on Labor and Employment Library, <https://calisphere.org/item/ark:/28722/bk0003z5t83/>; "For 500,000—Still 'Tobacco Road,'" *New York Times*, April 24, 1960.

⁶ Investigators did not record the number of children under ten years old because it was not a standard survey category. U.S. Department of Labor, "Suggested Recommendations of the U.S. Department of Labor to the President's Commission on Migratory Labor," October 1950, 7, California and West Coast Labor and Industrial Relations, Selected Publications, University of California, Berkeley, Institute for Research on Labor and Employment Library: <https://calisphere.org/item/ark:/28722/bk0003z5t83/>.

farmers who employed migrant children were in compliance with the law. But even in areas where school had begun, inspectors found another 40,000 ten- to thirteen-year-old migrant children whose parents had failed to enroll them in local schools, opting instead to keep them working in the fields. This demonstrates how relaxed enforcement of the law and the decisions of parents, schools, and growers infringed on migrant children's right to education.

The Section 13(c) exemption placed the onus of child labor regulation on schools but rural boards of education were often composed of area farmers and growers whose economic self-interest was dependent on timely crop harvests. This meant that the education of both migrant and resident children was often subordinated to cultivation and harvest schedules. That this practice was typically acceptable to the broader community is evident in the non-descript announcements in the local newspapers alongside those of church bazaars and other community news. Such closures were generally accepted as a matter of course. Indeed, many resident parents had grown up under the same practices and would keep their own children at home on days that they were needed on the farm.⁷ The dependence on resident children was often heavier in areas where farms were smaller or more distant from the established migrant routes; possibly where a farmer did not think it worth the expense and hassle of enticing migrants. But in other areas, migrant and resident children alike worked in the fields. Hence, rather than an effective preventative tool, compulsory education laws that were subject to the whims and needs of the community were actually facilitators of child labor. In declaring crop vacations, school boards and administrators ensured that local farmers and growers did not violate the FLSA. In 1952, the NCLC spotlighted this practice, declaring that the agriculture industry was the worst abuser of child labor, "with the children of migrant workers suffering most of all." To demonstrate this assertion, the committee reported on a community in Minnesota that devised a scheme that made migrant children available for labor without compromising the education of their resident children. That community closed schools for the harvest, but then bussed resident children to neighboring districts while migrant children were left to labor in the fields.⁸ Although the report gained national attention, it did not generate change.

Aside from crop vacations, there were a number of other obstacles to migrant children's education; primarily financial need and habitual transiency. Since farm wages were low, parents often considered children's labor necessary just to earn a bare subsistence living. As one white migrant parent in Kings County, California told an investigator in the 1950s, "we are barely able to support ourselves. Children can't go to school—have to work to help feed the family."⁹ And in 1960, Mrs. Dobey, a white migrant mother of nine told broadcast journalist Edward R. Murrow that family necessity required all of her children to work.¹⁰ And since migrant families moved every few months, migrant children who did attend school may have done so only intermittently and at various institutions. This made it

⁷ "Cotton or School," *American Child* (November 1950): 2; "The Harvest Holiday," *Oakland Tribune*, November 18, 1951; "Crop Harvest Vacation," *The Ogden-Standard Examiner*, October 7, 1952; "Ample Harvest Labor Seen," *The Salt Lake Tribune*, September 7, 1952.

⁸ "Crop Nomads' Called Cheated Children of U.S.," *New York Herald Tribune* (February 27, 1952).

⁹ Douglas Still, "Farm Labor Experience Survey," file 6, carton 14, Wyckoff Papers.

¹⁰ *Harvest of Shame*, CBS News Productions, 1960, b & w, 55 minutes.

difficult for children to keep up with schoolwork and for schools to plan resources accordingly. Most of these children also worked in the fields in the early morning, the afternoon, and on weekends, thus making it impossible to complete homework and rendering them fatigued for the classroom. Moreover, migrant children were excused from attending if their labor camp was beyond walking distance to the school and if districts did not provide bus transportation.

The fact was that through the early 1960s, most rural schools were underfunded and ill equipped to deal with the unpredictable and inconsistent presence of migrant students who nearly always required below grade-level instruction. These schools typically did not seek to deter migrant truancy. Indeed, Mexican American Elizabeth Loza grew up on the migrant circuit in the 1950s and attended school only intermittently, though never at the behest of school officials. “In all of my migrant life,” she recalled, “I never witnessed a truant officer visiting any of the migrant camps.”¹¹ These issues would remain significant obstacles to migrant education until the passage of the Elementary and Secondary Education Act in 1965, Migrant Head Start in 1965, the Migrant Education Program of 1966, and the Bilingual Education Act of 1968, which established apparatuses and funding for tracking and teaching children who followed the crops.¹²

Yet, even more disconcerting, are the stories of parents who heavy-handedly evaded compulsory education laws so as to exploit their children’s labor. Such was the case with Frances Grubb’s father who attempted to exert control over his miserable life by dominating his family. In her memoir, *Cruel Harvest*, Grubb recalled a particular time when a truant officer visited a cotton field where the family worked in Stilwell, Oklahoma. The children knew from a young age that if their father spotted a truant officer and commanded: “Down!” that he expected them to comply immediately by crouching low among the plants. But once, when she was five-years-old, Frances defied her father and stood tall, “hoping [the officer] would find me.” Her father’s retribution was swift. He kicked her to the ground and made her hide inside his cotton sack. While hiding from truant officers was not unusual, and indeed, is a common theme in migrant memoirs, Grubb’s account is particularly poignant because her father was an abusive, alcoholic who used the family’s earnings to drink and carouse. She and her siblings were severely malnourished and suffered physical, emotional, and sexual abuse from a man who acted more as a jailor than a father.

Had Frances and her siblings attended school, they may have received some respite if not assistance in their dire situation. Thus, her desire to attend school was deeply motivated by a longing to escape her life. This desire was strong and she defied her father again a few years later in a different cotton field when she walked toward the road hoping to catch the eye of a school bus driver. She keenly recalls the “pairs of eyes looking down from those square windows,” as the bus sped by. “They belonged to boys and girls with clean clothes and shining faces.” In her tattered dress, with tangled hair and bloody fingers, she thought

¹¹ Elizabeth Loza Newby, *A Migrant with Hope* (Kansas City, MO: Beacon Hill Press, 1977), 35.

¹² Florence Wyckoff, *Health Projects for Migrant Families: California’s Experience* (Washington, D.C.: National Consumers Committee for Research and Education, 1963), 5; Philip Martin, *Importing Poverty? Immigration and the Changing Face of Rural America* (New Haven: Yale, 2009), 123-131.

sadly that perhaps she “did not belong in school.”¹³ Grubb’s story demonstrates the severe detriment that some children endured in a lifestyle that was designed to exploit their labor. In pushing for compulsory education laws, child welfare advocates believed that accountability through schools could help to mitigate such damage and disadvantage. While this may have been true in theory, such laws were entirely ineffective when parents failed to comply and schools lacked the will to enforce. In relying solely on compulsory education laws to deter agricultural child labor, the FLSA was entirely impotent for migrant children.

Agricultural communities typically blamed parents for truancy. This notion was reinforced by the Department of Labor in a report that failed to acknowledge educators’ culpability, describing migrant parents’ use of labor as “a substitute for child care, school, and recreation.”¹⁴ This 1950 report gave the impression that truancy was entirely by choice, preference, and because migrant parents did not value education.¹⁵ While examples such as the Grubb family demonstrate that this was certainly true in some cases, migrant welfare surveys in the 1950s revealed that many parents increasingly valued education as a way for their children to break the low-wage, low-skill labor cycle.¹⁶ One mother claimed that she “wouldn’t be following the crops today” if she had been able to go to school as a child. She hoped for better for her own children.¹⁷ By the mid-1950s, increasingly more migrant parents prioritized returning to a home community by the late fall so that their children could get up to five to six months of consistent education in familiar schools. For example, Lupe Valdez’s family returned to their South Texas home by mid-October every year so that she and her three sisters could enroll in school. That this was not yet widespread is indicated by her comment that her father’s co-workers chided him, saying: “Benito don’t be a fool.” She explains that many Mexican American migrant men thought it was wasteful to educate girls, claiming that they would only marry and leave home someday. His co-workers advised him that it would be better if his daughters earned money for him while they could. But Valdez disagreed, claiming that he did not want his daughters to “work like an animal,” but rather wanted them “to have a better life...to be independent and not have to depend on a man for support.”¹⁸ It may be that he was influenced, as were other ethnic-Mexican parents, by organizations such as the League of United Latin American Citizens (LULAC) and the

¹³ Frances Elizabeth Grubb, *Cruel Harvest: A Memoir* (Nashville: Thomas Nelson, 2012), 17-19.

¹⁴ Department of Labor, “Suggested Recommendations of the U.S. Department of Labor to the President’s Commission on Migratory Labor,” October 1950, 7; “For 500,000—Still ‘Tobacco Road’”; Interdepartmental Committee on Children and Youth, “Children of Agricultural Migrants,” December 8, 1959, file 47, carton 5, Wyckoff Papers.

¹⁵ Lazelle D. Alway, speech before Southwest Regional Conference on Migratory Labor, March 4, 1953, file 33, carton 24, Wyckoff Papers.

¹⁶ Still, “Farm Labor Experience Survey,” Wyckoff Papers; Lupe Kuharsky, *Inspiring Migrant Memoirs—Recuerdos Migratorios Que Inspiran* (Bloomington: Xlibris, 2015) 15, 20-32; Emma González, *Field Mice: Memoirs of a Migrant Child* (Edinburg, TX: CountyRd34 Publishing, 2015), 89-90.

¹⁷ Senate, U.S. Congress, Subcommittee on Migratory Labor, of the Committee on Labor and Public Welfare, *Migratory Labor: Subcommittee on Migratory Labor, of the Committee on Labor and Public Welfare* 87th Cong. 1st sess., April 12, 1961, 336.

¹⁸ Kuharsky, *Inspiring Migrant Memoirs*, 60.

G.I. Forum, which encouraged Mexican Americans to get an in education in order to achieve social and economic mobility.¹⁹

But even when migrant children had opportunities to go to school they often felt sidelined and insecure by their stunted education, but also because they were acutely aware of differences between their own clothing, lunches, language, and manners, and that of other children. While white migrant children suffered from class discrimination when their appearance and demeanor marked them as trash in the eyes of fellow students, Mexican American children dealt with both class and race discrimination, especially when they attended integrated schools (African American children generally attended segregated schools). And while some do recall with fondness and gratitude the kindness of classmates and teachers, many more recount awkward situations and instances of prejudice.²⁰ For example, in what he recalls to be a Jim Crow school in Texas, Saúl Sánchez was embarrassed to be known as a Mexican migrant. His teachers and fellow students made him believe that, “anything Mexican was dirty, ugly, and lacked intelligence,” such as when kids who ate bologna sandwiches from lunchboxes made fun of his brown bag taco lunches.²¹ Delmira Treviño warned her little sister Elva against speaking Spanish at school the night before she started first grade in Pearsall, Texas. Teachers at that school punished such infractions by confining children to a pen on the playground that displayed a sign that read: “Pigs.”²² That students were punished harshly for speaking Spanish is corroborated by accounts of numerous former child migrants, including labor activists César Chávez and Jessica Govea, who claimed that “we got smacked” and had to stand in the corner if they forgot.²³ Even children who generally liked school and were treated well by teachers experienced discomfort when that favor put them in opposition to their fellow migrants. Such was the case for Lilian Roybal who fluently spoke both English and Spanish. Her teacher charged her with enforcing the English-only rule among her fellow Mexican American students during recess. She recalls that at seven or eight-years-old, it was “tremendously difficult...to rat on my fellow students.”²⁴

¹⁹ Jim Norris, *North for the Harvest: Mexican Workers, Growers, and the Sugar Beet Industry* (St. Paul: Minnesota Historical Society Press, 2009), 75-76; Guadalupe San Miguel, Jr., “The Struggle against Separate and Unequal Schools: Middle Class Mexican Americans and the Desegregation Campaign in Texas, 1929-1957,” in *The Social History of American Education*, edited by B. Edward McClellan and William J. Reese (Urbana: University of Illinois, 1988), 333-349; George I. Sanchez, *Becoming Mexican American: Ethnicity, Culture and Identity in Chicano Los Angeles, 1900-1945* (New York: Oxford University Press, 1993), 257-258.

²⁰ Kuharsky, *Inspiring Migrant Memoirs*, 27-28; González, *Field Mice*, 61-64; Newby, *A Migrant with Hope*, 20-21; Candy Hamilton, *Footprints in the Sugar: A History of the Great Western Sugar Company* (Ontario, OR: Hamilton Bates Publishing, 2009), 342-344; Julian Nava, “Some Examples of How Mexican-American School Children Are Conditioned to Accept and Negative Self-Image,” (n.d., c. late 1960s), file 22, box 37, Julian Nava Collection, Oviatt Library, California State University, Northridge.

²¹ Saúl Sánchez, *Rows of Memory: Journeys of a Migrant Sugar-Beet Worker* (Iowa City: University of Iowa Press, 2013), 56-58.

²² Elva Treviño Hart, *Barefoot Heart: Stories of a Migrant Child* (Tempe, AZ: Bilingual Press, 1999), 75.

²³ Philip Hoose, *We Were There Too! Young People in U.S. History* (New York: Ferrar Straus Group, 2001), 230.

²⁴ Bethany L. Rogers, “Teaching and Social Reform in the 1960s: Lessons from National Teacher Corps Oral Histories,” *The Oral History Review* 35, no. 1 (Winter-Spring, 2008): 51-52.

Living and working conditions were also areas in which the disparity between the agrarian ideal and the reality were starkly apparent. Migrant housing in the postwar period became a serious public health issue. After World War II, the federal government sold off the well-equipped Farm Security Administration labor camps that were built in the 1930s and that housed wartime migrants in the early 1940s. The growers who purchased the camps did little to maintain them and they soon fell into disrepair. Moreover, in the early 1950s, the federal government relaxed standards for bracero housing and this also had a negative effect on migrants' welfare. Hence, the migrant housing at most large farms consisted of small, drafty, wood-framed shanties with minimal furnishings. Sometimes they were barracks-style buildings hastily and cheaply built to house adult foreign workers, in which families were allotted a single room. These were what one former migrant child calls "human cattle barns."²⁵ But migrants also were known to camp in tents, automobiles, barns, chicken coops, sheds, and even under trees. The lodging options nearly always lacked electricity and indoor plumbing. The shared outdoor toilets were filthy incubators of disease. Farmers blamed the condition on migrants, and generally refused to invest in improvements for people that they claimed had low domestic standards and immoral propensities. Migrants hesitated to request or demand better, for fear of eviction and termination.²⁶ Children who lived in such conditions were particularly susceptible to communicable diseases such as influenza, measles, tuberculosis, and dysentery. Moreover, physical exhaustion from hard labor, unhygienic conditions, and a general lack of medical care meant that disease spread quickly through labor camps. To keep their family healthy, Elizabeth Loza's parents intentionally camped about a mile away from labor camps. As they followed the crops through the 1950s, they lived in the back of their 1942 Army surplus truck, even when other lodging was available. In this way, they were able to stave off serious disease.²⁷

By the mid-1950s it was less common to see preschool-aged children working in the fields. This was primarily because competition from bracero labor made very young children a liability when they could not keep up with parents and older siblings who could not afford to bring them along at a more leisurely pace. But formal daycare for migrants was generally unavailable prior to the 1960s, and parents could not afford, nor did they know, local babysitters. Therefore, while it was less common to see preschoolers in the fields, they were more frequently left to occupy themselves at the edge of the field while other family members labored. For these youngsters, loneliness was a common theme. For example, when she was three, Elva Treviño spent everyday for several weeks alone in the car while her parents and older siblings harvested late summer green beans and cucumbers in Wisconsin.²⁸ Similarly, four-year-old Emma González's father told her sternly to stay near the family truck while her parents and siblings worked. She recalled feeling fear and loneliness as she lost

²⁵ Newby, *A Migrant with Hope*, 31.

²⁶ Newby, *A Migrant with Hope*, 30-31; California Labor Federation, "Citizens Conferences Acts on Distressed Area Farm Labor," *Weekly News Letter*, October 28, 1960, 2, file 7, carton 4, Wyckoff Papers; Kuharsky, *Inspiring Migrant Memoirs*, 80-81; Daniel Nelson, *Farm and Factory: Workers in the Midwest, 1880-1990* (Bloomington: Indiana University Press, 1995), 180.

²⁷ Newby, *A Migrant with Hope*, 18, 30-31.

²⁸ Hart, *Barefoot Heart*, 22.

sight of them when they moved far down the rows of vegetables. She often cried for long periods and maintains that the trauma of daily abandonment was deeply embedded in her memory, for “nothing prepared me for the neglect or the solitude of twelve to fourteen hour days of isolation.” This all changed when she turned five and her father gave her an *el cortito* (a short-handled hoe) so that she could work alongside the family. She recalled the small tool that facilitated her entry into the workforce as something customized to fit her small stature, but adults actually considered it an instrument of oppression and control because its use required grown laborers to bend and reach for long periods at a time. Most growers mandated *el cortito* until it was banned in 1975.²⁹ Sometimes, elementary-aged children supervised toddler siblings while their parents worked. In California, young Francisco Jimenez’s parents left him to care for his six-month-old brother in the family car. He recalls climbing on top of the car to watch the rest of the family work their way down the rows of strawberries and recalled his anguish, fear, and loneliness: “once I lost sight of them, I felt pain in my chest” and would begin to cry.³⁰ Similarly, nine-year-old African American migrant Jerome King babysat his three toddler sisters, Lois, Kathryn, and Beulah in their dilapidated room at the Okeechobee labor camp in Florida while their mother (who had worked the fields since she was eight-years-old) picked beans all day.³¹

While it was less common to see preschoolers in the fields, elementary-age and older children still toiled. Child labor reformers contended that agricultural labor robbed children of their childhood as they had little opportunity or time to play or go to school but rather took on adult responsibilities from an early age. One observer noted with dismay that they “saw dozens of kids as young as seven...performing hard, adult labor, working rapidly, mechanically, without pause, dripping sweat...in silence and with intense concentration.”³² Hard labor, migrancy, indigence, and an abusive, alcoholic father certainly robbed Frances Grubb of her childhood. Her poem, “Cotton Fields and Faith,” eloquently describes the burden she felt as a young migrant laborer:

Picking cotton for the farmer
feeling dirty, sad, and low.
Blistering sun high in the heavens,
cannot let my feelings show.
Drag the cotton sack behind me,
feels so heavy on my back.
I dream of better days of freedom
as I pick and fill the sack.
My swollen hands are cracked and bleeding

²⁹ González, *Field Mice*, 12-18. *El cortito*, the short-handled hoe, was only twelve to twenty-four inches in length. Prolonged use caused serious back injury, and for children, it sometimes led to deformity and chronic pain.

³⁰ Francisco Jiménez, *The Circuit: Stories from the Life of a Migrant Child* (Albuquerque: University of New Mexico Press, 1997), 9-11.

³¹ *Harvest of Shame*.

³² “Memorandum,” folder 25, box 355, Williams Papers.

from the sharpness of the boles.
Blood stains white cotton as I pick it
with each handful that I hold.³³

Child welfare investigators throughout the 1950s report that children did not play, nor did they smile. One fifteen-year-old white boy in California's Tulare County told an interviewer: "I'm getting old, working all the time not having rest."³⁴ Far from the agrarian ideal, migrant children did not develop strong, healthy bodies because their labor was tedious, physically exhausting, and resulted in young bodies made prematurely old.³⁵

In addition to the stresses, strains, and incidental injuries of farm work, modern agricultural methods also introduced migrant child laborers to risks associated with mechanized equipment and exposure to poisons such as herbicides and pesticides that were often applied while the children worked in the fields. Through the 1950s, the incidents of auto and tractor accidents involving migrant children rose, and in 1954, physicians in the San Luis Valley region of Colorado remarked that there was a sharp increase in the number of migrant children whose hands were mangled in the potato picking machines.³⁶ Furthermore, the very transport of migrants from labor camps to the fields proved dangerous to workers young and old as demonstrated by the 1963 Hillsboro Canal crash with which this chapter began. It was incidents such as these that caused child welfare advocates to implore Congress to again take up the issue of agricultural child labor regulation, maintaining the similarity of modern agribusiness to the industrial days of old. Yet, addressing the issue of the migrant condition began not with the issue of children's labor, but rather with that of the foreign labor supply.

BRACEROS, JUVENILE DELINQUENCY, AND CHILD LABOR

The extension and expansion of the bracero program in the postwar years was largely to blame for the deteriorating migrant condition. Originally intended as a short-term wartime guest worker program, farmers favored its continuance long after hostilities ceased. Although the number of braceros had remained modest during the war, comprising less than ten percent of the hired U.S. agricultural labor force by war's end, their ranks spiked from 35,345 in 1948, to 107,000 the following year. Although it dropped by roughly 50,000 in 1950, renewed demand for high agricultural output during the Korean War secured the bracero program as "a durable fixture" in America's farm labor work force.³⁷ The number of guest workers then soared, peaking at 445,197 in 1956.³⁸ An unintended consequence of the bracero program was the coinciding increase in the immigration of undocumented Mexican workers. These were typically Mexican laborers who were either rejected by

³³ Grubb, *Cruel Harvest*, 147-148.

³⁴ Douglas Still, "Farm Labor Experience Survey," Wyckoff Papers.

³⁵ Kuharsky, *Inspiring Migrant Memoirs*, 36-57, 71-72; "Need for S.1123," folder 25, box 355, Williams Papers.

³⁶ "Example of Accidents to Children in Agriculture," folder 25, box 355, Williams Papers.

³⁷ Robinson, "Taking the Fair Deal to the Fields," 381-402.

³⁸ Martin, *Importing Poverty?*, 28.

bracero program administrators, or had grown impatient at the bureaucratic red tape and time involved in the approval process. In either case, they crossed the border without a bracero contract. From 1944 to 1950 the undocumented Mexican population in the U.S. increased from 29,000 to an astounding 565,000; some of whom were adolescent Mexican boys who had struck out on their own.³⁹ Growers who employed these undocumented workers circumvented the bracero program to gain even cheaper labor. The massive increase in foreign labor had devastating consequences for domestic migrant laborers whose ability to negotiate for better pay and conditions was severely undermined by the cheap foreign labor force that worked under the threat of deportation.⁴⁰ Extension and expansion of the bracero program drove farm wages down from the wartime highs and suppressed labor reform well into the 1960s. Because of this, migrant parents could not earn enough to support their family without their children's labor.

Although labor unions opposed the bracero program, Mexico was often reluctant to continue the it, and President Harry S. Truman attempted to limit or terminate it a number of times, U.S. agricultural interests promoted the international agreement as one that “provide[d] a strong link of freedom and democracy with our important...and strategically located neighbor to the south.”⁴¹ During a period that was marked by Cold War tensions, this was certainly strong language in favor and in line with the notion that maintaining ties to foreign neighbors was key to the policy of communist containment. But groups like the Agricultural Workers Organizing Committee (AWOC) just as strongly opposed the program calling it “one of our biggest evils” and “licensed and legalized slavery.”⁴² Mexican American civil rights advocates such as LULAC, the G.I. Forum, and the National Agricultural Workers' Union also opposed extension of the program asserting that it hurt domestic farm workers' ability to organize and demand better wages and conditions.⁴³ Scholar activist Ernesto Galarza testified before the House Committee on Agriculture that

³⁹ “Recommendations of the President's Commission on Migratory Labor,” April 1952; Lori A. Flores, *Grounds for Dreaming: Mexican Americans, Mexican Immigrants, and the California Farmworker Movement* (New Haven: Yale University Press, 2016), 85-89; Hamilton, *Footprints in the Sugar*, 320-321.

⁴⁰ “Recommendations of the President's Commission on Migratory Labor,” April 1952; Robinson, “Taking the Fair Deal to the Fields,” 381-402; Agricultural Workers Organizing Committee, “Here's What the Bracero Users Say, But...,” flyer, file 38, carton 22, Wyckoff Papers; U.S. Department of Labor, *Year of Transition: Seasonal Farm Labor 1965* (Washington, D.C.: Government Printing Office, 1965); Jack T. Pickett, “California Agriculture Seeks New Farm Labor Program,” *California Farmer* (March 7, 1964), 11, folder 50, carton 2, Wyckoff Papers. For more on the Bracero Program, see: Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story* (San Jose, CA: Rosicrucian Press, 1964); Manuel A. Machado, Jr., “Busboys and Wetbacks: Mexican and Mexican American Migrants in American Agriculture,” in *Farmers, Bureaucrats, and Middlemen: Historical Perspectives on American Agriculture*, ed. Trudy Huskamp Peterson (Washington D.C.: Howard University Press, 1980), 139-151; David G. Gutiérrez, *Walls and Mirrors: Mexican Americans, Mexican Immigrants, and the Politics of Ethnicity* (Berkeley: University of California Press, 1995), 133-160; Flores, *Grounds for Dreaming*.

⁴¹ Council of California Growers advertisement in the *San Francisco Examiner*, July 11, 1961, folder 38, carton 22, Wyckoff Papers; Robinson, “Taking the Fair Deal to the Fields,” 381-402.

⁴² “Here's What the Bracero Users Say, But...,” Wyckoff Papers; Agricultural Workers Organizing Committee to Arthur J. Goldberg, December 3, 1961, folder 18, carton 3, Wyckoff Papers.

⁴³ Gutiérrez, *Walls and Mirrors*, 133-160.

the program actually extended “protections and guarantees” to braceros that were not “available to American citizens,” and that this constituted government discrimination against American workers.⁴⁴ Indeed, this inequity applied even to children. Since bracero program regulations specifically prohibited the employment of Mexican minors who were younger than fourteen, the agreement extended better protections to foreign children than to domestic. (Undocumented minors younger than fourteen were deported if apprehended.)

President Truman established the first President’s Commission on Migratory Labor in June 1950 in an effort to address the issues surrounding migratory labor while also moving toward termination of the bracero program. States with high migrant populations followed the federal lead and established governors’ commissions to investigate migrant laborers’ working and living conditions within their own states. Sometimes, such committees grew out of child welfare initiatives, as was the case of the California Committee on Families Who Follow the Crops (CFWFC). This committee was an offshoot of the California Governor’s Advisory Committee on Children and Youth, which was established during World War II to monitor the condition of the state’s children during wartime.

Florence Wyckoff of Watsonville, California (a rural community just north of the Salinas Valley with a large domestic farm labor population) chaired both committees. She supported termination of the bracero program but warned that it might result in increased rates of child labor if Congress failed to pass better regulation for domestic labor more broadly.⁴⁵ Like other child welfare advocates, the CFWFC sought to remove children from the fields through stronger compulsory schooling laws, special migrant education programs, and free or low cost childcare, but they also recognized that it was imperative to simultaneously push for the stabilization of migrant parents’ employment so that children’s labor would not be necessary. And yet, there was little public support for farm labor reform through the 1950s. Henry Pope Anderson authored a number of studies on the bracero program and judged the public to be at least partially at fault for its continuance and the state of domestic migrant conditions, ruling the situation “a conspicuous and heartbreaking symptom of a social malaise.”⁴⁶ Nonetheless, a growing chorus of welfare advocacy groups lobbied Congress to improve the “present chaotic labor demand and supply” through the simultaneous termination of the guest worker program and implementation of strong labor legislation.⁴⁷

Concerned labor and welfare activists devised a number of schemes to terminate the bracero program, but Wyckoff was justified in her concern that at least some solutions called for child labor as a replacement for foreign workers. One example of this was a plan proposed by Varden Fuller, CFWFC member and professor of agricultural economics at the University of California, Berkeley. In 1959, he proposed that California farmers use high school students during the summer as a means to wean farmers from the bracero program. Such a plan, he contended would have the added benefit of decreasing juvenile delinquency

⁴⁴ House, U.S. Congress, Committee on Agriculture, *Hearings on the Mexican Farm Labor Program*, 84th Cong., 1st sess., (March 16-17, 21-22, 1955), 186-188.

⁴⁵ Wyckoff, “Migrant Children and Youth,” Wyckoff Papers.

⁴⁶ Henry P. Anderson to Douglas Stillwell, March 4, 1959, file 2, carton 4, Wyckoff Papers.

⁴⁷ Wyckoff, “Migrant Children and Youth,” Wyckoff Papers.

as it would put idle teenagers to work. His plan bore a striking resemblance to the Victory Farm Volunteers of World War II, including the recruitment of teachers as labor supervisors, and the transport of urban youth to the countryside. Fuller employed agrarian reason when he maintained that such a program would benefit teenagers, as it would be a “powerful force for developing self-dependence.”⁴⁸ Yet, rejection of his idea demonstrated that public acceptance of such programs had changed in the years since the war. This was especially evident in the comment of one Pajaro Valley, California strawberry grower who thought, “the whole damn thing impractical.”⁴⁹ Fuller’s program was never implemented.

During the same period, some communities in the upper Midwest expressed concern over the growing presence of settled-out domestic Mexican migrant families. Finding it disadvantageous to follow the crops south where competition with braceros was fiercer, such families chose to settle and supplemented their seasonal work with odd jobs and public aid. This was the case in the Red River Valley of the North, a fertile region that encompassed seventeen counties and straddled the border of North Dakota and Minnesota. The area was home to bonanza wheat farming since the 1870s, but high global demand for sugar, coupled with a guaranteed payout from refineries, enticed many area farmers to convert to sugar beet cultivation following World War I, and they became contractors to the American Crystal Sugar Company. By the 1930s, sugar beets were the region’s primary commercial crop and *betabeleros* (ethnic-Mexican sugar-beet workers from South Texas) soon replaced the German-Russian migrants from Nebraska as the predominant labor force.⁵⁰ This brought more ethnic-Mexican children into the Midwest as part of the sugar beet workforce. And although the Sugar Beet Act of 1937 prohibited the labor of children who were younger than fourteen, generally lax enforcement often meant employment for the whole family. Although braceros added to their numbers by the 1950s, it was to a much smaller degree than on farms farther south.

Sugar beet cultivation was stoop labor of the most arduous sort with workers kneeling and crawling to thin and weed plants with short-handled hoes. Crops required two relatively short periods of commitment in the spring and autumn, each lasting roughly six to eight weeks.⁵¹ Sometimes migrants moved on in the interim summer months, seeking work elsewhere while awaiting the start of the harvest season. For example, Jesus Sanchez, Jr., recalled that after the planting, his father would take the family to Wisconsin to pick cucumbers while awaiting the Minnesota sugar beet harvest in September.⁵² But increasingly

⁴⁸ Varden Fuller, “The Background and Problems of Temporary Farm Employment in California,” Senate Fact Finding Committee on Labor and Social Welfare, November 17, 1959, 9, file 43, carton 25, Wyckoff Papers. Ultimately, Fuller believed that solutions should come from local communities. He advocated a free-market, small government approach claiming that if conditions improved at the local level, it would attract a better sort of worker, result in a more satisfying labor relationship between employer and employee, and an overall more productive and beneficial system. See: Varden Fuller to Senator Harrison A. Williams, November 16, 1960, file 43, carton 25, Wyckoff Papers.

⁴⁹ “Professor Urges Use of Students to Harvest Crops,” *Register-Pajaronian*, November 18, 1959.

⁵⁰ Norris, *North for the Harvest*, 15-38.

⁵¹ Norris, *North for the Harvest*, 24-26; Jim Norris, “Growing up Growing Sugar: Local Teenage Labor in the Sugar Beet Fields, 1958-1974,” *Agricultural History* 79, no. 3 (Summer, 2005): 300-301.

⁵² Norris, *North for the Harvest*, 4-5.

by the mid-1950s, South Texas ethnic-Mexican migrant families began to settle more permanently in the Red River Valley.⁵³ However, because their settlement coincided with rising national fears about juvenile delinquency in rural areas, newly settled ethnic-Mexican children and teenagers became the targets of suspicion and the impetus for alternative labor programs.

Concern over juvenile delinquency was not unique to rural communities; it had long been associated with poor urban children and teens. Yet, postwar reports led Americans to believe that no area was safe from rising antisocial behavior and wanton crime. Communities became hypersensitive to the activities of their young population and scrutinized working mothers as the root of the problem. Although reports of delinquency peaked at both the local and national level by 1954, increased journalistic attention and Hollywood films such as *Rebel Without a Cause* (1955), *Blackboard Jungle* (1955), and *High School Confidential!* (1958) only served to heighten the public's concern. As a result, county, state, and federal agencies scrambled to form investigatory committees, held conferences to determine the causes of delinquency, and established deterrent and rehabilitation programs. Child development experts, sociologists, journalists, and even the Federal Bureau of Investigation attributed delinquency to a number of causes, including unstable homes (resulting from divorce and working mothers), hedonism in the face of potential nuclear annihilation, and Communist subversion.⁵⁴ And although it does not appear that young Red River Valley ethnic-Mexican children and teenagers committed crimes at rates disproportionate to whites, hyper-vigilant media attention that emphasized race and the details of their crimes gave the impression that they did. This caused many residents to fear the young settled-out migrants' presence.

Beginning in 1956, in an attempt to decrease the region's reliance on braceros, stem the tide of domestic ethnic-Mexican settlement, and deter juvenile delinquency, the American Crystal Sugar Company and sugar beet growers worked with North Dakota juvenile authorities to recruit local, non-migrant, mostly white fourteen- to seventeen-year-olds for the Youth Job Club. One grower confidently claimed that because of the youth farm employment, the Mexican laborer in North Dakota was "expected to become a thing of the past."⁵⁵ But demand for labor rose in January 1961 when the American Crystal Sugar Company expanded to meet the increased domestic demand for sugar after the federal government severed ties with Cuba. The Youth Job Club then expanded and became the Youth Beet Program. It spread far and wide throughout the Red River Valley as

⁵³ Norris, "Growing up Growing Sugar," 299-302. The potential that *betabeleros* could become permanent settlers initially drew opposition in Michigan in the 1920s. But sugar company spokesmen reassured the public that Mexican labor was "the perfect labor force—one that was pliant, docile, tractable, hardworking, lawful, self-isolating, and temporary." Kathleen Mapes, *Sweet Tyranny: Migrant Labor, Industrial Agriculture, and Imperial Politics* (Urbana: University of Illinois Press, 2010), 147.

⁵⁴ Norris, "Growing up Growing Sugar," 299; James Gilbert, *A Cycle of Outrage: America's Reaction to the Juvenile Delinquent in the 1950s* (New York: Oxford University Press, 1986), 72-76; William Graebner, "The 'Containment' of Juvenile Delinquency: Social Engineering and American Youth Culture in the Postwar Era," *American Studies* 27, no. 1 (Spring 1986): 81-97; Marilyn Irving Holt, *Cold War Kids: Politics and Childhood in Postwar America, 1945-1960* (Lawrence: University Press of Kansas, 2014), 83-94.

⁵⁵ Norris, "Growing up Growing Sugar," 309.

administrators tried to meet the increased demand with young labor. Historian Jim Norris reports that many labor programs in Iowa, Nebraska, and Montana were modeled on the Red River Valley's Youth Beet Program as they too attempted to replace Mexican labor with local teenagers.⁵⁶

The Red River Valley Youth Beet Program continued into the 1970s, but despite growers' and community leaders' initial optimism, it was never very popular. Although enrollment peaked at around 1100 in 1963, the daily tally for young laborers rarely surpassed 300. This is because non-migrant North Dakota teenagers found both the work and conditions unpleasant. They complained of sunburns, blisters, mosquitos, and monotony. Although program administrators promised good pay, teen workers typically earned less than the minimum wage and many young field workers decided it was not worth the effort. Farmers, too, became displeased as the teens worked more slowly than *betabeleros* and their turnover rate was around 50 percent. By the late 1960s, program administrators turned to an even younger population when they recruited junior high students who were considered more tractable than older teens. But the younger workforce also found the work distasteful and turnover remained a continual challenge.⁵⁷ Ultimately, programs such as these served only to temporarily increase local teen labor and did little to alleviate the need for migrant families. What was abundantly clear was that minors who had a choice generally rejected opportunities to work in the sugar beet fields.

CHILD WELFARE ADVOCATES EXPAND THEIR PURVIEW

At midcentury, child welfare advocates were deeply concerned with the state of migrant children's health, education, and well-being. But children who worked on family farms also faced increased dangers from modern farming methods. It was the rising rates of accidents and injuries among this population that brought even non-migrants into reformers' purview. Accounts of children's farm-related injury, illness, and death became commonplace in the 1950s as farmers across the nation modernized at a rapid pace, adopting mechanized farm equipment and scientifically engineered fertilizers, herbicides, and insecticides. Modern farming methods that enhanced plant and animal yields posed new dangers to human handlers, especially those who utilized the innovations haphazardly or without proper training. While mechanized tools were not an agrarian novelty at the midcentury, their size and expense had long made them impractical and out of the financial reach of most of the nation's farmers. This changed after World War II as defense factories converted to peacetime production and heavy equipment manufacturers capitalized on pent-up consumer demand. Innovations in design and materials, coupled with a barrage of advertising enticed farmers to embrace modern agricultural methods or risk being left behind. A booming farm technology industry resulted. But, as International Harvester tractors, New Holland hay balers, and John Deere combines proliferated, so too did the severity and frequency of farm accidents.⁵⁸ The popular farm magazine, *Wallace's Farmer*, called attention to this when it

⁵⁶ Norris, "Growing up Growing Sugar," 307, 311.

⁵⁷ Norris, "Growing up Growing Sugar," 309-313.

⁵⁸ J. L. Anderson, "'The Quickest Way Possible': Iowa Farm Families and Tractor-Drawn Combines, 1940-1960," *Agricultural History* 76, no. 4 (Autumn, 2002): 669-688; Thomas Burnell Colbert, "Iowa Farmers

reported that “299 fingers, 32 thumbs and 32 hands” had been lost to mechanized farm equipment in 1951 alone.⁵⁹

Even children who worked on their own family’s farms were at increased risk from the hazards of mechanized equipment. For example, a little past seven on the evening of August 13, 1957, fifteen-year-old Larry Panasuk worked alone to finish baling hay on his parents’ farm just outside of Bainville, Montana. As he rushed through the last of his tasks, he tossed an armload of hay into the baler and absent-mindedly gave it a kick for good measure. In an instant, the machine devoured Larry’s foot and lower leg along with the hay. To save his life, surgeons had to amputate his leg just above the knee.⁶⁰ Even children who worked under adult supervision were at risk. Eleven-year-old Daniel Peters died on June 26, 1958 when he was thrown to the ground and whipped several times by a dislodged fanning mill belt. The fifth-grader’s father had turned his back for only a minute as the two worked together on their Austin Township farm in central Michigan. Similarly, nine-year-old John Sheets of Lucas, Kansas perished on March 8, 1959 only a few yards from a parent. As John and his father drove tractors in tandem, the child’s vehicle edged too close to a roadside washout. The boy was pinned and crushed under the tractor when it overturned.⁶¹

These risks also increased the danger of tasks that children performed while working as day laborers on their neighbors’ farms. Such was the case in November 1957, when nine-year-old Terry John Nelson became entangled in an automated bovine feeder at the River Ranch dairy farm in Mira Loma, California. Feeding the cows had swiftly become a life or death situation for the youngster. Eight men worked nearly an hour with blowtorches, hacksaws, and bolt cutters to free the boy. Upon release, Terry reportedly told rescuers, “It sure is a good thing you guys got me out of here. It was getting hard to breathe.” Fifteen-year-old, Roy Lee Mann was not so fortunate. Known to be “a good farmhand,” he was hired to mow his neighbor’s field. But the African American teenager was hacked to death when his rotary mower hit a hole and ejected him into the vehicle’s path. He had expired by the time his teenaged co-worker found him.⁶²

By 1960, tractors were a leading cause of children’s farm deaths.⁶³ This was largely because learning to drive a tractor was a rite of passage for farm children. They eagerly embraced the opportunity and it was a common experience for those who grew up on farms. Missourian Clara Wilmes, whose older brother had died in a sledding accident, recalled becoming her father’s farm-chore helpmate at an early age. She learned to drive a tractor

and Mechanical Corn Pickers, 1900-1952,” *Agricultural History* 74, no. 2 (Spring, 2000): 530-544; Derek S. Oden, “Harvest of Hazards: The Farm Safety Movement, 1940-1975,” (PhD. diss., Iowa State University, 2006).

⁵⁹ “Don’t Lose an Arm,” *Wallace’s Farmer* (October 18, 1952): 8.

⁶⁰ “Bainville Youth Loses Leg from Baler Accident,” *Standard*, August 23, 1957, in Senate, *Migratory Labor*, April 12, 1961, 147; historic weather data for Bainville, Montana can be found at “Weather Source,” <http://weathersource.com/past-weather/weather-history-reports/free>.

⁶¹ “Ugly Boy, 11, Hurt Fatally By Pulley Belt,” *Times-Herald*, June 28, 1958 and “Lucas Youth Killed in Tractor Mishap,” *Journal*, March 10, 1959, in Senate, *Migratory Labor*, April 12, 1961, 148-149.

⁶² “Farm Machine Mangles Boy, 9,” *Enterprise*, November 20, 1957 and “Farm Laborer is Cut to Pieces,” *Tribune*, June 11, 1957, in Senate, *Migratory Labor*, April 12, 1961, 148, 151.

⁶³ “Tractor Facts,” *Farm Safety Review* (January-February 1960): 6-8.

when she was only six years old. “Since I was not very tall, I had trouble reaching the clutch and the brake,” she explained.⁶⁴ Iowan Carol Denter learned when she was twelve. She recalled the jerkiness, her confusion as it lurched forward, and the strength it took to keep the vehicle going straight.⁶⁵ Tractor accidents could be tragic, even if the child was not in the drivers’ seat. For example, one doctor wrote of a four-year-old boy whose foot got caught in a tractor’s moving parts while he rode on the back of the vehicle. His foot recovered after two months, but three years later, the same boy suffered a broken pelvis and paralysis in an overturned tractor accident.⁶⁶ Sometimes children’s inexperience or inability to control farm equipment resulted in the death or injury of adults. This was the case of a seventy-five-year-old New York farmer whose eleven-year-old neighbor accidentally ran him down with a tractor. The coroner commented on the lack of regulation by saying, “It seems incongruous that an 11-year-old boy, almost unable to climb into the seat of a tractor, should be allowed to operate such a machine.”⁶⁷

In the postwar years, family, neighboring, and corporate farms had all become more dangerous places to work. The California Department of Industrial Relations reported that an average of five hundred school-aged children a year were injured in farm work-related accidents in the state between 1950 and 1956. Half of those accidents involved children younger than sixteen.⁶⁸ Moreover, the year 1958 saw more deaths related to agricultural labor than in any other industry. In light of the increased overall trajectory of injury and death in the agricultural sector, the Secretary of Labor declared agriculture the third most hazardous occupation in America, behind only mining and construction.⁶⁹ Indeed, it was the only major industry in which the death rate had *increased* since 1951.⁷⁰ In 1960, the National Safety Council announced that because the agriculture sector was not subject to occupational safety regulations, that farm laborers were four times more likely to be injured on the job than manufacturing employees. Despite all of this, and unlike in other sectors, federal and state laws did not regulate children’s agricultural labor beyond banning it during school hours—and yet family farms were exempted from even that limitation. It was with these accidents in mind that child welfare advocates proposed federal protections even for children on the family farm.

During postwar period, child welfare advocates operated within the context of an uncertain modern world. Like most Americans, they were concerned with the dangers posed by contemporary political tensions and social instability, and this served to intensify their conviction that *all* children needed protection and nurturance so as to grow into well-balanced global citizens who would lead the world to greater peace and prosperity. With this

⁶⁴ Clara Pallo, *Childhood Memories of Nodaway County, 1943-1960* (San Bernardino, CA: Clara Pallo, 2016), 102.

⁶⁵ Carol Bodensteiner, *Growing Up Country: Memoirs of an Iowa Farm Girl* (Des Moines: Rising Sun Press, 2008), 190-192.

⁶⁶ C.B. Hughes, “A Doctor’s Eye-view of Accidents,” *Farm Safety Review* (July-August 1960): 11.

⁶⁷ “Season of Tragedy for Youngsters on Farms,” *American Child*, (October 1952), 1, 4.

⁶⁸ “Statistics on Injuries to Children in Agriculture,” folder 39, box 365, Williams Papers.

⁶⁹ “Need for S.1123,” folder 25, box 355, Williams Papers.

⁷⁰ Statement by Senator Harrison A. Williams, Jr., regarding S.523 (1963), folder 39, box 365, Williams Papers.

goal in mind, parenting manuals, magazine articles, child development studies, and reports from the 1950 White House Conference on Children and Youth, advocated programs and philosophies that prioritized an agenda aimed at fostering children's health, as well as academic and social development, all carefully guided by experts and safeguarded by legislation. But the success of such projects depended on a shared sense of social responsibility for the nation's children and necessitated at least a partial relinquishing of parental authority. Rural parents bristled against the latter, especially when child development experts warned of the dangers associated with premature farm labor.⁷¹ Parents in rural communities were wary of reformers and the ways that their agenda might infringe on farm family tradition-informed practices. These two battled over who was ultimately better equipped to direct children toward desirable goals.

The NCLC mobilized its resources to inform the public of the need for regulation. In every issue of *The American Child* newsletter throughout the 1950s, the organization argued for a link between national good and the regulation of children's agricultural labor. Photographs of boys with mangled limbs wrapped in white bandages, young children working in cotton fields, and vivid images of squalid migrant camps, accompanied stories of gruesome farm accidents and deprivation, but also proposals for migrant education, health programs, and proposed legislation. As they always had, the organization lobbied both state and national politicians and encouraged their supporters to do the same. A small blurb that accompanied a donation form in the May 1952 issue contrasted funding disparities between child labor reform and avifauna habitat preservation. It noted that the federal government spent six and half million dollars a year on the construction and maintenance of migratory bird sanctuaries. "Help Us Work For Better Conditions For *Migratory Children*," it entreated [emphasis original].⁷² The CBS documentary *Harvest of Shame* would make the same comparison eight years later.

For advocates of child labor reform, the need for the far-reaching federal legislation was blatantly obvious, and had been for some time. Without it, they believed, agricultural interests would continue to exploit young workers. State legislators with large farm constituencies had for years proposed bills aimed at repealing state laws and circumventing the FLSA. For example, in 1953, Lazelle Alway of the NCLC railed against legislators from Minnesota and Texas who had proposed a number of bills aimed at exempting the peanut, cotton, tobacco, rice, and grain crops from the school attendance requirement of Section 13(c). Contending that perishable crops necessitated every available hand, lawmakers attempted to make the exemption absolute. Alway countered, "Children, too, are perishable." Just as crops were seasonal, she explained, so too were the opportunities that

⁷¹ For more on child development experts' influence on social thought and government policy from the early- to mid-twentieth century, see Paula S. Fass, *The End of American Childhood: A History of Parenting From Life on the Frontier to the Managed Child* (Princeton: Princeton University Press, 2016), 86-170; Holt, *Cold War Kids*; Jennifer Robin Terry, "Cultivating Healthy Personalities: Iowa and the Midcentury White House Conference on Children and Youth," *Annals of Iowa* 75, no. 2 (Spring 2016): 130-163.

⁷² "For Migratory Birds," *The American Child*, (May 1952): 2.

children had to grow and learn, and physical labor performed too intensely and too early thwarted children's potential.⁷³

Alway's speech was reminiscent of the rhetoric of earlier industrial child labor reformers who, at the turn of the century, drew inspiration from the burgeoning natural resource conservation movement. Linking their concerns with another Progressive strand of reform, child welfare advocates equated children's premature labor with the squandering and misuse of natural resources. Speaking to industry leaders at the first National Conservation Conference in 1909, Mrs. J. Ellen Foster had compared the nation's young to saplings. She told conferees that children's value to the nation would increase as they matured, for "just as surely as a big tree is worth more than a growing slip, so a man is worth more than a child.... We know he is worth more to the country....if he is allowed to grow up to full stature and develop himself fully."⁷⁴ This was also a common refrain for President Theodore Roosevelt who warned industrialists in 1911 that the continued use of child labor would diminish future labor, military, and reproductive yields.⁷⁵ The fact that the U.S. Army had found a large number of working-class young men unfit for duty during both the first and second world wars bolstered reformers' claims at the midcentury that premature labor would divert future resources.

In fact, discovering the causes of human resource waste had become a significant postwar undertaking. The federal government, universities, and citizen's groups alike worked through scientific inquiry and social theory to reveal and remedy problems that stood in the way of a healthier, more productive American nation. Programs such as the Conservation of Human Resources Project at Columbia University and the three-year preparatory initiative toward the 1950 White House Conference on Children and Youth produced reports, programs, and policies that were focused on fostering the development of physically, emotionally, and mentally healthy citizens who would be equipped to lead the world to peace and prosperity.⁷⁶ This goal was made all the more urgent by Cold War tensions. The renewed efforts by child welfare advocates' to eliminate the waste of human potential that

⁷³ Alway, speech, Southwest Regional Conference on Migratory Labor, Wyckoff Papers.

⁷⁴ Mrs. J. Ellen Foster quoted in Laura Lovett, *Conceiving the Future: Pronatalism, Reproduction, and the Family in the United States, 1890-1938* (Chapel Hill: University of North Carolina Press, 1998), 110. An excellent source on the early conservation movement is Samuel P. Hays, *Conservation and the Gospel of Efficiency: The Progressive Conservation Movement, 1880-1920* (Cambridge: Harvard University Press, 1959).

⁷⁵ Andrew Alexander Bruce, "The Conservation of our Natural Resources and of our National Strength and Vitality," *University of Pennsylvania Law Review and American Law Register* 58, no. 3 (1909): 125-162; Theodore Roosevelt, "The Conservation of Childhood," *Annals of the American Academy of Political and Social Science* 38 (1911): 8-16; "The Attack of Senator La Follette on the Supreme Court," *Outlook*, June 28, 1922; Howard Chudacoff, *Children at Play: An American History* (New York: New York University Press, 2007), 88-91.

⁷⁶ Dismayed by the "wastage of manpower" during World War II, General Dwight D. Eisenhower established the Conservation of Human Resources Project in 1950 while he was president of Columbia University. Travis Beal Jacobs, *Eisenhower at Columbia* (New Brunswick, N.J.: Transaction Publishers, 2001), 141-142; Eli Ginzberg, "Conservation of Human Resources," *Science* 114, no. 2969 (November 23, 1951): 3; Eli Ginzberg, *The Ineffective Solider: Lessons for Management and the Nation* (New York: Columbia University Press, 1959). On the Midcentury White House Conference on Children and Youth, see Holt, *Cold War Kids*. On the significance of the preconference preparatory period, see Terry, "Cultivating Healthy Personalities."

resulted from oppressive child labor was in line with this broader agenda. They argued that the state of children's agricultural labor, and that of migrant labor most especially, was at odds with the nation's vision of an educated, healthy, well-adjusted citizenry.

The assistant director of the federal Bureau of Employment Security, Louis Levine, agreed with this position. In a 1956 address to the Cosmos Club in Washington D.C., Levine highlighted the disparity between migrant living conditions and the standards enjoyed by most of the rest of the nation—it was a case of deprivation in the midst of prosperity. The fact that children performed heavy and often dangerous labor in the fields instead of attending school was one of his primary concerns. Levine informed the gathered luminaries that, “the conditions under which [migrant] children work are similar to the conditions which resulted in legislation forbidding or regulating the employment of children in so many industries other than agriculture.”⁷⁷ Similarly, one man wrote to the senate council: “Just as we once could ignore the youngsters who were used as human chimney brushes, so do we now find it easy to forget about the children who go with their parents to the field.”⁷⁸ A growing chorus in both government and the private sector recognized that the demands of the modern world necessitated conserving these human resources by bringing the regulation of children's agricultural labor on a par with other sectors.

Child welfare advocates were concerned that migrant and other rural teens that left school prior to graduation would suffer significant disadvantage in the increasingly competitive world and thus would become wasted resources.⁷⁹ By midcentury, extended education and extra-curricular personal development had become standard in urban America and was becoming increasingly so in rural communities. Educators and social theorists had long viewed schools as prime instruments for amalgamating an American citizenry from an otherwise heterogeneous population. This was all the more important in the 1950s as the exigencies of the Cold War made clear that competition with the Soviets required an educated citizenry united in their identification as a democratic people. Moreover, a dramatic rise in the under-eighteen population made the immediacy of this agenda more apparent by the mid-1950s, and competition with the Soviets drove improvements in curriculum, raised academic standards, and extended school calendars. High schools became incubators of youth culture and pillars of community life. As one historian writes, “the high school became one of the dominant sites for the creation of twentieth-century American culture.”⁸⁰ By 1961, the importance of a high school diploma was widely recognized by labor reform advocates but still largely denied by agricultural interests who maintained that farm labor was a wholesome, healthful activity and an education unto itself. But Walter J. Mason of the AFL-CIO countered that stunted education consigned migrant children to a dead-end profession, “not by choice but by implacable destiny.”⁸¹ The result of such oppression, he maintained, would be a class of illiterate, unprepared future citizenry. “We

⁷⁷ Levine, “The Migratory Farm Worker.”

⁷⁸ memo, Bill Oriol to Fred Blackwell, folder 39, box 365, Williams Papers.

⁷⁹ William J. Reese, *America's Public School: From the Common School to “No Child Left Behind,”* (Baltimore: Johns Hopkins University Press, 2005), 118-221; Fass, *The End of American Childhood*, 134-142.

⁸⁰ Fass, *The End of American Childhood*, 136.

⁸¹ Senate, *Migratory Labor*, April 12, 1961, 77-78.

ignore them at our peril,” he warned. “Not just theirs, but ours.”⁸² The consensus of child welfare advocates and many others was that a wasted generation of rural children would become a blemish, burden, and blight on the nation.

Those who desired more comprehensive regulation of child labor saw the issue as a humanitarian concern but also a matter of national integrity and security. Therefore, they believed that it was time for experts and legislators to exert some control over the welfare of rural children. Senator Harrison Williams Jr., a democrat from New Jersey and chairman of the Senate Subcommittee on Migratory Labor, proposed S.1123 in April 1961 with this in mind. The bill proposed to amend Section 13(c) of the Fair Labor Standards Act by doing three things. First, it would prohibit the labor of children who were younger than fifteen at all times (although children’s labor on their home farm would remain exempt). Through this proposal advocates hoped to eliminate school crop vacations, as it would substantially decrease the number of minors who were eligible for day labor and prohibit the employment of younger migrant children.⁸³ Secondly, it sought to hold growers accountable for illegal child employment through criminal penalty, fines, and possible imprisonment. It would also hold them liable for injuries to children who were in their employ illegally. And thirdly, in order to protect all minors from the increased hazards of modern farming, the bill sought to bar children under the age of eighteen from engaging in farm activities that the Secretary of Labor deemed hazardous (a stipulation similar to other sectors). This would apply even to children on their home farms. Not since the campaign for the Child Labor Amendment had a bill posed such a threat to rural parents’ authority and the agriculture industry’s use of child labor.

Though the bill was intended to curb the worst abuses—those conditions that had been proven to be detrimental to children’s health, education, and well-being—rural parents perceived it as a federal overstep, one that challenged their prerogative to raise their children in the manner in which they deemed fit. Senate bill 1123 clashed with rural parenting philosophies that prized parental autonomy. Although merely a small component of the proposed bill, the stipulation that would limit parents’ right to direct their children’s labor in the use of farm machinery threatened to undermine rural parents’ authority. Moreover, limiting the labor of all children under fifteen on other than family farms infringed on parents’ right to permit their children to work for neighbors or as part of a hired family unit. Rural parents generally clung to what they perceived as timeless axioms that recognized and reinforced parental authority as the ultimate arbiter of children’s training and wellbeing. With convictions rooted in the agrarian myth, many rural parents used agricultural labor to instill responsibility, integrity, respect for authority, and recognition of familial and

⁸² Senate, *Migratory Labor*, April 12, 1961, 297.

⁸³ Those who wished to preserve Section 13(c) in its 1949 iteration argued that it already prohibited child labor while schools were in session. Thomas J. Lloyd and Patrick E. Gorman, president and secretary-treasurer (respectively) of the Amalgamated Meat Cutters and Butcher Workmen (AFL-CIO) called this “farcical,” and stated, “The fact that rural areas grant a multitude of crop vacations is well known. During harvest and other peak seasons, the growers pressure the school authorities in many areas to declare school vacations, so they can have the benefit of the cheap labor of children. The vacations are declared and the work is carried on during nonschool hours.” See: Senate, *Migratory Labor*, April 12, 1961, 325.

communal duty in their children. They believed that children reared under time-honored traditional training could become a bulwark against threats of the modern age.

The renewed federal threat to parental authority occurred during a precarious period of change for most rural communities. Although the global demand for food and fiber during World War II made farming increasingly profitable through the mid-1940s, it had also greatly increased the income disparity in farm life. In just five years, the net income of farm producers nearly tripled, from 4.4 billion in 1940 to 12.3 billion in 1945.⁸⁴ But this prosperity was uneven and the bulk of farming profits went to larger producers who were better equipped to meet the market's demands. Hence, many small-scale family farmers struggled. Farms were often ramshackle and still lacked modern amenities well into the mid-1950s. Missourian Clara Wilmes was born during the war in her family's farmhouse that was built nearly a century earlier in 1853. The second of five children, she recalls that their rural home did not have electricity or indoor plumbing until the mid-1950s. Although their farm provided enough food for the family, it was clear to her that they were not well off. This was reinforced by her father's common greeting, "Welcome to poverty-stricken Nodaway County!"⁸⁵ Eddie Casson, who was raised on a farm in Winslow, Indiana writes that he was not aware of his family's poverty until he went to school. This was especially true by the time he attended high school in the early 1970s as homespun clothes, a lack of spending money, and country manners set rural kids apart.⁸⁶ Indeed, across most of the nation, clear disparities in farm-generated wealth set small, independent, family farms apart from larger ones, and they often relied on the incomes that their children's labor generated when doing odd jobs and assisting more affluent farmers.

Historian Daniel Nelson writes that "agrarian 'individualism' took the family work unit for granted," and indeed, rural parents who relied on their children's labor on the home farm taught that there was dignity in the work. They strove to inculcate a strong work ethic in their children from a young age.⁸⁷ Farm children learned to help with chores as soon as they were able to carry a bucket, pull a wagon, or open a gate. Iowan Carol Denter learned to plant potatoes when she was only two and could handily kill and gut chickens by the time that she was eight. Maxine Bergerson, who grew up on a Minnesota farm, recalls that one of her earliest lessons was that "work never hurt anybody." She and her siblings were up with the sun everyday to help with chores around their family farm.⁸⁸ Rural parents' taught that

⁸⁴ Robinson, "Taking the Fair Deal to the Fields," 392.

⁸⁵ Pallo, *Childhood Memories of Nodaway County*, 1, 9-15. R. Douglas Hurt writes that after World War II, electricity became a utility rather than a luxury. About fifty percent of farms had adopted electrification by 1945. That number rose to nearly ninety-eight percent by 1960. R. Douglas Hurt, *Problems of Plenty: The American Farmer in the Twentieth Century* (Chicago: Ivan R. Dee Publisher, 2002), 115.

⁸⁶ Eddie Casson, *Farm Boy: Coming Out of Indiana* (New York: Toss Glitter Publishing, 2016), 69-70.

⁸⁷ Nelson, *Farm and Factory*, 8.

⁸⁸ Megan Birk, "Supply and Demand: The Mutual Dependency of Children's Institutions and the American Farmer," *Agricultural History* 86, no. 1 (Winter 2012): 80; Bodensteiner, *Growing Up Country*, 20-26, 155; Maxine Bergerson Werner, *Country Ragamuffins: Reflections on a Midwestern Farm Childhood* (Minneapolis: Two Harbors Press, 2013), 55. For books that discuss the ways that agrarianism and rural culture shaped the mentality of farm folk, see: Robert Wuthnow, *Remaking the Heartland: Middle America in the 1950s* (Princeton: Princeton University Press, 2011); Robert Wuthnow, *In the Blood: Understanding America's Farm Families*

chores were something that one did as a matter of course and without remuneration. Although farm children did at times work for pay for neighbors, they were not typically paid for pitching in at home.

Rural parents also generally believed in the absolute authority of parents over their children. This differed from the middle-class urban and suburban model in which family relationships had progressively tended toward a more companionate, partnership model, in which the father was less of an authoritarian and more of an advisor. This more democratic, child-centered family model was considered by child welfare advocates and experts to be modern and desirable.⁸⁹ This was not true, however, for most rural families where fathers still held ultimate authority over his household and a clear hierarchy delineated the parent/child relationship. For rural parents, common sense (that is, time-honored, experientially derived beliefs that were deeply ingrained and passed down through generations) held that children needed guidance from their parents, not friendship. For some farm children, this model tended toward the oppressive. Indiana farm boy Eddie Casson wrote, “My father had a lot of rules, both external and internal. They were hard to define and impossible to follow.... Creating a sense of order and discipline was more important to him than creating a sense of love and warmth.”⁹⁰ This is not to say that farm parents typically failed to show affection for their children, but rather, in these families, parental direction was not subject to debate or democratic processes.⁹¹ One of the areas that Clara Wilmes’s father held absolute authority was in television viewing. She and her sisters were only permitted to watch programs that were “hand-picked by Dad.” This never bothered her until the night that he forbade her from watching Elvis Presley on the *Ed Sullivan Show*. Her father disapproved of Elvis Presley’s hip-gyrating performances. She remembers that there was no discussion about it and no television that night.⁹²

Rural communities felt as though their chosen way of life was under siege during the postwar period. The years 1945 to 1970 marked the “decline of traditional agriculture” as the number of small and medium family-run farms steadily decreased nationwide.⁹³ During

(Princeton: Princeton University Press, 2015); Jane Marie Pederson, *Between Memory and Reality: Family and Community in Rural Wisconsin, 1870-1970* (Madison: University of Wisconsin Press, 1992); Mark Friedberger, *Farm Families and Change in Twentieth Century America* (Lexington: University Press of Kentucky, 1988); Scott McNall and Sally Allen McNall, *Plains Families: Exploring Sociology Through Social History* (New York: St. Martin’s Press, 1983).

⁸⁹ Viviana Zelizer, *Pricing the Priceless Child: The Changing Social Value of Children* (Princeton: Princeton University Press, 1994); Paula S. Fass, “The Child-Centered Family? New Rules in Postwar America,” in *Reinventing Childhood After World War II*, edited by Paula S. Fass and Michael Grossberg (Philadelphia: University of Pennsylvania Press, 2012), 1-18.

⁹⁰ Casson, *Farm Boy*, 103. Casson’s story is one marked with physical abuse from a father who clearly disdained his son’s gentler inclinations. “He saw that I was in no way like him [a rugged, tough, athletic man], and he set about to change that, in whatever aggressive or even violent way necessary” (105).

⁹¹ Julia Grant, “Caught between Common Sense and Science: The Cornell Child Study Clubs, 1925-45,” *History of Education Quarterly* 34, no. 4 (Winter 1994): 433-452; Robert A. Rowher, “Family Farming as a Value,” *Rural Sociology* 16 (December 1951): 330-339; Roger Magnuson, “Childhood and Education in the West,” *The Elementary School Journal* 75, no. 5 (February 1975): 284-291; Birk, “Supply and Demand,” 78-103.

⁹² Pallo, *Childhood Memories of Nodaway County*, 14-15.

⁹³ Nelson, *Farm and Factory*, 172.

this period, the size of the average farmstead nearly doubled, from 195 to 373 acres, but this was merely a sign of consolidation and uneven expansion that resulted when struggling family farmers sold off land to more prosperous neighbors. Big farms grew larger while small farms dwindled and many folded. Farms consisting of more than five hundred acres increased by 28 percent while those of less acreage decreased by 40 percent.⁹⁴ A majority of smaller farms operated only part-time as their owners worked for pay in nearby towns in order to meet their bills and mortgage. Such farms had less need for full-time hired hands. They increasingly relied on mechanized farm equipment, and low-wage, contingent labor, such as that provided by their own and their neighbors' children.⁹⁵ Other farms survived and even grew when farmers contracted to large processing and distribution companies. They supplied the raw ingredients for the popular convenience consumer products such as Swanson T.V. dinners, Libby and Dole canned fruits, and Betty Crocker cake mixes. In doing so, the farms survived, but the farmers relinquished managerial independence, which was a key component and defining characteristic of the agrarian ideal. As the farmers became contract employees, and their farms an extension of conglomerates, corporate agriculture dominated farmland and production, and traditional agriculture offered fewer prospects to outsiders who once thought to try their hand at the agrarian dream. As a result of these changes, between 1945 and 1970, the nation's farming population declined by nearly two-thirds, from 30.5 to 9.7 million.⁹⁶ In fact, the outmigration of the farm population was so great that historian David Danbom claims "farm life became an anomaly, even in rural America." Whereas 53 percent of rural Americans lived on farms in 1940, only 18 percent did so by 1970.⁹⁷

At midcentury, small and medium farms were under great pressure with a number succumbing to takeover by larger farm. But ironically, the failure of such farms was due largely to measures taken by the federal government to preserve and encourage that icon of American agrarianism, the family farm. Hugely significant during the war, agricultural production had strengthened the industry's ties to the federal government as farm constituents pressed their representatives for favorable policies in return for high output. But, in the face of falling postwar prices, farmers needed to expand production in order to maintain income. Modern conveniences such as machinery, electricity, and chemicals gave

⁹⁴ David B. Danbom, *Born in the Country: A History of Rural America* (Baltimore: Johns Hopkins University Press, 1995), 250; Paul K. Conkin, *A Revolution Down on the Farm: The Transformation of American Agriculture since 1929* (Lexington: University Press of Kentucky, 2008), 76.

⁹⁵ Casson, *Farm Boy*, 121; "Going to Work in Town: More Farmers and their Wives in Off-farm Jobs," *Wallace's Farmer* (January 18, 1958): 53.

⁹⁶ Danbom, *Born in the Country*, 245; Leon H. Keyserling, "The Farm Problem...is Not Insoluble," in *Agrarianism in American History* (Lexington, MA: D.C. Heath and Company, 1969), 171. A more detailed account of the decline in the farming population: 30,547,000 in 1940; 21,700,00 in 1952; 13,300,000 in 1964; 9,712,000 in 1970.

⁹⁷ Danbom, *Born in the Country*, 245. The percentage of rural Americans living on farms dropped further, to seven percent by the mid-1990s; Richard H. Steckel and William J. White, "Engines of Growth: Farm Tractors and Twentieth-Century U.S. Economic Welfare," NBER Working Paper No. 17879 (March 2012), 11; U.S. Bureau of the Census, *United States Census of Agriculture*, (Washington, D.C.: Government Printing, 1954), 105.

farmers the potential to increase yields, but they also required significant financial investments. The agricultural business community, a complex network of small and medium farmers, and what former assistant secretary of labor John H. Davis termed “agribusiness” in 1955 (large corporate farms, lobbying groups, insurance companies, bankers, farm supply businesses, and advocacy organizations) had grown accustomed to turning to the federal government for opportunities, subsidies, and security. But after the war, the government policies that implemented new price supports, provided subsidies, and facilitated farmers’ ability to borrow toward expansion and modernization, served ultimately to increase the wealth gap as a sizeable constituency of affluent growers benefitted from the aid while others failed and were priced out of the market. By the 1970s, most of the remaining family farmers found themselves in perpetual debt in a never-ending cycle of financing production in order to repay that debt.⁹⁸ In retrospect, former New Dealer and then economic advisor to President Truman, Leon Keyserly observed, “The national farm policy has done far too much for those who need help least and far too little for those who need help most.” In the postwar years, he declared, small farmers had the hope “squeezed out of them.”⁹⁹

Even as family-sized farms contracted, agribusiness became more aggressive about defending its use of child labor, and it did so by obscuring farming interests’ class-based differences in order to shape agrarian policy. By 1960, agricultural interests, who were increasingly concerned with losing political representation to rapidly expanding urban centers, sought to shore-up support in Congress and with the American people by exaggerating large-scale farming’s association with family farms.¹⁰⁰ Just as did Babcock, a number of spokespersons and agencies laid corporate claim to the national ideals embodied in the agrarian myth. In doing so, they attempted to shed the image that they were factories in the field. The claim gained purchase because, on the surface, it was true. Corporate farm ownership often included family members. But family-ownership did not always equate with the agrarian ideal of the independent farmer who autonomously managed capital, land, and production with family labor. Semantics allowed promoters to conflate and confuse. In other cases, families did retain ownership of their farms but lost management autonomy when they contracted to corporate food processors and distributors such as Heinz, Del Monte, and General Mills, who dictated schedules, inputs, production levels, and labor policy. By the late 1960s, American agribusiness was in full swing as banks, food processors and distributors, farm service businesses, and larger-than-family farms dominated the sector.

⁹⁸ Nelson, *Farm and Factory*, 165-169, 179-180; Danbom, *Born in the Country*, 244-248; Conkin, *A Revolution Down on the Farm*, 76; Ingolf Vogeler, *The Myth of the Family Farm: Agribusiness Dominance of U.S. Agriculture* (Boulder, CO: Westview Press, 1981), 105-143; Hurt, *Problems of Plenty*, 117.

⁹⁹ Keyserly, “The Farm Problem...is Not Insoluble,” 171-172.

¹⁰⁰ Richard F. Janssen, “Farmers & Kennedy: Rural Lobbyists Draft Battery of New Plans For Federal Farm Aid,” *Wall Street Journal*, December 14, 1960; For an example of how agrarian ideological solidarity helped to oppose the Brannan Plan and thus boost corporate interests over those of family farms, see: Karen J. Bradley, “Agrarian Ideology and Agricultural Policy: California Grangers and the Post World War II Farm Policy Debate,” *Agricultural History* 69, no. 2 (Spring, 1995): 240-256. For an example of how large growers set themselves in contrast to their labor force by co-opting the yeoman farmer narrative for themselves, see Deborah Cohen, *Braceros: Migrant Citizens and Transnational Subjects in the Postwar United States and Mexico* (Chapel Hill: University of North Carolina, 2013), 47-65.

In 1969, the United States Department of Agriculture officially condoned the obfuscation when it broadened classifications of farm size and ownership sufficiently to include many larger-scale operations within the category that was originally limited to the smaller family farm.¹⁰¹

While one would think that all of this would set rural parents in opposition to big farming, it did not—at least not where child labor was concerned. As family farms struggled, larger farms provided employment for themselves and their children. As scholar Richard Janssen and Karen Bradley have argued, rural farm parents believed that they had more in common with growers than with urban reformers and politicians. It was from this shared claim to the agrarian ideal that agribusiness interests acted to oppose S.1123. Speaking as one community, presidents, legislative council, and other leaders of both national and local agricultural organizations opposed limiting children’s labor. They framed their opposition in terms of national interest, children’s well being, and parents’ rights, but their own self-interest cannot be denied.

Corporate agricultural interests across the nation vehemently opposed S.1123 because children were integral to the agricultural labor force. In the Pacific Northwest, rural children’s labor was heavily employed in hand harvesting crops such as berries, fruits, and vegetables. On the migrant circuit, child labor went hand in hand with that of their parents. And since migrant parents often sought out farmers who would hire the family unit (or look the other way when the children were in the fields), the stipulation that proposed to hold employers accountable for illegal child employment was a serious threat. This would impact small and medium farmers, as well as large growers. Thus, it was in corporate agriculture’s best interest to insist that authority stay with the parent. In arguing for the parents’ prerogative, agribusiness strove to shield itself from responsibility while preserving its workforce. In opposing S.1123, agribusiness and rural parents formed an alliance against Senator Williams and anti-child labor reformers.

AGRARIAN REASON OPPOSES REFORM

On Wednesday, April 12, 1961, Senator Harrison Williams convened a hearing of the Senate Subcommittee on Migratory Labor. The hearing’s specific purpose was to find a legislative remedy for the plight of migrant farmworkers and their families. To that end, congressmen, educators, child welfare activists, clergymen, agribusiness lobbyists, and lay people gathered to weigh in on a number of bills, one of which was S.1123. In his opening remarks, Williams contrasted the nation’s failure to remedy the migrant labor “blight on our land” with the many and heavily subsidized global humanitarian projects.¹⁰² Citing the

¹⁰¹ Conkin, *A Revolution Down on the Farm*; Vogeler, *The Myth of the Family Farm*; Danbom, *Born in the Country*, 249.

¹⁰² Senate, *Migratory Labor*, April 12, 1961, 2-3. Recent works that speak to Cold War U.S. humanitarian efforts abroad: Sara Fieldston, *Raising the World: Child Welfare in the American Century* (Cambridge: Harvard University Press, 2015); Daniel Immerwahr, *Thinking Small: The United State and the Lure of Community Building* (Cambridge: Harvard University Press, 2015). See also the last chapter in Gabriel N. Rosenberg, *The 4-H Harvest: Sexuality and the State in Rural America* (Philadelphia: University of Pennsylvania Press, 2016), 186-222.

billions of dollars spent to aid the poor abroad, he thought it unconscionable not to tend to it at home. Secretary of Labor, Arthur Goldberg concurred and pointed out that the neglect of domestic migrant workers was even worse considering that within the U.S., “Hundreds of millions of dollars have been appropriated and spent each year to assist our farmers,” but Congress consistently neglected “the human aspect...the future and well-being of [migrant] children.”¹⁰³ Those gathered knew that they had a substantial task set before them; one in which solutions had been as illusory as the public will.

But Senator Williams was optimistic that 1961 could be a year of progress for those concerned with the migrant condition. This was in large part because the new president, John F. Kennedy, had indicated his support for the agenda, and Secretary of Labor Arthur Goldberg was present to confirm this. Although the previous labor secretary, James P. Mitchell had considered migrant labor conditions deplorable and vowed to do what he could to remedy the situation, Ezra Taft Benson, the Secretary of Agriculture under President Eisenhower, continually stymied all attempts to improve agricultural labor conditions.¹⁰⁴ Referring to this persistent intransigence, Williams claimed that his subcommittee had “felt rather lonely...under the previous administration.”¹⁰⁵ At the heart of this newfound support was concern over national security. Secretary of Labor Arthur Goldberg led off with a blistering condemnation of the thus far failed attempt to remedy “this long-festering sore in our society and our economy.” Humanitarian concerns aside, he quickly got to the heart of the political matter: the migrant condition reflected poorly on the nation’s claims to democratic egalitarianism. It “provides a propaganda weapon for those who oppose our traditions and ideals,” he contended. “Failure to take prompt remedial action may be viewed as a repudiation of our moral responsibility to our own people, thereby abetting our adversaries in the struggle for the minds of men.”¹⁰⁶ As Goldberg saw it, the migrant crisis had created an underclass that was particularly susceptible to Communist influence. They were a people who worked to produce an abundance of which they could not partake. “What shall we say to those who claim that we countenance exploitation and exclusion?” he asked.¹⁰⁷ Considering what followed in the testimony of the farming interests, the answer would appear to be, deny it.

¹⁰³ Senate, *Migratory Labor*, April 12, 1961, 39.

¹⁰⁴ “Administration Backs Legislation to Regulate Migratory Farm Labor,” *Wall Street Journal*, April 13, 1961; “U.S. to Ease Plight of Migrant Labor,” *New York Times*, April 16, 1961. The president’s inexperience with agricultural matters led him to support interests that were at odds with one another. While Kennedy supported efforts to resolve the migrant labor condition, he also resolved to fix the “farm problem,” claiming that the “family farm should remain the backbone of American agriculture.” He did not recognize that federal efforts to fix the agricultural situation would continue to benefit agribusiness and exacerbate problems for both migrants and the family farmers. Ultimately, the administration’s support yielded little for Williams. Hurt, *Problems of Plenty*, 124-126; John F. Kennedy, “American Agriculture—Message from the President,” in *Agrarianism in American History* (Lexington, MA: D.C. Heath and Company, 1969), 196-200.

¹⁰⁵ Eve Edstrom, “Kennedy Backs Aid for Migrant,” *Washington Post*, April 14, 1961.

¹⁰⁶ Senate, *Migratory Labor*, April 12, 1961, 34.

¹⁰⁷ Senate, *Migratory Labor*, April 12, 1961, 3.

The bill that absorbed the most attention on that first day of testimony was the one aimed at amending Section 13(c) of the FLSA. Matt Triggs, assistant legislative director and spokesman for the American Farm Bureau Federation (AFBF) began his testimony by saying, “I am going to devote almost all of my time to what we regard as the most important of the bills before you, S. 1123.” The AFBF professed to represent the nation’s family farmers, but from its founding in Washington, D.C. in 1920, the bureau had been the lead lobbyist for commercial agriculture. Working closely with the extension service’s county agents, and keeping tabs on legislators, its primary aim was to influence federal policy toward maximizing profitability for commercially oriented farm businesses.¹⁰⁸ For years, Triggs’s job had been to preserve agribusiness’s legal access to as broad a labor pool as possible. He strategically sought alliances with other parties in order to claim to represent a broad constituency. In recent years, his efforts had focused primarily on the defense of the bracero program and opposition to farm labor unionization.¹⁰⁹ On April 12, 1961, his focus was on preserving the industry’s access to child workers. Claiming to represent 1.6 million farm-family AFBF members, he proceeded to link children’s agricultural labor to the good of the nation, preservation of parents’ rights, and in the child’s own benefit.¹¹⁰

Although S.1123 was primarily concerned with the migrant situation, Triggs immediately reframed the discussion around young day laborers who worked occasionally on small and medium sized farms. Many of these were the farms that contracted to producers and distributors and typically had need of a large force of hand harvesters for two to six weeks out of the year, in addition to summer work. These farmers benefitted substantially from school crop vacations. S.1123 threatened to diminish this workforce by imposing a minimum age requirement of fifteen years. Raising the legal working age would dramatically reduce the rural child labor force and make crop vacations in all but high schools against the law. Such a restriction would also prohibit the labor of migrant children who were younger than fifteen *at any time*. This move threatened larger growers to an even greater extent. Triggs protested that the age minimum was excessive by at least a few years but framed his disapproval in terms of children’s benefit by claiming that the measure would hinder the healthy development of rural children. “We believe such employment is socially desirable,” he stated. “It is an important part of the educational process. It inculcates self-respect, self-reliance, [and] self-confidence.” Drawing on agrarian reason, he claimed that farm employment fostered physically strong and morally upright young citizens. Furthermore, he asserted, S.1123 was a federal attempt to infringe on parents’ rights to determine appropriate labor for their children. Such an incursion into the private home would surely “swell the ranks of juvenile delinquents,” as it would undermine parental authority.¹¹¹

Triggs was joined by a chorus of rural voices—parents, farmers, grower cooperatives and associations, farm-related business owners, and local labor placement services—who,

¹⁰⁸ Hurt, *Problems of Plenty*, 52-54; Bradley, “Agrarian Ideology and Agricultural Policy,” 248.

¹⁰⁹ David McGrann, “The Agricultural Workers Organizing Committee (AWOC) Campaign to Terminate the Bracero Program, 1959-1964,” (Ph.D. diss., Wayne State University, 2007); Henry Jarrett, ed., *The Nation Looks at its Resources* (New York: Routledge, 2016), 335.

¹¹⁰ Senate, *Migratory Labor*, April 12, 1961, 49-53.

¹¹¹ Senate, *Migratory Labor*, April 12, 1961, 49-50, 175-177.

through testimony and written statements, supported the idea that children “are benefited beyond measure by learning the disciplines of work early in life in the healthy atmosphere of the outdoors.”¹¹² According to Triggs and company, S.1123 was dangerous because it would stunt rural children’s maturation and usher in a new era of delinquents. One mother wrote: “My son is not yet a man but I watched him change into the world of adults when he was 12 years old...by being allowed to work and earn his own independence.” Another wrote: “As a parent, I want my children to learn to work, and to learn this early.”¹¹³ Independence and self-sufficiency through hard work was a tenet of agrarianism that rural people clung to in the changing world. A number of parents shared the plea: “Please don’t deny them the privilege of learning how to work.”¹¹⁴ Growers and farm venders echoed Triggs’s claims when they warned that prohibiting opportunities to work would result in “idleness and deeds of misbehavior.”¹¹⁵ Indiana businessman, Mark Purcell of the Parma Seed Company, cautioned that if the subcommittee proceeded with S.1123, they would legislate “a new crop of juvenile delinquents.”¹¹⁶ Carl Nelson, a fruit grower from Traverse City, Michigan included migrant children in the crop of potential delinquents when he commented, “young Negroes and Texas-Mexicans aged 12 to 15, if barred from useful employment are capable of much mischief.”¹¹⁷ This testimony clearly demonstrates the ways that agrarian reason shaped the perspective and values of rural constituencies who believed that children must learn to labor early if they were to develop into the right sort of citizens.

Opponents of S.1123 linked the spectrum of children’s agricultural labor (family, day haul, and migrant) under the notion that kids everywhere pitched in and contributed to the family livelihood through wholesome physical labor. They attempted to normalize the labor through nostalgic association and emphasized even migrant parents’ rights to direct their own children’s labor. Rural parents and agricultural interests maintained that farm labor was natural and beneficial, as attested by their own experiences as youngsters. One parent wrote: “I learned by working on farms in this vegetable area in the summer. I hope that my children will be allowed the same privileges that I had.”¹¹⁸ Matt Triggs, reminisced about growing up in a rural community and seeking farm work with other eleven- and twelve-year-old boys. “We would have regarded with openmouthed amazement any suggestion that we were exploited,” he claimed.¹¹⁹ Testifying on behalf of the United Fresh Fruit and Vegetable Association, the Florida Fruit & Vegetable Association, and the National Potato Council, Kenneth Morefield of Orlando, Florida, denied that there was any child exploitation in modern agriculture. Attempting to get Williams to concede to the healthful benefits of farm work, Morefield reminded the senator that he too “picked blueberries when you were a kid.” To which Williams retorted, “And I would never do it again.” Perhaps somewhat

¹¹² Senate, *Migratory Labor*, April 12, 1961, 175-177.

¹¹³ Senate, *Migratory Labor*, April 12, 1961, 177.

¹¹⁴ Senate, *Migratory Labor*, April 12, 1961, 177.

¹¹⁵ Senate, *Migratory Labor*, April 12, 1961, 80.

¹¹⁶ Senate, *Migratory Labor*, April 12, 1961, 190.

¹¹⁷ Senate, *Migratory Labor*, April 12, 1961, 187-188.

¹¹⁸ Senate, *Migratory Labor*, April 12, 1961, 177.

¹¹⁹ Senate, *Migratory Labor*, April 12, 1961, 50.

exasperatedly he reminded Morefield, “We are dealing with the migratory farm kid traveling with his father, who is out in the field picking. You and I know it is not good.”¹²⁰

But Triggs doggedly disagreed with this assessment. He contended, “Even in the case of children of migrant workers, the advantages [of] employment ordinarily will substantially outweigh the disadvantages.”¹²¹ Other agricultural interests also weighed in on this point. They likened migrant labor to helping out around a family farm. Wisconsin vegetable grower, president of the Vegetable Growers Association of America, and employer of migrant labor, Charles M. Kreuziger, agreed with Triggs and testified that, “Our association is opposed to the elimination of this youth work force because it would forbid them the right to learn the dignity of honest labor in the open air and in the soils of the earth.”¹²² Opponents spoke of the cohesiveness of the family work unit and referred to children who “contribute their bit to the family income.”¹²³ Some witnesses even called the proposed bill discriminatory; claiming that legislation that restricted migrant children’s labor would hurt their family’s ability to earn a living wage.¹²⁴ Despite the fact that this line of reasoning was rejected in 1937 when manufacturing interest used it to justify the labor of children in other sectors, agrarian interests persisted with applying it to agriculture nearly a quarter of a century later.

In arguing that S.1123 would infringe on parents’ rights, growers actually sought protection for themselves from a law that would hold them accountable through fines and even jail time if children younger than fifteen were found at work in their fields. For this reason, Matt Triggs and a number of constituents shifted the onus even to migrant parents, arguing that their children’s labor should “not [be] subject to any authority except that of their parents.”¹²⁵ T.B. Stebbins, secretary for the Michigan Association of Cherry Producers, submitted a written statement protesting federal interference with migrant parents’ rights asserting, “the decision as to whether or not children work should remain with the authority of the parents, instead of being regimented by the Government.”¹²⁶ While this might appear to be an altruistic expression of concern for migrant parents, considered alongside growers’ vehement resistance to discontinuing the bracero program, and their persistent obstruction of farmworkers’ attempts to organize for better pay and working conditions, the position appears suspiciously disingenuous. It disregarded the fact that migrants did not get the same benefits from their labor as did the family farmer and that children who labor on their parents’ farm did so with the larger potential payoff of long term benefits to family wealth and legacy. Conversely, the child who labors on commercial farms with her parents internalizes a sense of alienation for it is not for long term gain or personal fulfillment that they work but for immediate sustenance for the purpose of returning to the same dead-end work year after year. The impact on the child’s self-esteem and future prospects are

¹²⁰ Senate, *Migratory Labor*, April 12, 1961, 69.

¹²¹ Senate, *Migratory Labor*, April 12, 1961, 51.

¹²² Senate, *Migratory Labor*, April 12, 1961, 80.

¹²³ Senate, *Migratory Labor*, April 12, 1961, 180.

¹²⁴ Senate, *Migratory Labor*, April 12, 1961, 51-52, 180, 183, 444.

¹²⁵ Senate, *Migratory Labor*, April 12, 1961, 182, 444.

¹²⁶ Senate, *Migratory Labor*, April 12, 1961, 180.

markedly different from children who contribute to the family farm. It was this difference that motivated child welfare advocates, but also what agrarian interests denied.

Nonetheless, agrarian reason was largely successful as it caused Senator Williams's team to revise S.1123 in three ways. First, the revised bill lowered the proposed minimum working age from fifteen to fourteen. Second, it permitted twelve- and thirteen-year-olds to work on neighboring farms within twenty-five miles of their residence and removed all restrictions on the family farm. Third, it omitted criminal sanctions on employers who violated the law.¹²⁷ The Senate passed this version, but it was again stalled in the House for the same reasons. Hours upon hours of debate reveal arguments against that were based on nostalgic remembrances of their own "character building" childhood experiences; concern that unemployed children would become delinquent; and a vehement defense of parents' rights.¹²⁸ The opposition is best represented by the comments of congressmen Charles Gubser of California and George Mahon of Texas (two states heavily reliant on migrant labor). Claiming that farm work was the "greatest deterrent" to juvenile delinquency, Gubser berated child welfare advocates and sympathetic congressmen who did not recognize "the honor and privilege of doing an honest day's work." Mahon contended that proponents of the bill "would tend in a sense to exploit children by denying them what we have always thought of as a God-given privilege of a youngster, to go out on a farm and work."¹²⁹ In defending this position he claimed that, "kids 8, 9, and 10 years old work more easily than adults... [and] they work no harder than they would play." Gubser warned that it would be dangerous to "substitute Government judgment for parental judgment."¹³⁰ The opposition sufficed to stall the bill and prevent its passage prior to the adjournment of the eighty-seventh Congress.

In 1963, Williams took up the issue once again with S.523 declaring that, "any remaining beneficial farm work, not covered by the bill, exists more in the nostalgic memories of adults, than in the day-to-day work of a modern farm." He was adamant that the FLSA "desperately needs to be adjusted to the facts of modern agriculture."¹³¹ Yet, in trying to mollify rural opposition, S.523 was even more permissive than the revised S.1123 as it dropped the mileage limitation with regard to children's work on neighboring farms. This redefined permissible travel to any farm that was within one day's commute distance. This particular concession was made specifically to appease the Oregon Farm Bureau, which drew heavily on school children's labor for the berry harvests but it would also benefit others who employed migrant labor.¹³² What this meant was that, with their parents' permission (or "person standing in place of a parent"), children of any age could work on any farm within a day's travel from their home during periods when school was not in session (before and after school, on weekends, during the summer and crop vacations). However, S.523 did maintain

¹²⁷ "Comparative Summary of S.1123 (Child Labor)," folder 25, box 355, Williams Papers.

¹²⁸ U.S. Congress, House, *Congressional Record*, 87th Cong., October 4, 1962, 22348-22373.

¹²⁹ U.S. Congress, House, *Congressional Record*, 87th Cong., October 4, 1962, 22351.

¹³⁰ U.S. Congress, House, *Congressional Record*, 87th Cong., October 4, 1962, 22349.

¹³¹ Statement of Senator Harrison A. Williams, Jr., regarding S.523 (1963), folder 39, box 365, Williams Papers.

¹³² Harrison A. Williams, Jr. to Wayne Morse, June 1, 1963, folder 39, box 365, Williams Papers.

the integrity of the provision that aimed at reducing accidents caused by mechanized farm equipment by prohibiting the labor of minors who were younger than eighteen in occupations that the Secretary of Labor deemed hazardous. Yet, with farm-owning parents in mind, this provision exempted children's labor when performed at home.

Still, growers pushed back by attempting to liberalize what constituted parental permission, particularly with regard to the definition of a "person standing in place of a parent." A clear, precise, and concrete definition of such an entity was necessary because this person was granted the power to authorize children's labor (in the parent's absence) where it might otherwise be prohibited. As originally written, the law intended merely to include persons *in loco parentis*—that is, adults with the attendant rights and responsibilities of a parent who had legal custody of the child. But the stipulation had been abused at the state level for decades, at times including even teachers and labor contractors. The issue had come up in debates over S.1123 when Texas Senator John Tower had proposed the "Grandparent Amendment," which would have permitted grandparents to authorize children's labor on their own and their neighbor's farms. The reason given for this was that it was common for children to visit their grandparents during the summer. Agrarians wanted to ensure that grandparents had the right to grant their grandchildren permission to work on their own and nearby farms. However, this amendment was given little attention at the time because the Department of Labor in fact already acknowledged grandparents to be persons *in loco parentis* under certain circumstances. But the issue resurfaced in 1963 in consideration of S.523 when agrarians attempted to expand the definition to include "any person related by blood or marriage," or "any person with whom a minor is residing."¹³³ Such a change would have significant ramifications, as it would authorize anyone who was even remotely related to a child to employ them or grant permission for their employment. Connecticut provided the precedent for this as it already extended the parental exemption to "any member of the immediate family." But a vexed Williams commented that, "every inmate of a prison throughout the country today is related to a young child by blood or marriage."¹³⁴ It would, therefore, be unwise to so liberally grant such authority. Williams, the Department of Labor, and legislative counsel rejected the proposal and reaffirmed the law's original intent. Nonetheless, this issue is notable because it demonstrates just how much agricultural interests wanted to maintain access to child labor.¹³⁵ It was not enough to protect existing parents' rights, but agricultural interests sought to expand the definition of who could grant permission for children's labor. Had they been successful, they may have increased the potential labor pool because such an amendment would have created a loophole for growers to claim the role of person *in loco parentis* over the children who resided

¹³³ "Grandparent Amendment," April 30, 1962, folder 25, box 355, Williams Papers; "Child Labor Bill S.523: Growers Opposing," folder 39, box 365, Williams Papers; Anne to Harry, n.d., folder 39, box 365, Williams Papers.

¹³⁴ Statement by Senator Harrison A. Williams, Jr., regarding S.523 (1963), folder 39, box 365, Williams Papers; untitled notes arguing against expanding the parental exemption, folder 39, box 365, Williams Papers; Harrison Williams, Jr., to Edith Cook, May 17, 1963, folder 39, box 365, Williams Papers.

¹³⁵ "Reasoning Against Expanding the Parental Exemption of the Child Labor Agriculture Bill to Include Any Person Related by Blood or Marriage," folder 39, box 365, Williams Papers; "State and Federal Precedent Against Amendment," folder 39, box 365, Williams Papers.

in migrant housing on their property. Although the Senate approved S.523, it never made it out of the House.

When change finally did come to the child labor provision in 1966 it succeeded in imposing only one stipulation as it brought children's agricultural labor within the scope of the Hazardous Occupation Orders and limited children's engagement with hazardous farm machinery. Ostensibly this limited parents' ability to authorize their children's labor in activities where accident rates were highest (just as in other covered sectors). But, whereas Hazardous Occupation Orders applied to minors under the age of eighteen in nonagricultural sectors, the age for agriculture was set at fifteen. Yet, the parental exemption was maintained and the provision did not apply to children who worked on farms that were owned or operated by a parent *or by someone standing in the place of a parent*. The provision would be further weakened over the next few years as farm lobbyists secured exemptions for fourteen- and fifteen-year-olds who obtained student learner permits.¹³⁶ Parents' rights were thus secured, and growers were satisfied because nothing else changed; crop holidays could continue and children's non-mechanized work activities would remain entirely unregulated and permissible outside of school hours.

In sum, the postwar period from the mid-1940s through the mid-1960s was a time of national anxiety and a moment of profound change for rural communities. During this time, modernization, farm consolidation, and government policies that favored corporate farming changed the tone and texture of the agriculture industry causing many rural communities to cling more tightly to a tradition that valued children's labor for reasons that were rooted in agrarianism. Meanwhile, migrant families struggled with exploitation that was exacerbated by the extension and expansion of the bracero program. This made migrant children's labor all the more crucial to their family's survival but it sacrificed their future for present subsistence. In a nation that increasingly valued education and respected childhood as a time of growth and personal development, the denial of opportunity to migrant children relegated them to a subordinate position in society, making them all but invisible. In the early 1960s, agribusiness capitalized on rural parents' concerns and successfully opposed child welfare advocates' attempts to strengthen the regulation of agricultural child labor through revision to the FLSA. In doing so, they subordinated the rights of children to those of adults.

In an impassioned speech before the Southwest Regional Conference on Migratory Labor in 1959, Lazelle Alway of the NCLC challenged a leader to rise up and head a reform movement that would revolutionize agricultural labor and improve the lot of workers. She envisioned this leader to be a man not unlike the nineteenth-century British socialist, communitarian leader, and mill owner, Robert Owen, whose philanthropy and advocacy improved the condition of many in the working class. "The time is right for such a leader,"

¹³⁶ Mary E. Miller, "Historical Background of the Child Labor Regulations: Strengths and Limitations of the Agricultural Hazardous Occupations Orders," *Journal of Agromedicine* 17 (2012): 163–185; Oden, "Harvest of Hazards," 198.

she proclaimed.¹³⁷ Within a few years, that leader would indeed gain national attention, but he did not come from the ranks of the industrialists, but rather from the fields. In 1965, former migrant child laborer Cesar Chavez would step onto the national stage to lead the largest farm worker movement in U.S. history—and he welcomed children’s participation in *la causa*.

¹³⁷ Alway, speech, Southwest Regional Conference on Migratory Labor, Wyckoff Papers. On the life of Robert Owen, see for example: Noel Thompson and Chris Williams, eds., *Robert Owen and His Legacy* (Cardiff: University of Wales Press, 2011); Ralph Miliband, “The Politics of Robert Owen,” *Journal of the History of Ideas*, 15, no. 2 (April 1954): 233-245; Frank Podmore, *Robert Owen: A Biography* (London: Hutchinson and Company, 1906).

CHAPTER FIVE

BECOMING VISIBLE: CHILD ACTIVISTS AND THE UNITED FARM WORKERS MOVEMENT

Nine-year-old Karen Bithell looked forward to Saturdays. A reprieve from the demands of school, these were the days when she was free to fight for the children. Like so many weekends before, on November 24, 1973, the young activist donned her white T-shirt emblazoned with the black eagle and accompanied her father to their neighborhood Safeway supermarket on the El Camino Real near Lawrence Expressway in Santa Clara, California. With a handful of leaflets and an eager smile, she pushed her blond hair out of her face and took her position near the front entrance. As would-be shoppers approached, she extended a leaflet and began her spiel: “Don’t shop here because they sell non-union grapes and Gallo wine...”; many people pushed past, pretending not to see or hear her. Others politely smiled and accepted a flier on their way into the store. But some people stopped to listen as the fourth-grader explained the United Farm Workers’¹ reasons for picketing the supermarket. Occasionally, annoyed shoppers scolded, “Aren’t you a little young to be doing this? Shouldn’t you be home playing?” With dogged determination, Karen would meet their gaze and respond: “There’s no age limit for justice!” Through persuasion and resolve, she turned away thirty-one shoppers on that late-autumn day.²

More than seven years earlier, in the spring of 1966, Cesar Chavez led a UFW march in excess of three-hundred-miles from Delano, California, through a number of San Joaquin Valley farm communities, and ultimately to the state capitol in Sacramento. The march, or *peregrinación* (pilgrimage), as Chavez intended, was to raise public awareness of the plight of farmworkers, solicit Governor Pat Brown’s support for farm labor unionization, and prepare strikers’ hearts and minds for the struggle that lay ahead. Chavez insisted that the quest for “a just wage, better working conditions, [and] a decent future for our children” was more than just a labor movement; it was a social justice movement—a *cause*.³ The collective, nonviolent, public protest was an early demonstration of the type of action that would become the hallmark of *la causa*. The small procession of roughly seventy striking *campesinos*

¹ The United Farm Workers (UFW) began as the National Farmworkers Association (NFWA) in 1962 and merged with the Agricultural Workers Organizing Committee (AWOC) in 1966 to become the United Farm Workers Organizing Committee (UFWOC). The organization was granted an independent AFL-CIO charter as the United Farm Workers (UFW) in 1972; the name was formally adopted in September 1973. However, for simplicity, and in keeping with the convention adopted by several other scholars, in all but one instance, I will simply refer to the organization as the United Farm Workers (UFW) regardless of period.

² Kara (aka Karen) Bithell, interviewed by Jennifer Robin Terry in Fresno, California, April 3, 2017; Kara Bithell, e-mail message to author, April 6, 2017; Karen Bithell to Cesar Chavez, November 26, 1973, folder 8, box 2, United Farm Workers, Office of the President: Cesar Chavez Collection, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University.

³ “Commentary of Luis Valdez, The Plan of Delano,” Farmworker Movement Documentation Project, University of California, San Diego Library, <https://libraries.ucsd.edu/farmworkermovement/>. Hereafter, the collection will be referred to as FMDP.

and union volunteers carried flags adorned with *indigenismo* and religious iconography: the stylized UFW black eagle and the venerated *Virgen de Guadalupe*. Men, women, and children—both farmworkers and non-farmworkers—joined the procession along the way, ultimately swelling the ranks to more than 10,000.

On the second day, the parade passed through its easternmost destination: the small agricultural town of Porterville, along the Tule River at the base of the Sierra Nevada foothills. The town was economically dependent on the agriculture industry but strictly divided along racial lines that pitted growers and city government against its largely Mexican resident and migrant workforce. Townspeople gathered at Murry Park to cheer the procession. City administrators had denied the president of the local UFW chapter, Jesus Marin Barrera, a parade permit for the occasion. Fearing potential police action against spectators, Barrera had prohibited his own children from attending the gathering. But his oldest daughter, thirteen-year-old Yolanda, defied her father's order.

Since moving to the San Joaquin Valley five years earlier, Yolanda and her younger brother and sister had worked alongside their parents in the fields on weekends. They rose early, at 4:30 a.m., and worked all day in the sweltering valley sun. Her family brought basic necessities to the fields, such as drinking water and toilet paper, because employers did not provide these for workers. Nor did they provide toilets. When absolutely necessary, female workers shielded each other at a distance from others if they had to relieve themselves while working in the fields. Yolanda found the lack of privacy particularly “embarrassing and demeaning.” It made her feel “sub-human.” These experiences contributed to her burgeoning politicization and made *la causa* her cause too. On that spring morning, as the parade passed through her town, she joined the crowd in cheering “¡Viva la huelga!” “¡Viva La Causa!” and “¡Viva Cesar Chavez!”⁴

This chapter focuses on the mid-1960s through the mid-1970s—a period that saw a groundswell of public support and grassroots activism by, and on behalf of, the nation's agricultural workers. Concurrently, child welfare advocates and a few legislators continued to lobby and work to amend the Section 13(c) exemption to the Fair Labor Standards Act's (FLSA) child labor provision. The UFW campaign for farm labor rights aided this process when it publicly challenged the agrarian ideal in a sustained exposition of the agriculture industry's exploitative practices. Admittedly, the UFW was not the first to do so. Indeed, Carey McWilliams had described “factories in the fields” as early as the 1930s, and contemporaneously, Michael Harrington published *The Other America: Poverty in the United States*, a polemic against economic disparity and social inequality—the “most bitter” of which he found in the countryside.⁵ Though these social commentators are credited with

⁴ Yolanda Barrera, “My Life as a Farmworker in the 1960s,” *Syndic, Literary Journal* 6, (April 2012), <http://syndicjournal.us/syndic-no-6/memoir-narrative-my-life-as-a-farmworker-in-the-1960s-by-yolanda-barrera/>. The word *huelga* is Spanish for “strike.”

⁵ Carey McWilliams, *Factories in the Field: The Story of Migratory Farm Labor in California* (Boston: Little, Brown, and Company, 1939); Michael Harrington, *The Other America: Poverty in the United States* (New York: Macmillan, 1962).

influencing public policy, these works did little to change the American public's perception of child labor in agriculture. The UFW's activities, on the other hand, reached a broader audience, with a simple message, in a more publicly accessible way—one where even children took notice and in which they acted. Furthermore, the UFW campaign coincided with a series of media exposés that lent much-needed support to those who lobbied to bring the regulation of agricultural child labor on a par with that of other sectors. But what is most remarkable is that children (both farmworker and non-farmworker) played a critical role in making child farm labor visible, which was a necessary condition for bringing about legislative reform. The union's continuous crusade from the mid-1960s and children's activism primed American sensibilities, so that by the mid 1970s, the public response in support of stricter agricultural child labor legislation also bolstered Congressional efforts. This chapter looks at the early UFW campaign in terms of what it meant to children and its impact on child labor legislation.

Histories of the UFW focus on the campaign to improve adult employment conditions, but they overlook the ways that union action also influenced change with regard to child labor. To fully appreciate how truly unique *la causa* was in terms of farmworker rights, it is important to understand that restricting child labor was integral to the union's agenda. When children labored in the fields, it fostered unfair competition for jobs, undermined adult wages, and compromised young workers' health and educational attainment. And while recognizing the link between child labor and cycles of poverty was hardly new (indeed, child welfare advocates had argued the same in support of the original federal child labor laws), the UFW campaign was the first to address it in agricultural labor contracts. Therefore, it does not make sense to consider UFW activism on behalf of adult agricultural employees apart from the practice of child labor. Though the connection is often overlooked, the cause of children's agricultural labor reform benefitted greatly from *la causa* publicity and activism. Moreover, children played a critical role in the process of making child labor visible, which was a necessary condition for bringing about legislative reform.

The UFW campaign of the late 1960s and 1970s is perhaps *the* most popularly studied labor movement of the late-twentieth century, and indeed, its leader Cesar Chavez is the central focus of a majority of those works. Many scholars have documented at length the role that adult volunteers played in the rise of the farm worker movement. They explain how the pragmatic Chavez pushed aside his distrust of outsiders in the late 1960s as college students, radicals, and hippies shared food, friendship, and floor space with farmworkers, middle-class housewives, social workers, and religious devotees of many faiths. Of late, some scholars have taken a more critical view of the movement and its leader, in an effort to explain how and why the movement declined despite significant victories in the early 1970s and Chavez's continued management through the early 1990s.⁶ However, this chapter is

⁶ Some recent books on the farmworker movement: Lori A. Flores, *Grounds for Dreaming: Mexican Americans, Mexican Immigrants, and the California Farmworker Movement* (New Haven: Yale, 2016); Miriam Pawel, *The Crusades of Cesar Chavez: A Biography* (New York: Bloomsbury Press, 2014); Matt Garcia, *From the Jaws of Victory: The Triumph and Tragedy of Cesar Chavez and the United Farm Worker Movement* (Berkeley: University of California, 2012); Frank Bardacke, *Trampling Out the Vintage: Cesar Chavez and the Two Souls of the United Farm Workers* (New York: Verso, 2011); Miriam Pawel, *The Union of Their Dreams* (New York: Bloomsbury Press,

concerned with neither the rise nor decline of the movement. Nor does it aim to rehash the excellent work done elsewhere on the intricacies and entanglements of UFW politics. Rather, it examines the movement at a pivotal point in child labor history, and in the process, rectifies an all too common omission by highlighting the ways that minors—like Karen Bithell and Yolanda Barrera—participated in and contributed to *la causa*.

Children featured more prominently in the farmworker campaign than most scholars have realized. Those who do touch on children's involvement, do so cursorily within the context of family participation. For example, Vicki Ruiz implies children's involvement when she briefly notes: "the family formed the unit of production and consequently the [UFW] focused on the involvement of every family member."⁷ But scholars typically only acknowledge children's participation in passing as a consequence and extension of their mothers' activities. Margaret Eleanor Rose calls this the "family pattern" of activism while Randy Shaw refers to it as the "family model."⁸ Such evaluations stem from feminist critiques of the union's patriarchal structure and tone. They explain that women's activism was circumscribed by strict gender role stratification—that is, their activist expression had to accommodate their domestic duties, and as such, children were always in tow.

While it is true that children's activism initially stemmed from family action, viewing it solely as parentally-directed or a byproduct of their mothers' activities is problematic for a number of reasons. First, it treats all children as tykes under constant parental supervision, disregarding the children's various ages and developmental stages and thereby fails to acknowledge them as political actors capable of autonomous action. Second, it overlooks children's and teenagers' political socialization as they internalized *la causa's* social justice message within the context of a period awash with change that was spurred by the broader civil rights movement(s). Certainly, some children were exposed to the goals and ideals of the UFW campaign within the home and through their parents' activism, but others were influenced by external sources like the media, their teachers, and their peers. For still others, (like Porterville farmworker, Yolanda Barrera) it was through their own experiences that they became politicized. Third, approaching children's activism as an extension of their mothers' activities assumes that the only children who contributed were those from farmworker families. But the social justice message held wide appeal that attracted a great number of non-farmworker children across the nation, too, such as the Safeway picketer, Karen Bithell. For many children, farmworker rights became their civil rights cause.

Scholarship on children's civil rights activism in the 1960s and 1970s is a small but growing field that typically centers on the efforts of young African Americans in the South;

2009). Lauren Araiza highlights the interconnectedness of what is often thought to be discreet civil rights efforts in her discussion of the UFW's partnership with Oakland's Black Panther Party in the boycott against Safeway. Lauren Araiza, "In Common Struggle against a Common Oppression?: The United Farm Workers and the Black Panther Party, 1968-1973," *Journal of African American History* 94, no. 2 (Spring, 2009): 200-223.

⁷ Vicki Ruiz, *From Out of the Shadows: Mexican American Women in Twentieth-Century America* (New York: Oxford University Press, 2008), 132.

⁸ Margaret Eleanor Rose, "Women in the United Farm Workers: A Study of Chicana and Mexicana Participation in a Labor Union, 1950-1980," (PhD diss., University of California, Los Angeles, 1988), 166; Randy Shaw, *Beyond the Fields: Cesar Chavez, the UFW, and the Struggle for Justice in the 21st Century* (Berkeley: University of California Press, 2008), 35-36.

adult agendas, conceptions, and designs for children's activities; and the issue of racial egalitarianism and educational equity.⁹ Less well known or studied is the intersection of civil rights and labor in children's lives.¹⁰ This, no doubt, is because child labor throughout most of the twentieth century has been as invisible to scholars as it was to most contemporary Americans. This chapter continues the work of this dissertation in making children's labor visible, but it also reveals how the UFW's social justice message intersected with many aspects of children's lives. From the fields, to the home, to the classroom, to the supermarket, and even among their peer groups, the movement informed, disrupted, and empowered children. An examination of children's UFW activism reveals children as political beings, demonstrates the movement's reach within and beyond rural communities, and expands the historiography of how the spirit of radical social politics of the late 1960s and early 1970s was at work in children's lives.

The scale of children's involvement in the farmworkers' movement in the late 1960s and early 1970s was unprecedented in United States labor history. Evidence drawn from oral histories, children's letters and artwork, and other first-hand accounts reveal how rural and urban children across the nation participated in nearly every facet of the movement. The sources largely convey positive experiences and good memories. This is, in part, a consequence of people's tendency toward nostalgia. But it is also the result of a self-selective process; the children who responded favorably often desired to convey that support in material ways that furnish this documentation. This chapter does not claim to be representative of all children who were exposed to the UFW message. What it does do is recognize and amplify the voices of youngsters who, until now, have been hushed by adult-centric accounts. Through these sources we can gain an appreciation of children's self-actualization through their identification and solidarity with *la causa*. We learn that children walked picket lines alongside fields and in front of supermarkets. They volunteered in union offices and attended union meetings. They were translators, sign-makers, and fund-raisers. They hawked the union newspaper, *El Malcriado*. They collected and donated money, toys, food, and clothing for striking farmworker families. Children boycotted non-union products and encouraged friends, family, and classmates to do the same. Collectively, they logged hundreds of miles on marches. And according to Chavez, child laborers as young as six

⁹ See Rebecca de Schweinitz, *If We Could Change the World: Young People and America's Long Struggle for Racial Equality* (Chapel Hill: University of North Carolina Press, 2009); Jon Hale, "'The Fight Was Instilled in Us': High School Activism and the Civil Rights Movement in Charleston," *South Carolina Historical Magazine*, 114, no. 1 (January 2013): 4-28; Dionne Danks, "Chicago High School Students' Movement for Quality Public Education, 1966-1971," *Journal of African American History* 88, no. 2 (Spring, 2003): 138-150; Dwayne C. Wright, "Black Pride Day, 1968: High School Student Activism in York, Pennsylvania," *Journal of African American History* 88, no. 2 (Spring, 2003): 151-162; Gael Graham, *Young Activists: American High Schools in the Age of Protest* (Dekalb: Northern Illinois University Press, 2006). Mario T. García's biography of Sal Castro incorporates Chicano teenagers' civil rights activism. See Mario T. García and Sal Casto, *Blowout! Sal Castro and the Chicano Struggle for Educational Justice* (Chapel Hill: The University of North Carolina Press, 2011).

¹⁰ Rhonda L. Hinthier has written about Canadian Ukrainian children's participation in the Ukrainian Labour Farmer Temple Association (ULFTA). See Rhonda L. Hinthier, "Raised in the Spirit of the Class Struggle: Children, Youth, and the Interwar Ukrainian Left in Canada," *Labour / Le Travail* 60 (Fall 2007): 43-76.

years old even voted in union elections.¹¹ Through such sources we see that many youngsters embraced *la causa* and contributed to the movement that helped to sway public opinion in favor of stricter child labor legislation.

LA CAUSA BEGINS

Despite the efforts of the many commissions, committees, and organizations that had worked throughout the 1950s to resolve the plight of agricultural laborers, the situation was arguably worse in 1959 than it had been in 1945. As the last chapter showed, the growth of agribusiness, coupled with rural America's deeply entrenched positive association of agrarianism with tradition, resisted and obstructed the sort of change that was necessary to improve the lives of children who worked in agriculture. In the early months of 1959, a team of researchers at Fresno State College (the predecessor to Fresno State University) confirmed this with a study of rural California labor. They found deplorable living conditions, unfair hiring practices, stagnant or declining wages, and grossly uneven compensation across the state. But California was not unique in this regard; such conditions were common across the nation. And even as farmers continually complained to the government of farm labor shortages, domestic migrants and local day-haulers found that they vied for a limited quantity of jobs with braceros, undocumented Mexicans, and non-Mexican immigrants. Moreover, children were numerous among the domestic migrant and day haul categories and their presence further depressed adult wages. African Americans, Whites, and to a lesser extent, Asians and Native Americans were also counted among these two categories at the end of the decade, but Mexican American families numerically dominated most western migrant streams, and increasingly also occupied the day-haul category. Regardless of race, ethnicity, age, or residency status, the conditions of the farm labor market negatively impacted all workers. Hence, the learned consensus corroborated what farmworkers already knew to be true: the labor situation had grown more bleak since the end of World War II.

That this continued to be so attests to the ascendancy of agribusiness—its political influence and captivation of the popular imagination—as it eluded the sort of labor regulation to which other sectors had now long been subject. In 1960, an exasperated U.S. Secretary of Labor James P. Mitchell confessed to journalist Edward R. Murrow, “I have been *frustrated* to a greater extent, than in any other sphere of activity as Secretary of Labor, in my *inability* to make any impact at all in terms of either regulations or law that would help the farmworkers. The pressures of the farm group are *tremendous*”¹² (emphasis in original).

¹¹ Cesar Chavez, “Address to the Commonwealth Club of San Francisco,” November 9, 1984. Though it is not known how many children voted in union elections, *all* farm laborers were qualified to vote (regardless of age or citizenship) when they had worked a specified number of consecutive days on the farms in which the elections took place. It is likely that the only elections that children participated in were the initial ones to elect UFW representation. This is because successful election of the UFW resulted in labor contracts that prohibited child labor for those younger than sixteen years old. Essentially, children voted in favor of their childhood when they voted for the UFW.

¹² Garcia, *From the Jaws of Victory*, 16-21; Henry P. Guzda, “James P. Mitchell: Social Conscience of the Cabinet,” *Monthly Labor Review* (August 1991), 23-29; *Harvest of Shame*, CBS News Productions, 1960, 55 minutes.

Thus, at the dawn of the 1960s, the farm labor outlook was grim—even to the nation’s labor czar. Such political impotence must be understood in order to comprehend the magnitude of what followed five years later when California farmworkers challenged grower hegemony in the longest strike in farm labor history. The farmworkers’ stand against rural California growers has many times over been likened to the legendary battle between David and Goliath—one in which a seemingly insignificant force triumphs over a formidable foe. The fact that David was a minor makes this analogy all the more apt when considering children’s efforts to further the UFW agenda.

While the farmworker social justice movement is largely associated with Latinos, and has even been credited with sparking the Chicano Movement, it actually began when 1500 Filipino farmworkers struck against nine Delano-area vineyards at noon on September 8, 1965. Strikers left thousands of harvested grape bunches to rot on the ground when they walked out of the fields. The children of a couple of these workers provide us with some of the earliest childhood perspectives on the Delano strike.¹³ For example, farmworker and labor leader, Larry Itliong’s son Johnny recalled that when he was five years old, he witnessed police officers beating Filipino farmworkers during the strike. That image has long endured in his memory. He maintains that it informed his developing sensibilities and made clear to his young mind that there was “a distinct line between white and brown.”¹⁴ But Lorraine Agtang-Greer, who, as a child, always felt that she was “in between” because her father was Filipino and her mother was Mexican, explains that there was also a line between *brown* and *brown* in Delano. This was partly because growers had long pitted Filipino and Mexican mutual-antagonism and self-interest against each other in order to maintain a cheap supply of labor. Hence, during the initial week of the Delano grape strike, Mexican families crossed Filipino picket lines to harvest grapes. Frustrated by these Mexican strikebreakers, Itliong sought Cesar Chavez’s support.¹⁵

In hindsight, it seems ironic that Chavez initially refused Itliong’s request. But his hesitancy speaks to the enormity of the decision. On the surface, Chavez believed in the Filipinos’ cause, but he did not think that his fledgling National Farm Worker Association (NFWA) was ready for an all-out strike. The growers were powerful, both economically and politically. Known as the “kings of the valley,” they controlled the schools, churches, and local government. Yet, without the NFWA’s express support, large numbers of Mexican families would continue to cross the picket line and jeopardize Filipino (or, as Itliong argued, *all*) farmworkers’ interests. Chavez put the strike to a vote on September 16—Mexican

¹³ This is a notably small population of children. California’s immigration and anti-miscegenation laws had effectively limited most of the Filipino farm labor force to bachelorhood. However, a few Filipino men challenged these restrictions (often crossing state lines to marry their sweethearts). Such was the case with Johnny Itliong’s and Lorraine Agtang-Greer’s fathers.

¹⁴ Leti Volpp, “American Mestizo: Filipinos and Antimiscegenation Laws in California,” *U.C. Davis Law Review* 33 (1999); *Delano Manongs: Forgotten Heroes of the United Farm Workers Movement*, directed by Marissa Aroy, Media Factory, 2014, 30 minutes.

¹⁵ Craig Scharlin and Lilia Villanueva, *Philip Vera Cruz: A Personal History of Filipino Immigrants and the Farmworkers Movement* (Seattle: University of Washington Press, 2000), 35-41; Dawn Bohulano Mabalon, *Little Manila is in the Heart: The Making of the Filipina/o American Community in Stockton, California* (Durham: Duke University Press, 2013), 261-262; *Delano Manongs*; Lorraine Agtang-Greer, interviewed by LeRoy Chatfield, undated, part 1, “Growing Up in a Migrant Worker Family,” FMDP.

Independence Day—a date pregnant with cultural symbolism and significance. In the packed parish hall of Our Lady of Guadalupe Church, NFWA members voted to stand with the striking Filipinos. “*Huelga! Huelga! Huelga!*”—Strike! they chanted. Thirteen-year-old Agtang-Greer was there. She “had never seen [the two groups united against growers] before.”¹⁶ For this young girl, the day marked the beginning of substantive change.

THE HUELGA KIDS

For many farmworker children, *la causa* would become a defining feature of their childhood. Indeed, the union formed their community, shaped their sensibilities, and honed their self-esteem. Delano-area children became involved in farm labor strikes as early as 1965 if their families were union members. Entire families gathered at union meetings in Delano. Still others gathered at satellite meetings in communities throughout California, Arizona, and as far away as Michigan. Many people typically think of union meetings as spaces of adult-oriented activities, but children could be found everywhere among the crowd—especially at the big Friday night meetings held at Filipino Hall in Delano. Many children eagerly looked forward to that end-of-the-week meeting because, as Lupe Herrera explains, her parents did not permit her to stay up late on weeknights. She remembers being jealous of her three-year-old sister Rosario, who “got to go to a lot of meetings [while] the rest of us had to stay home...on a school night.”¹⁷ While there, children sat with their parents, siblings, or friends—the little ones boosted upon a lap or perched on an adult’s shoulders. Many sat on the floor in front of the rows of chairs or stood along the walls in the often-packed meetinghouse. As the strike dragged on for years, the weekly ritual of the Friday night meeting provided consistent context for many union childhoods. This was true not only for children of farmworker families, but for other supporters as well. For instance, Karen Bithell’s middle-class family often attended union meetings in San Jose, California, and occasionally, made the four-hour drive to Delano. Such was the case when Cesar Chavez recognized young Karen’s outstanding contribution to the movement.¹⁸ When non-farmworkers gathered together with farmworkers at union meetings it expanded children’s perception of one another and *la causa*. Children’s ability to grasp the significance of union business varied according to age and interest, but undeniably, the experience shaped their conception of community, justice, and even themselves.¹⁹

Children in UFW families, or *huelga* (strike) kids as they came to be known, were socialized through their participation in union activities. Friday night meetings were a significant component of that socialization. Chavez and his executive committee carefully crafted meetings to convey a sense of empowerment, but also, community obligation. These messages were communicated through visuals, speeches, group interactions, and even entertainment. Typically, a large red and white UFW flag with the stylized black eagle

¹⁶ Agtang-Greer interview, FMDP.

¹⁷ Lupe Herrera, “Alfredo and Juanita Herrera and their Children: Lupe, Fred, Isabel, Rosario, and Celestina, the Boycott Baby,” March 21, 2012, *Share Your UFW Story*.

¹⁸ Bithell interview. Karen’s parents took a picture of her with Chavez and included the picture with their Christmas cards that year as they encouraged friends and family to observe the grape boycott.

¹⁹ Abbey Flores Rivera, interview by LeRoy Chatfield, March 4, 2009, part 1, “Growing Up in a Migrant Worker Family,” FMDP; Bithell interview.

adorned the front wall, while additional banners lined the room proclaiming “Solidarity,” “*Huelga*,” and “*Viva Cesar Chavez*.” These visuals were especially important at satellite meetings where Chavez and lead staff made only occasional appearances. Sometimes, children assisted in administering the meetings. For example, Yolanda Barrera often translated from English to Spanish for guest speakers at the meeting in Porterville.²⁰ But regardless of location, the weekly Friday night meeting was the main venue in which union leaders disseminated information, reported on strike and boycott activity, and promoted morale. While it is possible that at least some *huelga* kids did not care to attend the meetings, or perhaps found them boring, the record does not reveal forced attendance. Rather, it is likely that children who had toiled in the fields before the advent of *la causa* possessed a precocious appreciation for the content delivered at the gatherings. The message at Friday night meetings overwhelmingly taught them that they deserved better than to be treated as second-class persons who labored for a pittance.

Moreover, union meetings were community gatherings that fostered camaraderie and solidarity through group activities and entertainment. Two activities in particular held children’s attention, informed their sensibilities, and shaped their perception of the union message. The first was the entertainment provided by *El Teatro Campesino* (the Farmworkers Theater). Founded by Delano native Luis Valdez, the traveling performance group started in the early days of the Delano strike. Through *actos* (short skits), the improvisational entertainers interpreted the highly antagonistic grower/farmworker relationship in satirical and comedic ways. In addition to union meetings, *El Teatro Campesino* also performed elsewhere, even alongside fields where strikebreakers worked and strikers picketed. Performances were simple. Characters wore hand-lettered signs around their necks indicating who they were, such as *Huelgista* (striker), *Esquirol* (scab), *Pátron* (grower/boss), and *Contratista* (labor contractor), among other characters. *El Teatro Campesino* performances played a significant role in educating strikers. Through brief, satirical skits, actors conveyed basic concepts such as dignity, corruption, and union objectives. The entertainment lampooned growers, fostered farmworker camaraderie, and sometimes even converted scab laborers to *la causa*. Valdez believed the *actos* were successful because they conveyed the purpose and meaning of *la causa* “without asking its participants to read or write.” He thought of it as “a learning experience with no formal prerequisites.” Thus, *El Teatro Campesino*’s message met the needs of farmworkers who lacked formal education—but that also made it accessible to young children. It taught farmworkers, young and old, to recognize and challenge exploitative labor practices.²¹

The other meeting activity that was key to children’s political socialization was singing *huelga* songs. Anamaria De La Cruz recalls that, “Some of my earliest memories as a child growing up in the UFW are of singing.”²² In addition to fostering group unity, it also boosted morale and provided strikers with an outlet for expressing the multitude of

²⁰ Barrera, “My Life as a Farmworker in the 1960s.”

²¹ Randy J. Ontiveros, *In the Spirit of a New People: The Cultural Politics of the Chicano Movement* (New York: New York University Press, 2013), 133-141; Pawel, *The Crusades of Cesar Chavez*, 110-111. *El Teatro Campesino* performed less frequently at union meetings after 1967 as the group traveled widely and pursued social justice issues more broadly.

²² “The UFW Songs and Stories: Sung and Told by UFW Volunteers,” FMDP.

emotions that occurred throughout the prolonged struggle. In the style of Mexican *rancheras* (traditional folk music) and *corridos* (narrative ballads), *huelga* songs told stories that focused on individuals, places, or events. UFW leaders Cesar Chavez and Dolores Huerta were the subjects of numerous *huelga* songs, as was Delano, California, and activities such as boycotts, strikes, and picketing.²³ For example, *Picket Sign* was a song that incorporated situations and conversations from the picket lines, and the lyrics were modified over time to reflect the evolving state of affairs. The song was both informative and irreverently entertaining. The line, “*Sálganse de aquí con estos ‘Sanna-Vitches’*” (“Get out of here with these Zaninoviches”) referred to the growers, the Zaninovich Brothers, who were a primary target of UFW action. But singers’ pronunciation of the growers’ surname sounded a lot like “son of bitches.” Then-teenager Abbey Flores Rivera recalled that the homophonic pun “caused us to gasp delightedly.”²⁴ Throughout the song, the children would watch Chavez to see his reaction to the line. They delighted when he grinned and shook his head. For thirteen-year-old Lorraine Agtang-Greer, the strike marked a significant milestone in her young life as it “was the first time that I had ever done anything that was questioning authority.” She especially enjoyed singing *Picket Sign* because she was “treated like crap” when she worked for the Zaninoviches.²⁵

The *huelga* song, *Niños Campesinos*, specifically acknowledged working children. It relates the story of *peregrinos de verdad* (true pilgrims), the children who rose early and traveled broadly to work in the fields:

*Van a los files de la uva, betabel y de manzana,
Y ahí los niños se la pasan todo el día entre las ramas.
De sol a sol hasta que llegan pagadores
Dándoles flores, dándoles flores, para dolores de verdad.*

They go to the grape, beet, and apple fields,
And there, the children spend the entire day among the branches.
From sun up to sunset, until the paymasters arrive,
Giving them flowers, giving them flowers, for their true pain.

The song acknowledges hardship, *anhelos de verdad* (true yearnings), and the fact that *la causa* also sought social justice for the young. It tells of children growing up and defending their interests with “*Ya esos campos sólo van los que no saben*” (“only those who do not know better”) returning to the fields. The song ends with singers proclaiming, “*¡Viva la huelga! ¡Viva la huelga! ¡Viva la causa de verdad!*” (“Long live the strike! Long live the strike! May the cause truly live on!”).²⁶ Songs such as *Niños Campesinos* fostered a sense of solidarity among both

²³ “Chicano Movement Music,” in *Encyclopedia of Latino Popular Culture*, volume 1, edited by Cordelia Chavez Candelaria (Westport, CT: Greenwood Press, 2004), 144-145.

²⁴ Estevan César Azcona and Russell Rodríguez, *Rolas de Aztlán: Songs of the Chicano Movement*, (Washington, D.C.: Smithsonian Folkways Recordings, 2005); “The UFW Songs and Stories,” FMDP.

²⁵ “The UFW Songs and Stories,” FMDP.

²⁶ Azcona and Rodríguez, “Niños Campesinos,” *Rolas de Aztlán*.

children and adults, and reinforced the multigenerational cohesion of the farmworkers' cause.

Of the many UFW songs, the one mainstay, which was sung at the close of every meeting, as well as at rallies, marches, and pickets, was not a *corrido* but the folksong *De Colores*.²⁷ Though the song did not specifically speak of *la causa*, social justice, or the plight of farmworkers, it was one of renewal and hope. Kathy Lynch, a white woman and University of California, Berkeley graduate who married farmworker Lupe Murguía and raised her children in *la causa*, explained that “it was a song of the season of springtime and beauty, of life and colors—and we [UFW members] were all kinds of different colors. I believe as we sang, our hearts were longing for the beauty that comes with gentle love and justice.”²⁸ As meetings drew to a close, attendees would rise, cross their arms in front of themselves, grasp the hand of the person standing on either side, and then commence singing. Abbey Flores Rivera admits that as a teenager she sometimes “grew extremely weary of this song” and would complain “‘here we go again’...while making faces.” But by the end of the song she found her demeanor and attitude transformed as “the words reached deep into my soul and took me to another place where things are perfect, in harmony, of like mind and purpose.” She claims that she came to accept the song as her “spiritual cleansing.”²⁹ As attendees across the age and color spectrums closed Friday night meetings united in song, the inclusion of children confirmed their sense of belonging to a community that valued them as participants.

However, singing was not confined to union meetings alone. Anamaria De La Cruz remembers that, “on Sundays we would sing together in the Administration building, where the community meetings were held...[and] on the picket lines.” She maintains that, “UFW songs lent so much power and energy to our group.”³⁰ Lupe Herrera remembers that her mother and grandmother would take her, and her three siblings, to “pray in front of the Digiorgio [sic] labor camp.... [and sing] ‘*Bendito, Bendito*’ and ‘*Oh Maria, Madre Mia*.’” The “spirituality in the music” fashioned the type of activism that Lupe would come to adopt as her own.³¹ Singing helped *huelgistas* to remain focused on *la causa*'s tenets of non-violence, and in fact, many UFW members have referred to songs as the “lifeblood” of the union. Oftentimes, growers attempted to intimidate field-side picketers with guns, hired thugs, racial slurs, and threats, while outside of the fields, it also seemed that the political, economic, and social opinion favored growers. Chavez encouraged picketers to refrain from retaliatory violence, and instead, to resist through song. Adult UFW volunteer Jan Peterson claimed that, “There were many times...when songs were all that we had.... We sang when we were sad or discouraged; we sang when we were angry or defiant; we sang when we were

²⁷ “The UFW Songs and Stories,” FMDP.

²⁸ “The UFW Songs and Stories,” FMDP. Kathy Lynch became involved with the UFW while still an undergraduate student at the University of California, Berkeley. She collected food, clothing, and monetary donations in Berkeley to donate to striking families. She then moved to Delano after graduation, married Lupe Murguía, and together, they became members of Chavez’s inner circle. Miriam Pawel, *The Crusades of Cesar Chavez*, 119, 149.

²⁹ “The UFW Songs and Stories,” FMDP.

³⁰ “The UFW Songs and Stories,” FMDP.

³¹ Herrera, “Alfredo and Juanita Herrera and their Children.”

proud; we sang to lift our spirits.”³² When adult UFW picketers initiated the use of music during protest action, they taught children to draw strength and resolve through nonviolent, lyrical means.³³

The union meetings, music, and *El Teatro Campesino* performances fostered a sense of community among activists and educated children on the purpose and methods of *la causa* labor protest. But it also awakened youngsters to the fact that their life could be different. In order to appreciate what *la causa* meant to child farmworkers we must realize the change that it proposed. As has been explained in previous chapters, it was not uncommon for children to begin “helping out” in the fields when they were as young as three or four years old. This might have entailed such tasks as bringing water to other workers; adding to parents’ sacks, buckets, or boxes; or following in the wake of adult workers, gathering overlooked produce. As they grew, children were expected to work faster and meet heavier quotas. Children learned to prioritize contributing to the family income over education and play; to do otherwise, they believed, could mean hunger and deprivation for their whole family. Young farmworkers often internalized a negative self-image drawn from external factors that told them that they occupied a low station in a social dynamic differentiated by race, class, and positional authority.³⁴ Until *la causa*, there was no reason for them to expect anything other than a life of manual toil. This changed when the UFW embarked on its social justice labor campaign. Children learned that they could expect more—and that they were entitled to a childhood.

Most scholars have not fully recognized how integral the issue of child labor was to the union agenda. There are at least two reasons for this. First, in the early years of *la causa*, the goal was largely unspoken—that is, to UFW leaders, the need to restrict child labor was obvious, implicit, and did not need to be separately called out within the union’s agenda. The UFW leadership circle often claimed to be fighting for a better future for their children. Certainly this goal entailed winning a higher standard of living for parents, but they also knew that moving children from the fields to the classroom was essential to improving their prospects. The union’s newspaper, *El Malcriado*, called child labor: “the subtle violence that robs us of a lifetime of opportunity.”³⁵ Union leadership recognized that the short-term financial gain that came from children’s economic contributions led to poor health, educational deprivation, and social and economic inequality in the long run. They had only to draw on their own childhood experiences to know that this was true. For example, Esther Uranday labored in fruit orchards from the time she was five and left school at thirteen to work full time. She knew that a lack of education limited her prospects beyond

³² “The UFW Songs and Stories,” FMDP.

³³ “A Woman’s Place is...On the Picket Line,” *El Malcriado*, July 1970, 16-18; George D. Horowitz and Paul Fusco, *La Causa: The California Grape Strike* (Toronto, Canada: Macmillan Company, 1970), 20.

³⁴ It is important to understand the fact of positional authority in agricultural work because, although labor contractors and foremen were often Mexican American men, that rarely translated to fair or respectful treatment of farm laborers. Corruption was rampant even among Mexican American contractors who often swindled farm laborers out of a portion of their pay. Many fathers preferred to contract directly with growers in order to negotiate their family’s labor, but this was not always possible, especially on larger corporate farms.

³⁵ “Child Labor,” *El Malcriado*, February 1970, 6-7.

farm work.³⁶ Although union staffer Virginia Rodriguez had attended school fairly regularly, the school bus took her directly to the fields in the afternoon; she had no time for homework, play, or extra-curricular activities.³⁷ And Jessica Govea, who “knew the stickiness of pesticides on her skin,” began to work in fruit orchards when she was four years old. She believed that the environmental risks to children were too high. She carried this conviction later in life too. She blamed childhood pesticide exposure for her breast cancer, which she succumbed to in 2005.³⁸ Therefore, while the goal was not explicitly delineated, restricting child labor was certainly a key aim of *la causa*.

The second reason that child labor as an UFW agenda item is often overlooked is because the union did not actively campaign for federal child labor legislation until 1971. That is not to say that the union did not take up the issue until the 1970s, but rather, that their approach did not manifest in the same way as did child welfare reformers. The UFW actually hesitated to support federal child labor legislation because they were skeptical that the government could effectively achieve and *enforce* the law. In her 1969 testimony before the Senate Subcommittee on Labor and Public Welfare, UFW vice president Dolores Huerta blasted California’s “token” and unenforced child labor laws. In doing so, she echoed the views expressed by many child welfare advocates in the 1930s who had opposed weak child labor legislation (as explained in chapter two), claiming that ineffectual laws would be “a deception to the American public [because] they think there is a law that covers people and it doesn’t really cover them.”³⁹ That this was still a concern regarding child labor three decades later speaks to the pervasiveness of unenforced state laws. Instead, the UFW maintained that they could do a better job of keeping children out of the fields if Congress granted the union collective bargaining rights. The proof, Huerta claimed, was in the fact that where the union had been able to secure contracts with local growers: “we do not have child labor.”⁴⁰ In other words, if the federal government granted the UFW collective bargaining rights, the union would solve the problem of child labor along with a host of other issues.

Where the UFW did not have contracts with growers, union leadership sought cooperation from parents. This was not an easy undertaking. In asking families to withhold their children’s labor, union leadership knew that they would be at an economic disadvantage alongside those who did not. The best way to obtain compliance was to convince entire families to join the union and strike. The union paid stipends to strikers with expanded allotments to families who kept their children out of the fields. They also distributed donated items such as clothing and food to fortify those families. But sometimes, especially in the strike’s early days, farmworker families kept their children out of UFW-targeted fields,

³⁶ Esther Urunday, interview by LeRoy Chatfield, June 12, 2008, part 1, FMDP. James Burger, “Anniversary of Delano Grape Strike Honored in Memories,” *Bakersfield.com*, September 26, 2015.

³⁷ Pawel, *The Crusades of Cesar Chavez*, 163.

³⁸ Elaine Woo, “Jessica Govea Thorbourne, 58: Organizer for UFW Sounded Alarm on Pesticides,” *Los Angeles Times*, February 2, 2005; Philip Hoose, *We Were There Too! Young People in U.S. History* (New York: Ferrar Straus Group, 2001), 230.

³⁹ Senate, U.S. Congress, Subcommittee on Labor and Public Welfare, *Agricultural Labor Legislation* 91st Cong. 1st sess., April 16, 1969, 17.

⁴⁰ Senate, *Agricultural Labor Legislation*, 36.

but then sent them elsewhere to work. Such was the case with ten-year-old Hector Galvan and his younger brother, who picked potatoes in non-union fields while their parents continued to work under union contracts elsewhere. However, in 1973, when Hector was fifteen, he was arrested while picketing Hollis Robert's ranch during a UFW strike.⁴¹ This demonstrates that over time, at least some families came to more fully support the union's intent. But even when parents supported the strike, some children, who were accustomed to contributing to the family income, felt guilty when they did not work. The quietly charismatic union leader, Cesar Chavez, was instrumental in reaching out to children and convincing them that their families actually benefitted more when they did not work.⁴² In doing so, he invited them to stand against the injustices that an unregulated industry perpetrated against them.

Chavez actively recruited children to engage in the farmworker movement. He taught his own children that the *huelga* was a people's revolution; of which, they were an important part. He celebrated the birth of new *huelgistas*, like young Victoria Encinas in November 1972, whom he welcomed to *la causa* with her own union card. In a congratulatory note to her parents, he wrote: "May she live a long and full life, may she carry many *huelga* flags and may she bring the two of you much joy."⁴³ But whether children were born into the union or introduced to it at a young age, he maintained that they were "the future leaders of the socialist revolution."⁴⁴ Cesar's niece, Becky Chavez, remembers that her uncle often gathered groups of children together, told them that they "had a mission to do," and took them leafleting throughout the San Joaquin Valley.⁴⁵ Through correspondence, he also recruited children who did not live in the immediate Delano area. For example, when twelve-year-old Angela Huerta lamented in a letter that she did not know what to do to support *la causa*, Chavez replied: "you can do a lot." He told her that at the La Paz union headquarters, "there are lots of people your age working for *la causa*. They live here because their parents live here, but they work because they see that they can do something for the union." He suggested that she "make *huelga* flags at home" and help her father with administrative tasks in the union's Salinas office.⁴⁶ Chavez recognized children as potential agents of change and channeled their efforts in ways that helped further *la causa*.

Many *huelga* kids volunteered in union offices. Sometimes this entailed making *huelga* flags and hand-lettered picket signs. But it also included clerical tasks such as typing, filing, responding to telephone calls and letters, and even bookkeeping. These tasks required a degree of English-language literacy and articulation that many adult farmworkers did not possess, but that with even a rudimentary education, some *huelga* kids could perform better

⁴¹ Hector Galvan, interview by Ronald B. Taylor, December 27, 1973, folder 4, box 10, Ronald B. Taylor Papers, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University.

⁴² Rivera interview, FMDP.

⁴³ Cesar Chavez to Bill and Rachel Encinas, November 10, 1972, "Bill Encinas Family," FMDP; UFW Membership Card Victoria Encinas, Bill Encinas Family, FMDP.

⁴⁴ Cesar Chavez, quoted in Pawel, *The Crusades of Cesar Chavez*, 184.

⁴⁵ Becky Chavez, quoted in Bobby Caina Calvin, "How Labor Leader Inspired, Empowered," *Sacramento Bee*, March 31, 2007.

⁴⁶ Angela Huerta to Cesar Chavez, no date, folder 8, box 2, United Farm Workers, Office of the President: Cesar Chavez Collection, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University; Cesar Chavez to Angela Huerta, July 13, 1972, folder 8, box 2, Chavez Collection.

than members of the older generations. For example, thirteen-year-old Yolanda Barrera was the secretary at the union office in Porterville, California, and by the time she turned fifteen, she was also the branch's bookkeeper.⁴⁷ Abbey Flores Rivera, already a three-year veteran of *la causa* at seventeen, solved a serious accounting error for the Farm Worker Credit Union manager, Helen Chavez (Cesar's wife). Helen then made her the credit union's lead bookkeeper.⁴⁸ Sixteen-year-old Danny Terronez provided assistance with subscription processing, mailings, and bookkeeping in the *El Malcriado* business office. The newspaper's June 1968 issue associated his work with revolutionary action by praising it as "an example for all the young Sons of Zapata" to follow.⁴⁹ In this way, *huelga* kids provided services that were necessary to keep the volunteer organization running.

In contributing to the union's administration, *huelga* kids also shared in the responsibility of *la causa* leadership. As will be explained below, the consumer boycott brought nationwide exposure to *la causa*, and with it came interest from children in urban communities. Many of those children expressed their interest through letters written to the most publicly visible UFW figure, Cesar Chavez. The union leader recognized that non-farmworker children held the potential to wield influence beyond the UFW's immediate sphere. Because of this, he made a priority of responding to children's letters in a thoughtful and timely manner. For example, when twelve-year-old Alex Bernard wrote that he was in a quandary because his mother and stepfather disapproved of his support for *la causa*, Chavez replied:

I am glad you are supporting our struggle. Perhaps by [your] involvement in 'La Causa' your mother and stepfather will learn more about our struggle and will also become supporters. That is the way our movement began by one person spreading the word to another, and on down the line.⁵⁰

Chavez's responsiveness to non-farmworker children served to cultivate young supporters beyond the *huelga* kid community, and in doing so, the UFW message extended into at least some homes that otherwise rejected, or were indifferent to, the cause. But at times, due to illness, fasting, and road trips, Chavez was unable to reply in a timely manner. It was then that he depended heavily upon his young office staff, such as fourteen-year-old Joaquin Murguía and thirteen-year-old Debra Rojas, to share in directing child supporters. For example, Murguía reassured one young boy that, "it is not hard to help the union if you are a kid," and he told another, "you don't have to be very old to help out."⁵¹ Rojas

⁴⁷ Barrera, "My Life as a Farmworker in the 1960s."

⁴⁸ Abbey Flores Rivera, "Farm Worker Credit Union," FMDP.

⁴⁹ Caption to picture of Danny Terronez, *El Malcriado*, June 1, 1968, 2.

⁵⁰ Alex Bernard to Cesar Chavez, December 3, 1975, folder 20, box 4, UFW Administrative Files, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University; Cesar Chavez to Alex Bernard, December 23, 1975, folder 20, box 4, UFW Administrative Files. Chavez typically handwrote his replies and then his secretary would type the letter in duplicate prior to mailing one copy. The copies of Chavez's replies were then saved with the original letters from the children.

⁵¹ Joaquin Murguía to John O'Brien, November 1972, folder 9, box 2, Chavez Collection; Joaquin Murguía to David (unknown surname), November 1972, folder 9, box 2, Chavez Collection.

encouraged at least one young girl to solicit support for *la causa* from her senators.⁵² They encouraged children to send food and clothing donations to the union and to boycott specific products and supermarkets. “We can use all the help we can get,” Joaquin told Colorado fifth-grader John O’Brien.⁵³ In directing the actions of other children, Murguía and Rojas, shared in *la causa* leadership. Indeed, for many *huelga* kids, participation in *la causa* was an empowering experience as they learned to challenge injustice through nonviolent activities, through which they gained skills, self-esteem, and a sense of dignity that would aid them beyond the fields of Delano.

THE FALLOUT: HUELGA KIDS AND RURAL CALIFORNIA EDUCATION

To fully grasp *la causa*’s significance in the lives of young farmworkers, it is necessary to consider the impact that the labor campaign had on *huelga* kids’ educational experience. Until *la causa*, farmworker children in the Delano area typically worked in fields and vineyards after school, on weekends, and during school vacations. At the height of harvest or intensive cultivation periods, it was not uncommon for all the children in a family to skip school for weeks at a time in order to maximize earning. This was common for both migrant and day-haul child laborers throughout the nation, and continued to be so even during this period in rural areas with a lesser UFW presence. But, beginning in the fall of 1965, *huelga* kids engaged in political action even when they consistently attended school, completed homework in the after hours, and participated in extra-curricular activities. Therefore, a brief look at *huelga* kids’ school experiences during the initial five-year grape strike will help to illuminate the pervasive change that *la causa*—and the rejection of child labor—brought to children’s lives and their community.

Beginning with the 1965 academic year, schools throughout the San Joaquin Valley became proxy battlefields in the standoff between growers and the UFW. Agricultural towns had always been divided along the lines of race and class, but the ongoing labor struggle made tensions even more palpable for children in farmworker families. *Huelga* kids became frontline soldiers when they had to contend with educational personnel who were sympathetic to the growers who controlled school boards and influenced administration. Classrooms and board meetings became especially tension-filled spaces where anti-union expression was manifest in draconian enforcement of the dress code, citizenship metrics that were stricter for *huelga* kids, and in punitive academic policies. For example, school administrators were known to deny registration to new students who wore *huelga* buttons and refuse grade promotions to entire families of union children. Undisguised racism marked some teachers’ behavior when they referred to *huelga* kids as “beaners” and told them to “go back to Mexico” if they were unhappy (most *huelga* kids in the Delano area were actually United States citizens). One teacher declared to the class, “I can’t teach anything to dumb

⁵² Debra Rojas to Kim Tennell, November 1972, folder 9, box 2, Chavez Collection.

⁵³ Joaquin Murguía to Craig Heynes, November 1972, folder 9, box 2, Chavez Collection; Joaquin Murguía to John O’Brien; Debbie Rojas to Karen Rossi, November 1972, folder 9, box 2, Chavez Collection; Debbie Rojas to Mary Lovelace, November 1972, folder 9, box 2, Chavez Collection.

Mexicans.”⁵⁴ To combat such policies and actions, and to protect their children, the UFW encouraged greater union parent participation at school board meetings and threatened various schools with picketing and legal action.

As has been discussed in previous chapters, Mexican American children had long faced teachers and administrators who had little will to educate them. But in the late 1960s, the strike intensified the oppression—especially for *huelga* kids with the surname “Chavez.” The Chavez children went to school with the Zaninovich kids, who were quite popular among the non-farmworker crowd. Raised in a grower home, the Zaninoviches resented their Chavez classmates whom they saw as troublemakers and a threat to their own family’s livelihood. In growers’ homes, Cesar Chavez was public enemy number one. At school, the Chavez and Zaninovich children were surrogates through which the feud continued. “We were harassed a lot,” recalled Linda Chavez, but “my brother Fernando, the oldest, I think probably had it the toughest.”⁵⁵ The Zaninoviches and their friends habitually harassed Fernando. The chronic provocation once prompted a fistfight, a situation that greatly displeased Fernando’s father, who expected his children to meet hostility with nonviolence. The conflict between expectations at home and the conditions at school were added burdens that *huelga* kids—especially the Chavezes—had to endure for *la causa*.

However, *huelga* kids were not left to fend for themselves. The union intervened at times when it mitigated disciplinary measures. For instance, many children who supported the UFW wore explicitly political adornments—*huelga* buttons, embroidered UFW eagles, and small union flags—on their clothing. Linda Chavez recalled that her Zaninovich classmate disliked seeing such displays. Once, he reported her to the principal, who threatened to suspend all students who wore the embellishments. Linda recalled that her father met with the principal and the matter was then dropped. She suspects that he may have threatened the school with legal action.⁵⁶ Though the precise date of this incident is unknown, based on the outcome and contemporaneous events at Delano High School, it likely occurred within a short period after the Supreme Court’s February 1969 *Tinker v. Des Moines* decision, which declared such accessory displays within a student’s constitutional right to free speech.⁵⁷ In this way, *huelga* kids’ political self-expression coincided with, and benefitted from, the largely student-led, and parent-supported, national Free Speech Movement.

The union intervened to support *huelga* kids, and in so doing, reinforced the message that education (and thus, restricting child labor) was significant to the broader union agenda. One of the ways that it did this was by providing a supplementary tutoring program for young children of strike families. In September 1969, educators and UFW volunteers, Gordon and Felicia Williamson, established the *Huelga* School in Delano, California to provide tutoring and a safe academic space for children of strike families who were aged five

⁵⁴ “Delano High Repression Challenged,” *El Malcriado*, April 1-15, 1969, 10; “Educating Our Children: ‘Huelga School’ Tries New Techniques,” *El Malcriado*, February 1970, 8; Herrera, “Alfredo and Juanita Herrera and their Children”; Pawel, *The Crusades of Cesar Chavez*, 206.

⁵⁵ Linda Chavez Rodriguez, interviewed by Paradigm Productions, 1995/1996, archived in FMDP.

⁵⁶ Linda Chavez Rodriguez interview.

⁵⁷ John W. Johnson, *The Struggle for Student Rights: Tinker v. Des Moines and the 1960s* (Lawrence: University Press of Kansas, 1997).

to thirteen. Such supplemental academic programs had been used in various Mexican American communities as early as 1910, but they were not widespread until the 1960s when communities in Colorado, Texas, and California established them as a consequence of Chicano activism. Curriculum typically aimed to provide academic tutoring, teach political awareness, and promote cultural pride through ethnic-oriented history. This supplemented children's education, communicated the reasons for activism, and instilled a sense of pride and identity. Additionally, in providing the supplementary program, the UFW made a statement to the larger community that Mexican American children were inadequately served within state-sponsored education.⁵⁸

The *Huelga* School was crucial to children's intellectual and emotional development. In an effort to combat the negative treatment that children were subjected to in public school classrooms, the teachers at the *Huelga* School sought to reinforce a positive self-image and equip children "with the skills they need to act upon their world rather than be acted upon."⁵⁹ They brought alternative, project-based learning to the children, which allowed young *huelgistas* to acquire scholastic skills through their own interests and at an individual pace.⁶⁰ Children whom the public schools had labeled "slow" and "dumb" advanced through math, science, reading, and writing. Children's comments in the program's student-run newspaper demonstrate the contrast, in this regard, between the *Huelga* School and their regular public school classrooms. For example, fifth-grader Enrique Chavez's comment that, "I like the *Huelga* school because they teach me to read in English," implies that this was a skill that he did not think he was learning in his public school. His classmate Domingo Gonzales wrote that he liked the *Huelga* School because "the teachers are nice and not mean."⁶¹ The supplementary program reinforced a sense of community among the children, instilled pride and confidence, and taught them to enjoy learning. It also politicized children by incorporating the union agenda into curriculum and activities. UFW coloring books, the craft-time construction of *huelga* flags and picket signs, and even field trips to the picket lines reinforced the normalcy of political activism.⁶² Teacher and founder, Gordon Williamson reflected: "Our program had a huge impact on children involved in the

⁵⁸ *Huelga* School, "Proposal," folder 3, box 9, UFW Information and Research Department, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University. *Huelga* schools were also established in a number of other San Joaquin Valley towns but insufficient resources proved a challenge and none lasted as long as the one in Delano. Guadalupe San Miguel, Jr., "Huelga Schools in Houston: Community-Based Education in the Struggle for Legal Recognition, 1970," *Journal of Latinos and Education* 15, no. 4 (2016): 266-274.

⁵⁹ "La Escuela de Trabajadores Campesinos de America," folder 3, box 9, UFW Information and Research Department.

⁶⁰ "Educating Our Children."

⁶¹ *Hijos del Sol/Children of the Sun*, school newsletter 1, no. 2 (February 1977), 2, 6, folder 3, box 9, UFW Information and Research Department.

⁶² "*Libro Para Colorear de la Union de Trabajadores Campesinos*," ("A United Farm Workers Union Coloring Book"), folder 5, box 2, Agricultural Workers History Collection, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University; *Huelga* School, "Proposal," folder 3, box 9, UFW Information and Research Department; "Educating Our Children."

movement.” Former students who have reconnected with him in the years since claim that the program was “transformative” for them.⁶³

However, children were not just objects of reform and protection, they were also agents of change. During the fall of 1968 through the spring of 1970, young Delano-area *huelgistas*, who were emboldened by their union activism, demanded their right to a quality education when they pushed back against well-entrenched discriminatory practices. This episode is important to consider because, for years, Cesar Chavez denied or dismissed *la causa*'s connection to the Chicano Movement.⁶⁴ This is because he disagreed with young Chicano leaders' tactics and claimed to hold no interest in identity politics. But the intersection is undeniable when one surveys *huelga* kids' activities at Delano High School during this period. The convergence shows that, regardless of the union's leaders' sentiments, *huelga* kids (including Chavez's own children, nieces, and nephews) believed otherwise. For them, *la causa* meant the rejection of second-class citizenship, in addition to liberation from the fields.

Moreover, student-initiated activity at Delano High School demonstrates the remarkable change that occurred when highly politicized farmworker children attended school regularly. Senior high schoolers in the graduating classes of 1969 and 1970 were the first in their families to have enjoyed a consistent secondary education uninterrupted by labor. Many joined extra-curricular activities, and some, such as Chavez's nephew Freddy, even got involved in student government.⁶⁵ A number also held college aspirations. But, the practice of tracking Mexican American students through vocational courses rather than academically-oriented ones threatened to undermine their dreams of upward mobility. Vocational tracking, a once practical method for dealing with a peripatetic and sporadically attending student population, was quickly becoming *de facto* segregation. Disgruntled parents and students argued that vocational tracks unfairly preserved the area's supply of cheap, manual labor while also preventing Mexican American students from gaining the academic preparation necessary to apply to college. This was, in fact, a common grievance leveled against school districts throughout the West and Southwest as the Mexican American high school population increased throughout the 1960s. Resolving the issue was high on the Chicano Movement's agenda, as it also was for Delano-area high school students.

Student dissatisfaction ran deep, and stemmed from years of discriminatory treatment at the hands of racist teachers who had long reinforced a social hierarchy that taught children from farmworker families that they were inferior to those from growers' homes. Luis Valdez, the founder of *El Teatro Campesino*, recalled that he had experienced this first-hand at a Delano-area elementary school in the 1950s. He remembers asking his teacher why a

⁶³ Sherry Posnick-Goodwin, “Hesperia Teacher Put Life on the Line in UFW Struggle,” *California Educator* 19, no. 7 (March 2015): 27.

⁶⁴ Chavez reportedly downplayed the Chicano Movement's significance by saying things like: “What's happening now is no big thing to me, this identity. I've lived with it; it's been my life.” Quoted in Pawel, *The Crusades of Cesar Chavez*, 243.

⁶⁵ Virginia Wheaton, a white schoolmate, recalled that, “One of my first political acts was to join with other students to demand that Freddie Chavez be elected as student body president.” Virginia Wheaton, comment on “Remembering Helen Fabela Chavez,” United Farm Workers, June 9, 2016, <https://unitedfarmworkers.wordpress.com/2016/06/08/remembering-helen-fabela-chavez/>.

particular white classmate was always chosen to be hall monitor. The teacher replied, “Jimmy’s father is a grower. He needs to learn how to give orders. Your father is a farmworker. You need to learn how to take orders.”⁶⁶ A 1965 Stanford University study revealed that more than a decade later such practices were still common in rural communities and that teachers were conscious and intentional about reinforcing the social stratification. The study’s investigator tested this theory by inquiring why a teacher assigned a white student to lead five Mexican American students to a different classroom (rather than permit them to proceed unaccompanied). The teacher replied: “His father owns one of the big farms in the area and...one day he will have to know how to handle the Mexicans.”⁶⁷ This conditioning severely undermined generations of Mexican American children’s self-esteem and prospects.

However, *la causa* significantly changed the way that *huelga* kids responded to such treatment. Not only did the movement keep them from laboring in the fields, but the experience taught them to aspire to things that were hardly possible for farmworker children in previous generations. For example, Abbey Rivera Flores notes that before *la causa*, “We lived in a time when we accepted so many things the way they were...[we] had been conditioned to think that way.” She claims that although she knew the emotional discomfiture and shame associated with discrimination, it was not until she learned the words for the mistreatment—condescension, racism, and stereotype—that she began to question their legitimacy.⁶⁸ Similarly, Lorraine Agtang-Greer explains that prior to the strike, it never occurred to her that she might eschew farm work for college. She thought that, “growers kids went to [college, but] my future [was] going to be working in the fields.” However, she left the fields in 1973 and “never went back.”⁶⁹ And through dogged persistence, *huelga* kid Yolanda Barrera overcame structural impediments (including an obstinate guidance counselor), graduated from San Jose State University, and eventually became an attorney.⁷⁰

As the Delano grape strike standoff extended into its fourth and fifth years, San Joaquin Valley high schools became “seething cauldron[s] of repression and discontent.”⁷¹ *Huelga* kids who were emboldened by their *la causa* experience, engaged in tactics similar to other civil rights demonstrations, such as the 1968 East Los Angeles high school “blowouts.” They held sit-ins, walk-outs, and openly criticized school authorities who tried to quash union support and dismiss students’ academic grievances.⁷² The consistent

⁶⁶ Pawel, *The Crusades of Cesar Chavez*, 110.

⁶⁷ Julian Nava, “Some Examples of How Mexican-American School Children are Conditioned to Accept a Negative Self-Image,” folder 22, box 37, Julian Nava Collection, Oviatt Library, California State University, Northridge; Julian Nava, “Some Neglected Social Aspects of Teaching English,” folder 24, box 37, Nava Collection.

⁶⁸ Rivera interview, FMDP.

⁶⁹ Agtang-Greer interview, FMDP.

⁷⁰ Barrera, “My Life as a Farmworker in the 1960s.”

⁷¹ “Delano School Strike,” *Fresno Bee*, July 12, 1970.

⁷² “Central High School Students Walk Out,” *Fresno Bee*, May 22, 1969; Ironically, Sal Castro, the Lincoln High School teacher who fostered the Los Angeles walkouts, attributed the inspiration to Chavez and the farmworkers’ movement. He recalled thinking that “there had to be an urban counterpart to Cesar’s

presence of *huelga* kids on campus and their bold response to perceived injustices made them increasingly visible to school officials and difficult to ignore. Administrators attempted to suppress unrest by suspending students who voiced pro-union opinions, firing National Teacher Corp interns who volunteered with *la causa* on their own time, and expelling students who led sit-ins and walk-outs.⁷³ At Delano High School, in the spring of 1970, such students automatically failed their coursework and the seniors were barred from graduation. Eloise and Dorothy Chavez, Cesar's daughter and niece, were among those punished. Tensions came to a head at the graduation ceremony when a physical altercation broke out between plain-clothes policemen and union-affiliated students and parents.⁷⁴ It was clear to many that the unrest at the high school was a consequence of tension generated by the area's labor strike. Reverend Mark Day of Delano's Our Lady of Guadalupe Church asserted as much in a letter to the editor of the *Fresno Bee*, claiming that teachers and police had "constantly violated" the rights of union-affiliated Chicano students because of their support for *la causa*.

In union negotiations with grape growers in July 1970, Cesar Chavez explicitly connected the strife at the high school with the ongoing labor conflict when he included students' reinstatement in the list of union demands. Growers balked, asserting that what happened at the high school had nothing to do with the labor dispute. But UFW legal counsel, Jerry Cohen, countered, "We know it fits into the strike. It's a community problem that has resulted because of the strike." Labor talks stalled over the high school issue for a week. When they met again, Chavez vehemently insisted that, "We cannot accept no for an answer. I have kids who didn't get their diplomas, who didn't get credit for the work they did at school, and the roots come from the conflict of the strike." Despite growers' protests, their clout with school administration was confirmed on July 27 when they were able to spark negotiations for students' reinstatement. Labor contracts were signed two days later.⁷⁵ This incident, and the tensions that led up to it, demonstrate how the labor campaign intersected with *huelga* kids' educational experience. In moving children out of the fields and into the schoolhouse, *la causa* did not merely change their work environment. It changed their lives.

MAKING CHILD LABOR VISIBLE

Prior to 1969, the debate over children's agricultural labor was chiefly confined to congressional hearings and rural communities—two areas where the agrarian myth had long

agricultural struggle." UFW-affiliated teenagers were then inspired by Castro and the thousands of LA students who participated in the "blowouts" of March 1968. García and Castro, *Blowout!*, 133-134.

⁷³ "Student Punishment Trial Delayed," *Fresno Bee*, May 1, 1969; "Richgrove Ponders School Needs," *El Malcriado*, February 1970, 8-9; "Boycott in Woodlake," *El Malcriado*, April 1970, 14; "Delano High Repression Challenged," *El Malcriado*, April 1-15, 1969, 10; Kelly Burch, "Racist Experience and Consequence," April 23, 2013, *Share Your UFW Story*.

⁷⁴ "Suit Brought Against Delano High School," *El Malcriado*, June 1970, 15; "Violence in Delano: Farm Workers are Beaten, Maced, Shot at, Arson Victims," *El Malcriado*, July 1, 1970, 13; Father Mark Day recorded eye-witness accounts and Chavez's perspective on the student unrest in *Forty Acres: Cesar Chavez and the Farm Workers*, introduction by Cesar Chavez (New York: Praeger Publishers, 1971), 77-82.

⁷⁵ "35 Students Strikers Will Get Continuation Rights," *Fresno Bee*, August 29, 1970; Day, *Forty Acres*, 77-82; Cohen and Chavez quotations from Powell, *The Union of their Dreams*, 63-64.

held sway. Elsewhere, child labor in fields, vineyards, and orchards was largely invisible to the majority-urban American population.⁷⁶ This began to change in 1969 when *huelga* kids put a youthful face to the union's consumer boycott as farmworker families took a greater role in organizing. Moreover, in 1971, the American Friends Service Committee (AFSC) released a scathing investigative report that revealed widespread exploitation of children in the nation's agriculture industry. The report led to a media firestorm that reinforced UFW claims and alerted the American public to a practice that many had associated with a bygone era. For the first time since the 1930s, the problem of child labor became widely visible. The UFW capitalized on this by boldly linking child labor to consumer choice. "A small change in your life can make a big difference in ours," proclaimed boycott flyers that featured young farmworker children.⁷⁷ The public largely responded favorably, and even urban, non-farmworker children gave up grapes and organized for *la causa*. The events and activities of the early 1970s succeeded in alerting the public to the necessity of supporting efforts toward stricter child labor legislation. This resulted in an unprecedented change to the FLSA Section 13(c) exemption.

The UFW consumer boycott began in the summer of 1967 as a way to apply year-round pressure to growers and increase the public's awareness of *la causa's* social justice message. Initially, the union strategy entailed sending single young men and women, and some married men without their families, to major metropolitan centers throughout the country. While there, UFW activists promoted *la causa*, raised funds, and organized consumer boycotts (first of specific products, and eventually, entire supermarket chains as well).⁷⁸ But in 1968, the union shifted its approach, moved away from separating families and, instead, began to send entire farmworker families out to establish boycott offices. Boycott families traveled across the country in caravans. For many boycotters who had grown up in California, the sojourn was their first time traveling outside of the state. Young Frances Alvarado felt a mixture of excitement and uncertainty as her family traveled to Columbus, Ohio in 1968. "We were excited," she recalled, "but we were also nervous not knowing what to expect when we arrived at our destinations." Her concern was eased by a succession of kind and generous people from "churches and unions [who were] waiting for many of us, ready with hot meals and a place to sleep" along the way.⁷⁹ The union's shift to sending entire families out to the boycott frontlines was significant because it not only gave *huelga* kids more opportunities to influence change, but also made young farmworkers more

⁷⁶ In 1970, 73.6% of the American population lived in urban communities. This percentage was greater than it had ever been in the history of the nation. U.S. Census Bureau, Population Division, Table 4: Population: 1740 to 1990, <https://www.census.gov/population/censusdata/table-4.pdf>

⁷⁷ "A small change in your life can make a big difference in ours," folder 53, box 71, Administrative Files.

⁷⁸ For an in-depth (though not family-focused) look at the UFW boycotts, see: Garcia, *From the Jaws of Victory*; Pawel, *The Union of Their Dreams*; Shaw, *Beyond the Fields*, 18-23; Pawel, *The Crusades of Cesar Chavez*, 120-122, 182-196.

⁷⁹ Frances Alvarado, "Familia de Ramon Lara," May 16, 2012, *Share Your UFW Story*.

visible to urban Americans. Thus, when the six Valdez children distributed flyers that read: “Please Do Not Shop at Kroger Until the Valdez Family and 3 Million Other Farm Worker Families Secure Justice,” the connection between children’s well being and consumer action was made explicit.⁸⁰ Children’s presence on the boycott frontlines helped to dispel the idea that farmworker justice was an issue limited to adult interests. The fact that it affected families made *la causa* more compelling.

Early boycott efforts were loosely organized and required families to be frugal, flexible, and resourceful. Boycott families typically arrived at their destinations with few funds and only the name and phone number of a point of contact. Many boycott parents possessed only a rudimentary ability to communicate in English, and in these cases, children stepped up to facilitate initial communication with community contacts. Boycott families lived on modest stipends and relied largely on community donations and local fundraisers for food, clothing, and housing.⁸¹ Later boycotters could expect to be received by a more established network and underwent more training before they traveled east. For example, in 1973, the Herrera family gathered with others at the union’s La Paz headquarters prior to their caravan’s departure. Through role-play, volunteers practiced how to conduct a picket line and confront shoppers. Cesar Chavez took a particular interest in training children to be assertive and persistent on the boycott picket line. He often played the role of the obstinate shopper who tried to ignore and bypass the children. Lupe Herrera recalls that, “Cesar was relentless” in trying to get through the imaginary supermarket entrance. But her twelve-year-old sister Isabel “was just as relentless in trying to keep him out or [make him] go to another store.”⁸² But even small children’s untrained efforts could be useful in furthering the boycott agenda. Herrera recalls that her three-year-old sister Maria “had a knack for bumping into large displays of Gallo wine” in liquor stores. Capitalizing on the young child’s awkwardness, her mother often succeeded in getting the liquor storeowner’s concession to remove boycotted alcohol in exchange for her removing the toddler.⁸³

Children in boycott families were young ambassadors for the farmworker movement. They interacted with the public on supermarket picket lines, at community rallies, and at meetings where they shared their experiences working in agriculture. Their presence put a public face to the otherwise distant and unidentified child laborers. Regional newspapers and television news programs ran stories that featured these children and their work with *la causa*. They were sometimes conspicuous additions to their new schools. We “were the first Latino students that our school classmates had seen or met,” claims Frances Alvarado. She and her siblings “attended an ALL white school and later moved...and attended an ALL black school,” during the two years that they lived in Columbus, Ohio.⁸⁴

⁸⁰ Father John Bank, “The Valdez Family Leads the Cincinnati Lettuce Boycott,” *El Malcriado*, December 1970, 12-14.

⁸¹ Front cover, *El Malcriado*, September 4, 1969, 1; Rose, “Women in the United Farm Workers,” 167-170; Herrera, “Alfredo and Juanita Herrera and their Children”; Aimee Reedy, “Guardian Angels,” March 29, 2013, *Share Your UFW Story*.

⁸² Herrera, “Alfredo and Juanita Herrera and their Children.”

⁸³ Herrera, “Alfredo and Juanita Herrera and their Children.”

⁸⁴ Alvarado, “*Familia de Ramon Lara*.”

For young Debra Rojas, whose family organized the Pittsburgh, Pennsylvania boycott office in 1969, this meant an opportunity to provide a significant corrective to misleading curricula. Rojas's fourth-grade class read a story in their social studies textbook *At Home Around Our World* that clearly drew on the agrarian ideal in its portrayal of farm labor conditions in California vineyards. Designed to showcase the state's geography, climate, and industries, the book featured the adventures of nine-year-old twins, Jim and Jane Jackson, the children of a Central Valley raisin farmer. The story explains that, as the twins watched brightly clad migrant workers in their father's vineyard, they agreed that, "there was something exciting about seeing people picking grapes." The workers called out to one another, sang while they worked, and moved in repetitive unison: "Pick, bend, rise. Pick bend, rise," as if they were "doing gym exercises together," claimed the text.⁸⁵ The sanitized depiction of labor conditions in California's grape vineyards is vaguely reminiscent of the romantic nostalgia associated with slave labor in the Old South. Debra brought the book to both her teacher and parents' attention. "What is written in that book is so ridiculous, it's not even funny," her mother told a reporter for *The Pittsburgh Catholic*. "I've worked all my life in the fields, starting when I was about five or six, picking cotton, grapes, prunes, apricots. What that book describes is horribly untrue."⁸⁶ Debra's social studies teacher agreed that the work was "glorified like it's a game." She then permitted nine-year-old Debra to give the class a lesson on migrant life and farm labor.⁸⁷ In explaining her family's experience in working in California vineyards, Rojas made child labor visible and disabused her classmates of romanticized notions about farm labor.

In January 1971, an American Friends Service Committee (AFSC) report boosted the UFW campaign when it released a scathing indictment of the nation's agriculture industry claiming that, "the child labor scene in 1970 is reminiscent of the sweatshop scene in 1938."⁸⁸ The AFSC, which was established in 1917, was a Quaker social justice organization that had supported the UFW since the early days of the strike by donating food and rent money for *huelga* families. The organization also aided the boycott by contributing manpower, office equipment, furniture, and funds.⁸⁹ In exposing agribusiness's widespread

⁸⁵ Delia Goetz, *At Home Around the World* (Sacramento: California State Department of Education, 1967), 206-208. Though the textbook was published by the California State Department of Education, it was used in school districts across the nation.

⁸⁶ Bill McClinton, "Teaching Fantasy: Every 4th Grader Should Know...Farm Work is Fun," *El Malcriado*, February 1970, 6-7 (reprinted from *The Pittsburgh Catholic*, November 1969).

⁸⁷ McClinton, "Teaching Fantasy."

⁸⁸ *Child Labor in Agriculture, Summer 1970: A Special Report* (Philadelphia: American Friends Service Committee, 1971), 1.

⁸⁹ "AFSC's Program of Aid to Cesar Chavez," folder: United Farm Workers (UFW)—Quaker Volunteer, David Burciaga, 1970, box: CRD 1970, Economic and Rural Affairs, American Friends Service Committee Archive, Center of the American Friends Service Committee, Philadelphia, Pennsylvania; Memorandum, United Farm Workers Organizing Committee and American Friends Service Committee, December 18, 1970, folder: United Farm Workers 1970, box: CRD 1970, Economic and Rural Affairs, American Friends Service Committee Archive; Memorandum, United Farm Workers Organizing Committee

use of children, the AFSC made child labor visible and explicitly linked the UFW cause of social justice for farm families with the moral ill of child exploitation. The report stemmed from an investigative study in which AFSC teams, in collaboration with the National Committee for the Education of Migrant Children (a branch of the National Child Labor Committee) visited farms in Maine, Ohio, California, Oregon, and Washington to ascertain the extent of agricultural child labor. Investigators found that even very young children labored long hours for low wages under strenuous and insalubrious conditions. Opponents of federal child labor legislation had long argued that state compulsory education and labor laws were adequate to curb abuses, but AFSC investigators found that exploitation was widespread, even in states such as California, which ostensibly had the toughest such laws in the nation. The report confirmed what Dolores Huerta had asserted a few years earlier—California’s laws simply were not enforced. The study also surveyed other states’ child labor laws and noted that Michigan wholly exempted agriculture from any labor laws; Indiana exempted agriculture from age requirements; and in New Jersey, children over the age of twelve were permitted to work ten hours a day, up to sixty hours a week.⁹⁰ The AFSC concluded that state laws were inadequate and the Fair Labor Standards Act “is virtually meaningless” when it came to child labor in agriculture.⁹¹

The 1971 report unleashed a series of media exposés from a variety of outlets. Suddenly, agricultural child labor was *la causa célèbre*. Headlines such as “Capitalism: Destroyer of Childhood” and “Squeezing Profits out of Children” alerted the American public to the study’s findings.⁹² Child welfare and religious organizations, as well as popular magazines such as *Reader’s Digest*, *Family Circle*, *Parents’ Magazine*, *Newsweek*, and *Life*, ran articles that reinforced the report with stories that informed the public of the 800,000 “invisible young farm workers”; and of children such as nine-year-old Juan Gomez, who arose at five o’clock in the morning to pick raspberries in Oregon, and ten-year-old Odulia Limon, who picked tomatoes for twelve hours a day in Ohio. In his article, “Child Labor is a Respectable Crime,” Reverend John Bank compared American farm labor practices to that of third world countries.⁹³ The subject of child labor even reached into children’s public television programming in 1972, when *ZOOM* (produced by WGBH-TV, Boston, but viewed nationwide) featured Jaime Silvas, a migrant child farmworker from Texas. The film short, narrated by young Jaime, followed the Silvas family as they migrated to Colorado for the spring harvest. As Jaime harvests onions he tells viewers, “I don’t like to work in the

and American Friends Service Committee, December 30, 1970, folder: United Farm Workers 1970, box: CRD 1970, Economic and Rural Affairs, American Friends Service Committee Archive.

⁹⁰ *Child Labor in Agriculture, Summer 1970*, 5.

⁹¹ William Benallack to Ralph Kerman, October 16, 1970, folder: Child Labor Study—General 1970, box: CRD 1970, Economic and Rural Affairs, American Friends Service Committee Archive.

⁹² John P. Brlas, “Capitalism: Destroyer of Childhood,” *Weekly People*, April 17, 1971; “Squeezing Profits out of Children,” *Berkshire Eagle*, April 29, 1971.

⁹³ “Invisible Young Farm Workers,” *Union Gazette*, January 28, 1972; Jane Schulte, “Child Development in the Tomato Field,” *Voice for Children* 4, no. 8, (Washington, D.C.: Day Care and Child Development Council of America, Inc, 1972), 7, folder 13, box 74, Alphonzo Bell Papers, Regional History Collections, Doheny Memorial Library, University of Southern California; John Bank, “Child Labor is a Respectable Crime,” *Sign: National Catholic Magazine* (March 1972): 19-23; Joseph H. Reid and Maxine Phillips, “Child Welfare since 1912,” *Children Today* (March-April 1972): 13-14, 17.

field because it's too hot and I get tired."⁹⁴ The fact that the report's findings appeared revelatory indicates the magnitude to which a majority of Americans were distant from the food production process. Urban Americans generally gave very little thought to the foodstuff process prior to its arrival on the supermarket shelf. As such, they were surprised to learn that it was produced using child labor.

But even for rural Americans, the revelation was a shock. However, this was not because they were unaware of the fact that children participated in harvests, but rather, because they did not want to believe that the process could be exploitative. Many operated with the understanding that agricultural work was wholesome; that it kept children out of trouble; and that youngsters performed a civic and familial duty when they helped out—albeit even on commercial farms. A number of outraged Americans (many of them Quakers) wrote to the AFSC to convey their displeasure with the report. For example, Donald Tyson “positively cringed [at the report’s]...careless remarks.” Nellie Gifford of Deland, Florida disagreed with the report because she believed that children got “a thrill out of doing a little old-fashioned independent work.” Ralph Tyson of Gardner, Pennsylvania asked incredulously, “Would children be better off on the city streets?” And Stephanie Perlstein of New Jersey thought that agricultural child labor helped to prevent “masses of aimless, drifting, unemployed urban welfare recipients.”⁹⁵ For these rural Americans, the AFSC’s report amounted to an attack on a cherished way of life—one forged in nostalgia and imbued with dignity. Yet, none of these defenders of agrarian virtue appeared to see the migrant children, or the desperately poor individuals who suffered from the wage depressing effects of child labor. To them, these were only middle-class children who merely earned spending cash who were at work in their area’s fields and vineyards. Whether in denial, or out of ignorance, many rural Americans continued to maintain that child labor was not a problem in their communities.

Fresno Bee reporter, Ronald B. Taylor, shed some light on this phenomenon when he confessed that even though he had spent decades reporting on rural issues, he had never noticed the children. This was largely because he had always been focused on adults and their business, and as such, had given little thought to the youngsters in the fields. But following the AFSC report, he looked for them, and “couldn’t believe it. The children were everywhere in the fields—in the apples, plums, peaches, all soft fruits and citrus fruits; in row crops—chili peppers, cucumbers, tomatoes, garlic, onions, beans, berries.” They were

⁹⁴ Zoom Guest, Episode #209, ZOOM, WGBH Educational Foundation, 1972, WGBH Media Library & Archives, Boston, Massachusetts.

⁹⁵ Donald C. Tyson to American Friends Service Committee, March 24, 1971, folder: Projects: Child Labor Study, Public Response, 1971, box: CRD, American Indian Affairs to Economic and Rural Affairs, 1971, American Friends Service Committee Archive; Eleanor Eaton to Nellie Gifford, May 17, 1971, folder: Projects: Child Labor Study, Public Response, 1971, box: CRD, American Indian Affairs to Economic and Rural Affairs, 1971, American Friends Service Committee; Ralph W. Tyson to American Friends Service Committee, March 26, 1971, folder: Projects: Child Labor Study, Public Response, 1971, box: CRD, American Indian Affairs to Economic and Rural Affairs, 1971, American Friends Service Committee Archive; Stephanie Perlstein to American Friends Service Committee, April 21, 1971, folder: Projects: Child Labor Study, Public Response, 1971, box: CRD, American Indian Affairs to Economic and Rural Affairs, 1971, American Friends Service Committee Archive.

even there during the school day, he observed.⁹⁶ He concluded that the agrarian myth had blinded rural America to the agriculture industry's exploitation of children. Through a series of articles themed, "The Invisible Children," Taylor explained how agrarianism had put children at risk. "The farm has been made the basic building block in the American culture; the farmer the chief architect of the American character," he wrote. "And these myths, as they are applied in the agribusiness communities of the nation, have countered efforts to prevent the exploitation of child labor on the farm."⁹⁷ He followed these articles with a book, *Sweatshops in the Sun: Child Labor on the Farm*, in which he revealed that it was not only growers and parents who were complicit in the exploitation, but also law enforcement and school officials.⁹⁸

The AFSC report and subsequent media coverage was a coup for the UFW. Union leadership seized on the publicity generated by the investigation and began explicitly to emphasize child labor as a part of *la causa's* agenda. They reprinted articles in *El Malcriado*, used the information in boycott material, and included it in donation and membership direct mailings. Just as Lewis Hine and other Progressives had used children's images to highlight injustice in the early twentieth century, the union distributed leaflets featuring photographs of children, accompanied by facts about child labor, or reprints of news articles about labor, pesticides, and other health or education concerns. For example, one leaflet that specifically targeted Cincinnati, Ohio-based Pogue's Department Store included the image of a tired, weathered man holding a sleeping child (presumably exhausted from a day of labor). In large lettering the flyer informed readers that Pogue's supported "child labor in the vineyards" because it carried boycotted brands of wine. It then explicitly connected consumer choice to the issue by explaining that "every bottle of boycotted wine that Pogue's sells is a vote to continue child labor in agriculture."⁹⁹ Another flier aimed to dispel the romanticized association between children and farming by featuring a photograph of a law enforcement officer standing sentry-like over a small child in a vineyard. The headline, "We used to own our slaves—now we just rent them," was borrowed from the 1960 *Harvest of Shame* documentary. The message was clear: children's agricultural labor was a form of exploitation. It asked consumers to consider this "the next time you drink a glass of orange juice or eat a bowl of salad."¹⁰⁰ The assertion that consumer-purchasing power could make a difference was explicit in the advertisement that invited readers to "Pick the Lucky Child." Below a photograph of seven farmworker children, the text indicates that one lucky child "might live to be 49," while the others could be expected to die from pesticide poisoning,

⁹⁶ Ursula Vils, "A Social Tragedy Ripens in the Fields," *Los Angeles Times*, July 10, 1973.

⁹⁷ Ronald B. Taylor, "Myths of Labor and the Plight of Children," *Fresno Bee*, February 27, 1972.

⁹⁸ Eleanor Eaton to Mr. and Mrs. Jonathon M. Landers, May 14, 1971, folder: Projects: Child Labor Study, Public Response, 1971, box: CRD, American Indian Affairs to Economic and Rural Affairs, 1971, American Friends Service Committee Archive; Margaret H. Bacon to Jay Froom, May 19, 1971, folder: Projects: Child Labor Study, Public Response, 1971, box: CRD, American Indian Affairs to Economic and Rural Affairs, 1971, American Friends Service Committee Archive.

⁹⁹ "Pogue's supports child labor in the vineyards," 1972, folder 20, box 3, UFW California Boycott Records, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University; Letter to supporters, Cincinnati Boycott Office, February 9, 1972, Box 3, Folder 36, California Boycott Records.

¹⁰⁰ "We used to own our slaves—now we just rent them," folder 36, box 3, California Boycott Records.

infectious disease, and on-the-job accidents.¹⁰¹ As a result of the media frenzy that followed the AFSC report, the consumer boycott became a way to stand against child exploitation.

While the UFW boycott enlisted consumers in *la causa's* labor dispute, the union also made a priority of reaching out to non-farmworker children. Cesar Chavez had regularly received letters from children since his first fast in 1968. These had primarily been from students at parochial schools, and from children who were affiliated with *la causa* communities distant from Delano. Chavez recognized children's receptivity to the social justice message and their ability to further *la causa's* influence in middle-class neighborhoods and homes. To this end, in 1971, the union began to reach out to non-farmworker children at public schools when it offered resource kits to teachers so that they could supplement current event and social studies curriculum with statistical data, *El Malcriado* articles, court rulings, supporter organizations' newsletters, first-hand farmworkers' accounts, and statements by Cesar Chavez. The union encouraged classroom viewings of films such as *Harvest of Shame* (1960), *What Harvest for the Reaper* (1968), and eventually, the UFW-produced *Fighting for Our Lives* (1975).¹⁰² Guest speakers informed schoolchildren of union aims, including how farm labor conditions affected child laborers.¹⁰³ The message deeply moved some children. Norah D. claimed that the "injustice and suffering blew my 15 year-old, white middle-class mind." Her reaction stemmed from a talk given by a guest speaker who had explained that his little sister was dying of cancer as a result of pesticide exposure. Norah remembers that she "could not sleep that night and the next. I could not understand how a country I had been taught to love and believe in could allow these kinds of things to happen."¹⁰⁴

La causa's message inspired non-farmworker children to act within their schools, homes, and neighborhoods. Some children demonstrated their support by wearing *huelga* buttons, T-shirts with UFW iconography, and other articles of clothing emblazoned with the UFW eagle. In a letter, young Alex Bernard proudly reported to Chavez that his stepmother had embroidered the eagle onto his denim jacket.¹⁰⁵ At school, children boycotted cafeterias that served non-union produce and demanded that home economics teachers instruct them with recipes that did not require boycotted products.¹⁰⁶ At home, some children convinced

¹⁰¹ "Pick the Lucky One," *Pittsburgh Catholic*, December 21, 1973, folder 38, box 24, Chavez Collection.

¹⁰² Damien Howard to Cesar Chavez, May 9, 1975, folder 20, box 4, Administrative Files.

¹⁰³ Michael Gannon to Teachers, Los Angeles City Schools, April 23, 1971, folder 36, box 3, California Boycott Records; Various letters from the students at Mary Immaculate School in Pacoima, California to Cesar Chavez, March 2, 1972, folder 6, box 2, Chavez Collection.

¹⁰⁴ Norah D., "An Awakening," March 28, 2013, *Share Your UFW Story*.

¹⁰⁵ Alex Bernard to Cesar Chavez, December 3, 1975, folder 20, box 4, Administrative Files.

¹⁰⁶ Marianne Bithell to Cesar Chavez, March 22, 1972, folder 8, box 2, Chavez Collection; Irma Escamilla to Cesar Chavez, March 2, 1972, folder 6, box 2, Chavez Collection; Angela Curran and Pat Morales, appeal to high school students, November 11, 1971, folder 36, box 3, California Boycott Records; Michael Gannon to Teachers, Los Angeles City Schools, April 23, 1971, folder 36, box 3, California Boycott Records; Andrew Barnes, "D.C. Schools Join Ban on Lettuce," *Washington Post*, October 20, 1972; David Oddo, "Honoring The Legacy of Cesar Chavez With the *Si Se Puede* Spirit," March 29, 2013, *Share Your UFW Story*.

their parents to subscribe to and read the UFW newspaper, *El Malcriado*.¹⁰⁷ They advised their parents to observe the boycott and refused to eat lettuce and grapes. For example, one young child urged her grandmother to refrain from Gallo wine, and the woman replied that, “she is going to miss it.”¹⁰⁸ Many children declared their support for the boycott through letters and drawings sent to the union headquarters. For instance, fourth-grader Steven Cintron drew a picture of himself with his mother at the supermarket. As the crayon-drawn mother figure reaches for a head of lettuce, the boy’s speech bubble emphatically states: “No mom, don’t buy that!”¹⁰⁹ In their neighborhoods, children, such as Brendan Downey of Minneapolis, Minnesota, collected clothes, food, toys, and money and sent them to the UFW. Downey, along with his sisters and two friends, held their own neighborhood farmworker rally. They painted signs and made UFW buttons to sell. They earned \$82 from the sale, which they promptly sent to the union.¹¹⁰ Karen Bithell knocked on doors throughout her neighborhood to spread *la causa*’s message and encourage support for the boycott.¹¹¹ Many picketed supermarkets and marched in UFW parades. Teenager Cathe’ Fish attributed her political awakening to UFW protest marches. They “woke me up,” she claimed.¹¹² Young New Yorker, Christine Kostyrka loved to march and shout, “Get the Gallo off the shelf!” when she passed liquor stores. The reasons for non-farmworker children’s enthusiastic support of *la causa* no doubt varied. But for at least some children, such as Karen Bithell, consideration for child laborers was the prime motivation. “I was doing it for the children,” she says. “Because I felt that children should be free to do everything that I was free to do; to go to school, to have decent meals, to have a warm place to sleep, and to play.”¹¹³

Ultimately, the efforts of *huelga* kids, non-farmworker children, the UFW boycott, and the mainstream media resulted in unprecedented support for federal child labor legislation, which bolstered the work of anti-child labor crusader, Representative James O’Hara. After meeting with stiff resistance from the farm bloc and other Republicans over his proposed stand-alone “Agricultural Child Labor Act,” the Michigan Democrat then turned his

¹⁰⁷ Andrew Guthrie to Cesar Chavez, undated, folder 7, box 2, Chavez Collection.

¹⁰⁸ unsigned letter to Cesar Chavez, undated, folder 9, box 2, Chavez Collection.

¹⁰⁹ Steven Cintron, drawing, May 16, 1974, folder 7, box 2, Chavez Collection.

¹¹⁰ Brendan Downey to the UFW, no date, folder 9, box 2, Chavez Collection. Additional letters convey similar support: Benjie Sahpiro and David Belneck to Cesar Chavez, December 16, 1969, folder 7, box 2, Chavez Collection; Carlton B. Ashley to Cesar Chavez, December 16, 1969, folder 7, box 2, Chavez Collection; Chicago Boycott team to Andy, April 24, 1972, folder 6, box 2, Chavez Collection; Cesar Chavez to Sister Dolores Ann, February 13, 1975, folder 20, box 4, Administrative Files; Pete G. Velasco handwritten note to Cesar Chavez on a copy of his reply to Sister Dolores Ann, no date, folder 20, box 4, Administrative Files; Cesar Chavez to Fr. Paul Boucher, June 18, 1975, folder 20, box 4, Administrative Files.

¹¹¹ Bithell interview.

¹¹² “Marin County Kids Picket: Don’t Eat,” *El Malcriado*, June 1970, 12; Cathe’ Fish, “Marching at Sixteen,” April 22, 2013, *Share Your UFW Story*; Angela Huerta to Cesar Chavez, March 16, 1973, folder 8, box 2, Chavez Collection; Angela Huerta to Cesar Chavez, April 12, 1973, folder 8, box 2, Chavez Collection.

¹¹³ Bithell interview.

attention to amending the FLSA Section 13(c) exemption. O'Hara drew support from the NCLC, as well as the religious and civic organizations that had allied with the UFW boycott activism. These organizations sent witnesses to testify at various hearings around the country. In his presentations before Congress, O'Hara distributed copies of the AFSC report, magazine and newspaper exposés, and letters from concerned constituents.¹¹⁴ Such letters demonstrated the influence that the publicity had on the public's awareness of the agriculture industry's use of child labor. For example, Irene Byrnes of Brooklyn, New York wrote that she was "appalled" by "the crime of child labor," after she read John Bank's article, "Child Labor is a Respectable Crime," in *Sign* magazine. She wrote to O'Hara to express her support and claimed that she could not "again enjoy a 'bargain' at the supermarket" knowing that the produce may have been harvested by children. "This crime against the young...makes me ill," she continued. In closing, she thanked O'Hara for his work on behalf of children and specifically acknowledged the connection to the UFW when she wrote "three cheers for Cesar Chavez."¹¹⁵ Similarly, after reading UFW reprints of articles (which she included with her note), Mary Riccio of Los Angeles, California told O'Hara that the articles "shook me." She admitted that she had believed that "child labor laws were strictly enforced and applied to all types of business." She then wondered, "how many other people think the same thing?"¹¹⁶ It is clear from responses such as these that the public had been unaware of the child labor situation until the AFSC report and the subsequent news coverage. These exposés were critical for gaining the support of the public, who then urged their Congressmen to vote in favor of tougher child labor legislation.

O'Hara's tireless work paid off in 1974 when the Section 13(c) exemption to the Fair Labor Standards Act was finally substantially amended. This was a major legislative milestone because, for the first time, the law set a minimum age limit on children's agricultural labor. As amended, the federal law held that children younger than twelve-years-old could not work in agricultural occupations (except on family farms, which remained exempt from the law). It also set a sixteen-year minimum for employment in agricultural occupations that the Secretary of State deemed particularly hazardous.¹¹⁷ Despite the victory, child welfare advocates were displeased that the age limits were still lower than those stipulated for other sectors (which were fourteen and eighteen, respectively). The limit was also lower than that of the UFW contracts, which enforced a minimum age of sixteen. Thus, the law would (at least in theory) keep elementary-school-aged children out of the fields, but it would continue to be possible for twelve- to sixteen-year-olds to labor under unhealthy conditions for an unlimited number of hours when they were not required to attend school.

¹¹⁴ "Background and Justification for Subcommittee Amendment to H.R. 10499," folder 13, box 74, Alphonzo Bell Papers.

¹¹⁵ Irene E. Byrnes to James G. O'Hara, March 7, 1972, folder: Migrant Labor, Child Labor: correspondence, box 18, James G. O'Hara Papers, Bentley Historical Library, University of Michigan; Bank, "Child Labor is a Respectable Crime," 19-23.

¹¹⁶ Mary Riccio, undated note attached to United Farm Workers flier, "Please Help Farm Workers," circa 1971, folder 20, box 3, California Boycott Records.

¹¹⁷ "Section 13(c)," *Fair Labor Standards Act of 1938 (as Amended by the Fair Labor Amendments of 1974) and Related Provisions of Law* (Washington, D.C.: U.S. Government Printing, 1974).

The 1974 amendment was a significant achievement but its viability was tenuous. In codifying an age limit, and recognizing that some occupations were too hazardous for young children, O'Hara and his supporters overcame the overt agrarianism that had stymied attempts at regulation in years past. But the amendment was achieved at a time when the agriculture industry was pushing back against other federal legislation. So, while the achievement was remarkable, the issue of child labor remained contentious with the amendment subject to challenge. The vulnerability of such legislation was starkly apparent in the farm bloc's legislative assault on the 1970 Occupation Safety and Health Act (OSHA); a federal law intended to ensure safe work environments. According to Timothy Kelsey, opponents of OSHA had successfully employed the agrarian myth to argue that, "the heavy and unthankful hand of government was trying to squash the spirit of independent family farmers, who had sacrificed and suffered to make America strong."¹¹⁸ Agriculture succeeded in achieving an industry-wide exemption from OSHA in 1976. Thus, it was not a surprise when Oregon congressmen immediately filed injunctions against the amended FLSA. Claiming that their constituents would be ruined if they were unable to depend upon the labor of children younger than twelve, they succeeded in blocking the law for both the 1974 and 1975 harvest seasons.¹¹⁹

But permanent injunctions did not hold. In late 1974 and through 1975, the House Committee on Education and Labor held hearings in Oregon, Washington, and Maine to consider a bill that would permanently exempt a number of crops (such as strawberries, beans, and potatoes) from the FLSA. The intention of the bill was to permit farmers to continue to employ children of *any* age to harvest these crops. Yet, public opinion had changed remarkably in the early 1970s. Child labor, and more importantly, *the children who labored*, had become visible to the American public. And while some child welfare advocates would not rest until the age limit on farm labor was on a par with that in other industries, it was at least increasingly more difficult to convince the majority of Americans that agricultural labor was benign in light of the headlines, images of small, stooped children, and picket sign-carrying *huelga* kids and other child boycotters who demanded justice for youngsters. And though the Committee on Education and Labor hearings heard witnesses who were both for and against the bill at the hearings in Oregon and Maine, the committee noted with astonishment that *every* witness at the Washington state hearing opposed exempting any crop from the FLSA's age requirement.¹²⁰ This signals a decisive shift in public perception. The bill did not pass. But, while young Karen Bithell declared from the Safeway picket line that, "There's no age limit for justice," it would seem that Congress in fact placed the limit at twelve.¹²¹

¹¹⁸ Timothy W. Kelsey, "The Agrarian Myth and Policy Responses to Farm Safety," *American Journal of Public Health* 84, no. 7 (1994): 1174.

¹¹⁹ "Northwest Strawberry Growers Granted Child Labor Exemption," *Los Angeles Times*, July 11, 1974.

¹²⁰ Mark-up, H.R. 632, *Hearings before the Committee on Education and Labor, House of Representatives, April 20, 1975* (Washington, D.C.: Alderson Reporting Company, Inc., 1975).

¹²¹ Bithell interview; Bithell e-mail; Bithell to Chavez, November 26, 1973, folder 8, box 2, Chavez Collection.

EPILOGUE

THE MYTH ENDURES: CHILD LABOR REGULATION IN THE TWENTY-FIRST CENTURY

“Child labor, especially in the fields, is still surrounded by a number of myths,” insisted Cassandra Stockburger of the National Child Labor Committee (NCLC) in 1975, when once again, the NCLC found itself at odds with agrarian interests.¹ For, despite the recent victory in amending the FLSA, the fight to protect child farmworkers was not over. Soon after Congress set minimum age limits for child farm labor, the berry growers in Oregon and Washington obtained a temporary injunction against the revised law. They then teamed up with potato growers in Maine and pursued an amendment to Section 13(c) for their own benefit. It was for this reason that the Senate Subcommittee on Labor and Public Welfare gathered in Presque Isle, Maine in January 1974, to listen to the potato growers of the Northeast make their case for employing children who were younger than twelve, even during school hours. Agrarian interests, rural parents, and pro-farm politicians testified that children’s farm labor was an “invaluable social and economic experience...that could not possibly be garnered from a textbook or in a classroom,” and argued that it should not be curbed because it strengthened “community spirit and personal ties.”² But Stockburger’s statement reminded Congress that such agrarian reasoning masked myths that “have for many decades made [the agricultural sector] invulnerable to efforts to bring work on the farms under the same protections of the law as other forms of work.” Pushing back against the agrarian rhetoric, Stockburger declared, “Agriculture is no longer a family affair. Agriculture is big business. Agriculture is industrialized. Agriculture is mechanized.”³ But ultimately, it was the agrarians who prevailed on this issue. In 1977, Section 13(c) of the Fair Labor Standards Act was revised to permit “an employer or group of employers” to apply for a waiver of the child labor provision in order to employ ten and eleven year olds in hand harvesting activities, even during school hours.⁴ With that, agrarian reason gained the last word on the issue of agricultural child labor because the law has remained so ever since.

¹ Cassandra Stockburger, “Statement on Section 25 of the Fair Labor Standards Amendments of 1974,” at the Hearings of the Subcommittee on Labor of the Senate Labor and Public Welfare Committee, Presque Isle, Maine, January 18, 1975, folder 37, box 24, United Farm Workers, Office of the President: Cesar Chavez Collection, Walter P. Reuther Library, Archives of Labor and Urban Affairs, Wayne State University.

² Senate, U.S. Congress, Senate Subcommittee on Labor and Public Welfare, *Hearings before the Senate Subcommittee on Labor and Public Welfare, Agricultural Labor Provisions of the FLSA, 1975* (January 18, 1974), 4.

³ Stockburger, “Statement on Section 25,” Cesar Chavez Collection.

⁴ House, *Fair Labor Standards Act of 1938, as Amended by the Fair Labor Standards Amendments of 1977, and Related Provisions of Law* (Washington, D.C.: Government Printing, 1977), 27. The wording, “group of employers,” is significant because this meant that cooperatives could apply for waivers for multiple growers of a single type of crop.

The binary polarization of advocates and opponents of regulation becomes clear when one surveys the ongoing battle over agricultural child labor reform throughout the twentieth century. On one side were mostly urbanites—child welfare advocates, educators, developmental health experts, a few politicians, and the like—who prioritized formal education and children’s physical, emotional, and intellectual development over their income-earning potential. They argued that the monotonous, repetitive, heavy, and dangerous physical labor that was involved in agricultural work was detrimental to child workers’ health, education, and well-being. They maintained that children’s availability perpetuated poverty as it undermined adult wages, stunted scholastic achievement, and limited the efficacy of labor unions. Ultimately, employment in the modern agriculture industry, they claimed, deprived children of childhood, limited their future prospects, and produced an inferior citizenry. Conversely, agrarian interests—rural parents, small farmers, commercial growers, agricultural cooperatives, the political Farm Bloc, and organizations like the American Farm Bureau Federation continually represented the issue of children’s farm labor through the lens of family farming. They employed the rhetoric of the agrarian myth and rural tradition, in what I have referred to as agrarian reason, to argue that work on farms has always been a healthful, beneficial activity in which children learn the virtue of hard work, the value of money earned, and responsibility through neighborly and civic duty. This constant refrain treats all farm labor homogeneously and effaces the exploitation of children on farms that are not owned by their family. In doing so, corporate agriculture has shielded itself and protected its interests under the guise of defending rural homes, parent’s rights, and the traditional family farm. The result is that agrarian reason has limited legislation and enforcement to such an extent that children who work in agriculture today may in fact be at greater risk for detriment than those who labored in fields one hundred years ago.

It is difficult to know precisely how many children still labor in agriculture in the twenty-first century. The Department of Labor (DOL) reports that 519,000 children work on their family farm, while another 230,000 are hired from migrant families and local communities as day laborers.⁵ But these numbers only reflect official tallies of legal employment. Child advocacy groups that also strive to account for illegal employment place the second group at a much higher rate of roughly 500,000. Young domestic laborers who work illegally often fit one or more of the following categories: they are too young; they work during school hours; or they work off the books, with the product of their labor recorded under a parents’ social security number.⁶ Added to the number of illegally employed are “unaccompanied minors” from Mexico and South America who have increasingly been discovered among this young workforce since the 1990s.⁷ Taken together,

⁵ Occupational Safety and Health Administration, “Youth in Agriculture,” *Safety and Health Topics*, <https://www.osha.gov/dsg/topics/agriculturaloperations/youngworkers.html>.

⁶ Guadalupe T. Luna, “Unsavoury Associations—Placing Migrant Children In Harm’s Way: The Withdrawal of Child Labor Rules from the Fair Labor Standards Act,” *Scholar* 16 (2013): 333; Steven Stock and David Paredes, “Child Labor: Young Hands Picking Our Food,” *NBC News Online*, <http://www.nbcbayarea.com/investigations/series/children-in-the-field/Children-in-the-Field-Picking-Our-Food-164796976.html>.

⁷ Human Rights Watch, *Fields of Peril: Child Labor in US Agriculture* (New York: Human Rights Watch, 2010), 5; National Farm Worker Ministry, “Children in the Fields,” <http://nfwm.org/education-center/farm->

more than one million children work, with only negligible regulation, in what is now ranked by the Department of Labor as *the* most hazardous occupation.

Both parents and employers are complicit in the illegal employment of minors. Maria M., a young Mexican American woman from Idaho, explained this to a Human Rights Watch (HRW) interviewer by saying that she started working in the onion fields when she was eleven, and although this was younger than the legal working age, she worked among other children who were as young as ten. “The growers know that,” she affirmed. “They see that—they would pass by when they drop off water. No one was going to say anything.”⁸ (The DOL has not granted waivers under the 1977 FLSA since the 1980s due to concern over pesticide exposure; the labor of these ten and eleven-year-olds was thus certainly illegal. Parents continue to cite financial need and inability to afford daycare as the primary reasons for bringing children into the fields. Children in these families keenly feel that it is their responsibility to help earn a living. Andrea C. told HRW investigators, “I feel pressure to work sometimes. When we get all filled up with bills, we need the money.”⁹ And Luz A., who first went to the fields when she was nine explains, “I really didn’t decide to work. I had to because my mom was having difficulty raising us and providing everything we needed.”¹⁰ Growers typically pretend not to notice the children and deny that they hire under-aged workers. For example, Tony Marr of Adkin Blue Ribbon Packing Company claimed that, “We can hire as many adult workers as we need. We don’t need to hire children.” And yet, a 2009 DOL investigation found children as young as six years old working in Adkin fields.¹¹ While complicity among migrant parents can be traced to financial need and the belief that family members have a mutual responsibility to provide, there is little doubt that illegal child labor enhances growers’ profit margins. And although Adkin was penalized for illegal employment in 2009, enforcement is typically so spotty that it has not proven to be an effective deterrent.

Despite the fact that agriculture is now the most dangerous job for children, it remains the least inspected or regulated of all sectors.¹² According to the non-profit organization Farmworker Justice, the law better protects minors who work in shopping malls than it does those who labor in agriculture.¹³ Likewise, the Association of Farmworker Opportunity Programs reminds us that the law “allows youth working on farms to perform back-breaking labor for long hours and in extreme conditions at ages less than 14, when the very same law forbids children this young from working in an air conditioned office.”¹⁴ Although hazards and other sorts of detriment proved sufficient cause for prohibiting child

worker-issues/children-in-the-fields/; Stephen Greenhouse, “Farm Work By Children Tests Labor Laws,” *New York Times*, August 6, 2000.

⁸ Human Rights Watch, *Fields of Peril*, 1.

⁹ Human Rights Watch, *Fields of Peril*, 22.

¹⁰ Human Rights Watch, *Fields of Peril*, 22.

¹¹ Human Rights Watch, *Fields of Peril*, 22.

¹² Barbara Merlanga, et al., “Changing the Child Labor Laws for Agriculture: Impact on Injury,” *American Journal of Public Health* 97, no. 2 (February 2007): 276.

¹³ Farmworker Justice, “US Labor Law for Farmworkers: FLSA and Children,” <https://www.farmworkerjustice.org/advocacy-and-programs/us-labor-law-farmworkers>

¹⁴ National Farm Worker Ministry, “Children in the Fields.”

labor in other sectors in 1938, these reasons have not been fruitful in similarly regulating agricultural labor. The effect of this failure has sometimes been devastating. In 1999, the Department of Labor reported that, “Tragedy occurs more often among young workers in [the agricultural] industry than in any other.” Between 1992 and 1997, 40 percent of on-the-job fatalities among young workers involved agricultural work. That is higher than any other single sector.¹⁵ In 2000, the department reported that fifteen to seventeen-year-old agricultural workers were 4.4 times more likely to die in work-related accidents than in other occupations.¹⁶ The disparity is correlative with Congress’s failure to apply Hazardous Occupations Orders (H.O.s) to children’s agricultural labor on a par with other sectors. In every industry where the DOL has imposed H.O.s, job-related injury and death rates have declined considerably. As very few H.O.s apply to the agriculture industry, and under lower age limits, the industry has now surpassed both construction and mining in ranking as the most hazardous.

Lax safety regulation means that in most farm labor activity, agricultural employers are not required to supply employees with, or recommend that they use, protective gear. Nor are they broadly required to provide safety instruction or training. While this puts adult workers at risk, research shows that the negative effect on child workers can be even greater due to their lesser size, weight, strength, and experience—that is, children’s developing bones, muscles, and nervous systems are more susceptible to damage from occupational risks. Marcos S. of North Carolina explains that when he started harvesting Christmas trees at twelve, he “never had any protective gear...no gloves [or] masks” or training, even when he worked with digging machines and chainsaws. Moreover, he was regularly exposed to pesticides when “the sprayers” walked around with “a big tank on their back” spraying the trees. “They did it when I was working. It smells so bad.”¹⁷ Children who work in agriculture regularly suffer from cuts and scrapes, heat-illnesses, repetitive-motion and spinal injuries, and early on-set arthritis. Less frequent, though nonetheless of concern, are the many broken bones, lost limbs, and appendages—and even death.¹⁸

The dangers associated with farm labor are not limited to migrant children. As in the postwar years, child welfare advocates have again grown increasingly concerned about children who perform occasional day labor and who work on their own home farm. This is because these children typically work with livestock and utilize mechanized farm equipment at higher rates than do those who are employed in hand harvesting. In an effort to decrease the number of accidents, the National Institute for Occupational Safety and Health (NIOSH) implemented the National Childhood Agricultural Injury Prevention Initiative in 1996. Through the initiative, NIOSH works with local groups such as extension services,

¹⁵ Janice Windau, et al., “Profile of Work Injuries Incurred by Young Workers,” *Monthly Labor Review* (June 1999): 5; Seymour Moskowitz, “Malignant Indifference: The Wages Of Contemporary Child Labor in the United States,” *Oklahoma Law Review* 57, no. 3 (Fall 2004): 495-496, fn 224.

¹⁶ U.S. Department of Labor, Bureau of Labor Statistics, *Report On The Youth Labor Force*, (November 2000): 58; Human Rights Watch, *Fields of Peril*, 7, 38.

¹⁷ Human Rights Watch, *Fields of Peril*, 3-4.

¹⁸ Human Rights Watch, *Fields of Peril*, 8; Timothy W. Kelsey, “The Agrarian Myth and Policy Responses to Farm Safety,” *American Journal of Public Health* 84 (1994): 1171-1177.

schools, and clubs like 4-H, to educate children in rural areas about farm hazards. Because participants in these programs are typically from farm-owning families, the overall efficacy of safety programs is limited to young workers in the non-migrant category, but nonetheless were successful in decreasing farm-related accidents among children by 61 percent between 1996 and 2016.¹⁹ While the decline is impressive, the Occupational Safety and Health Administration (OSHA) of the DOL reports that there is still a long way to go in ensuring the safety of minors who work on farms. As late as 2017, OSHA reported that 33,000 children a year still suffer from farm-related injuries, of which, an average of 100 die.²⁰

Many non-profit organizations and advocacy groups hold the federal government responsible for the inadequate protection, and with good reason. While the United States spent \$26 million in 2009 toward eliminating child labor abroad, its own policy on agricultural child labor does not even measure up to international conventions. In permitting exploitative labor in dangerous occupations, the U.S. violates the International Labor Organization convention no. 182 on the Worst Forms of Child Labor as well as the Convention on the Rights of the Child.²¹ Its failure to curb domestic illegal employment (through the paltry allocation of resources) demonstrates a low-level of concern for the children who labor in commercial agriculture. The fact that 85 percent of this workforce is now Latino also makes the failure an issue of discrimination. Moreover, in opposing child farm labor abroad while permitting it at home the U.S. appears to seek an unfair advantage in the global agricultural market.

However, the federal government is not solely responsible for this failing. States may choose to regulate and enforce higher standards, and some do. In fact, twelve states set a minimum working age outside of school hours at fourteen, while five also require workers to be eighteen during school hours. But enforcement varies from county to county. Some states also provide exemptions under certain circumstances. For example, although Washington is included in both of the above stricter, minimum-age categories, it allows waivers for twelve year olds to perform hand harvesting when they are not required to be in school. Hawaii permits ten year olds to harvest coffee beans and Oregon condones children as young as nine in berry picking for the intrastate market. Moreover, seventeen states actually still exempt farm work from their child labor laws, and thus provide no protection

¹⁹ Ramya Chari, Amii M. Kress, and Jaime Madrigano, *Injury and Illness Surveillance of U.S. Agricultural Workers: Assessments of Recommendations and Actions*, (Santa Monica: RAND Corporation, 2017), 4.

²⁰ Occupational Safety and Health Administration, "Youth in Agriculture," *Safety and Health Topics*, <https://www.osha.gov/dsg/topics/agriculturaloperations/youngworkers.html>. One example of the sort of tragedies that still occurs among young farm laborers was in the 2011 deaths of two eighth grade girls, Jade Garza and Hannah Kendall, when they contacted irrigation equipment that was charged with electrical current while detassling corn for a Monsanto affiliated farm. Douglas Belkin and Scott Kilman, "Midwest Teenage Rite Ends in Tragedy," *Wall Street Journal*, July 29, 2011; Luna, "Unsavoury Associations," 340-345; Lisa Black, "OSHA: No Penalties in Cornfield Electrocutions," *Chicago Tribune*, January 25, 2012.

²¹ Human Rights Watch, *Fields of Peril*, 11; Gail Wadsworth, "Are We Subsidizing Agriculture with Child Labor?" *Rural California Report*, California Institute of Rural Studies (January 26, 2012) <http://www.cirsinc.org/rural-california-report/entry/fair-food-and-child-workers>

or regulation beyond the federal law.²² The ultimate negligence is in the lack of enforcement at the local level. “Interest in child farm labor has really fizzled out on the state level,” explained Colleen White, director of the Division of Labor in Missouri.²³ Though White’s division used to keep illegal child employment in check with frequent random inspections, a tightened budget in 2013 reduced it to responding only to rare complaints of illegal activity. This is but one example of the poor enforcement at both the state and federal level.

In the twenty-first century, agrarian reason endures as a significant, if not determining factor in why agricultural child labor continues to be regulated differently from that in other sectors. This was quite obvious in the industry’s defeat of a 2011 attempt by the DOL to mitigate farm labor hazards. Backed by reports of death and injury, as well as recommendations by the National Institute for Occupational Safety and Health, Secretary of Labor, Hilda Solis initiated a proposal that was aimed at achieving parity for agricultural child workers through specifically targeted H.O.s. The proposal expressly stated that it would apply “only [to] hired farm workers and in no way [would] compromise the statutory child labor parental exemption involving children working on farms owned or operated by their parents.”²⁴ Nonetheless, opponents misconstrued the bill and rallied agrarian interests against the effort. During the sixty-day public comment period, the DOL was inundated with thousands of letters from farm parents and rural interests who provided anecdotal evidence on how farm work benefited children. Many accused the federal government of trying to undermine family farms and parental authority. Republican politicians continued to ignite rural resistance with public declarations laced with agrarian reason. For example, presidential nominee Mitt Romney accused the Obama administration of trying to tell parents “what their 15-year-old sons and daughters can and can’t do on the family farm.”²⁵ And former governor of Alaska, Sarah Palin posted a message to Facebook titled, “If I Want America To Fail, I’d Ban Kids From Farm Work.”²⁶ Perhaps, had the bill not been introduced toward the end of an election cycle, things may have turned out differently. But by April 2012 (with little more than six months to go before the election), the DOL announced that it was withdrawing the proposal, and affirmed that “the Obama

²² For an up-to-date account of state agricultural child labor laws, see Wage and Hour Division, “State Child Labor Laws Applicable to Agricultural Employment,” (January 1, 2017), https://www.dol.gov/whd/state/agriemp2_2017.htm#foot1; For a discussion of the effect of the varying laws, see Marsha Mercer, “Children as Young as 10 Can Do Farm Work in Some States,” *Stateline* (August 30, 2013), Pew Charitable Trusts, <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2013/08/30/children-as-young-as-10-can-do-farm-work-in-some-states>. The seventeen states that exempt farm work from some or all child labor laws are: Alabama, Delaware, Georgia, Kansas, Kentucky, Louisiana, Maryland, Mississippi, Montana, Nebraska, North Carolina, Oklahoma, Rhode Island, Tennessee, Texas, West Virginia, and Wyoming. See the above-noted Department of Labor website for further explanation of distinctions in state laws.

²³ Mercer, “Children as Young as 10 Can Do Farm Work.”

²⁴ Child Labor Regulations, Orders and Statements of Interpretation, 76 Fed. Reg. 54636, 54836 (proposed Sept. 2, 2011).

²⁵ Luna, “Unsavory Associations,” 369-370; Ben Finley, “Romney Flubs Farmers Claim, *FactCheck.org* (March 21, 2012), <https://www.factcheck.org/2012/03/romney-flubs-farmers-claim/>.

²⁶ Dave Jamieson, “Child Labor Farm Rules Scrapped by White House Under Political Pressure,” *Huffington Post*, April 27, 2012.

administration is firmly committed to promoting family farmers and respecting the rural way of life, especially the role that parents and other family members play in passing those traditions down through the generations....To be clear, this regulation will not be pursued for the duration of the Obama administration.”²⁷ Once again, agrarian reason foiled regulation efforts.

Yet, this victory did not satisfy agricultural interests. Instead, they moved to preempt future reform attempts by proposing the Preserving America’s Family Farms Act of 2012 (PAFFA). Justification for the bill claimed that had the DOL’s recent effort succeeded, it would have “adversely impact[ed] the longstanding tradition of youth working on farms where they can gain valuable skills and lessons on hard work, character, and leadership...[and] obstructed the opportunity for youth to find rewarding employment and earn money for a college education or other meaningful purposes.” The proposed PAFFA specifically barred the Secretary of Labor from introducing another similar bill.²⁸ Under the guise of protecting parents’ rights, and enriching children’s lives, PAFFA would all but ensure the continued availability of inadequately regulated child labor to all agricultural entities. Legal scholar Guadalupe Luna calls this “an agricultural agenda” that knowingly and willingly “places children at risk to injury, if not death, in the production of agriculture.”²⁹ Though couched as a defense of the traditional family farm, PAFFA aimed to shield all growers who could claim the status, which based on USDA classification, included “very large family farms” with gross cash farm income (GCFI) receipts of \$5 million or more per year.³⁰ PAFFA passed in the House but stalled in the Senate.

Although agrarian interests were ultimately unsuccessful in their 2012 attempt to permanently sideline the DOL’s effort to extend H.O.s in the protection of child farmworkers, they sent a clear message to politicians that it was politically unpopular to touch the issue of agricultural child labor regulation. Cassandra Stockburger may as well have been speaking to Congress in 2012 when she insisted in 1975 that child farm labor was

²⁷ Wages and Hours Division, News Release, “Labor Department Statement on Withdrawal of Proposed Rule Dealing with Children Who Work in Agricultural Vocations,” April 26, 2012, <https://www.dol.gov/opa/media/press/whd/WHD20120826.htm>.

²⁸ House, U.S. Congress, Committee on Education and the Workforce, *Preserving America’s Family Farms Act, H.R. 4157*, 112th Cong., 2nd sess., (March 7, 2012).

²⁹ Luna, “Unsavoury Associations,” 333-374.

³⁰ “Family Farms,” *2012 Census of Agriculture Highlights*, March 2015. Since 1900, the number of farms in American has decreased by 63 percent while their size has increased by 67 percent. The average size of the American farm in 2012 was three times the size that it was a century earlier. As explained in chapter four, pressure from agricultural interests prompted the USDA to modify the definition of the family farm in the 1970s. It has continually adapted the category to accommodate industry growth ever since. Carolyn Dimitri, Anne Effland, and Neilson Conklin, *The 20th Century Transformation of U.S. Agriculture and Farm Policy*, Economic Information Bulletin Number 3 (Washington, D.C.: United States Department of Agriculture, 2005); Richard H. Steckel and William J. White, “Engines of Growth: Farm Tractors and Twentieth-Century U.S. Economic Welfare,” NBER Working Paper No. 17879 (March 2012), 2. For a full discussion of how large-scale agriculture benefits by assuming the mantle of family farm, see Ingolf Vogeler, *The Myth of the Family Farm: Agribusiness Dominance of U.S. Agriculture* (Bolder, CO: Westview Press, 1981).

“still surrounded by a number of myths.”³¹ The episode is an important reminder that agrarian reason—and hence denial—endures even into the twenty-first century.

³¹ Stockburger, “Statement on Section 25,” Cesar Chavez Collection.

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