

In the same article in The Forum by the Secretary of Labor, published as I have already said the day before yesterday, perhaps in view of this hearing, she further tells the public that "penalties for violation of child-labor laws fall on the employers of children, not on their parents"; that "only places where children are, to use the census language, 'gainfully employed'—in other words, working for pay—come within the scope of a child-labor law", and that "all Federal legislation, of course, is subject to review by the Supreme Court." As a matter of fact, as the Attorney General or any competent lawyer could readily have advised her had she only taken the trouble to ascertain the law, Congress could, if this amendment were ever ratified, impose on anyone, including parents, penalties of fine or imprisonment or both; the amendment, as we have seen, would reach, and was intended to reach, children and minors not "gainfully employed", who work or labor at home or on the home farm without pay, and the Supreme Court could not grant any relief from the operation of a statutory prohibition expressly authorized by the language of the amendment no matter how ill advised or oppressive it might be, such for example, as a statutory prohibition of labor by any person under 18 years of age!

Another important and sound objection to the proposed amendment for your consideration is that the real "power to limit, regulate, and prohibit the labor of persons under 18 years of age", would in all probability be exercised not by Congress, but by the bureaucracy of the Labor Department. Congress would undoubtedly find it impracticable to prescribe specific limitations, regulations, or prohibitions applicable to all kinds of labor. The differences are infinite. It would inevitably be found or claimed to be necessary to prescribe a standard in general humanitarian phrases, such as prohibiting labor of persons under 15 years of age that tended to injure their health or morals or impair their education or future welfare, and then delegate to the Secretary of Labor or other bureaucrat the power to determine what kind or class or hours of labor would be injurious or prejudicial. Such a statute could further provide that the decisions of these officials or bureaucrats should be conclusive on the facts and not subject to review in the courts on the facts so found. You will readily recall that, in the recent "hot-oil" decision by the Supreme Court, the statute was declared to be an unconstitutional delegation of legislative authority, only because no standard had been therein fixed by Congress to guide in its administration. The Supreme Court has upheld the constitutionality of such delegations of authority, or of so-called "administrative discretion", to executive officers, departments, or commissions? empowering them to make findings, decisions, orders, rules, or regulations on the facts as ascertained by them, and although these findings or decisions, or whatever they may be labeled, would have the effect of laws, they would not be subject to review or redress in the courts on the facts. But they would, nevertheless, be enforceable criminally by fine or imprisonment or both.

Finally, it ought not to be necessary to say to you as legislators that the question before you is not whether the present Congress or the present Federal Administration can be trusted to be conservative, reasonable, and sympathetic in the exercise of this new grant of unlimited power, but solely what could be done now or in the future under the plain and unambiguous language of the proposed amendment. No greater fallacy could be advanced than that we can rely on what we personally believe to be the benevolent or conservative and good intentions or professions of the present administration and its present Secretary of Labor. The only sound test and criterion in considering this amendment to the Constitution of the United States must be, what could be done under its plain and unambiguous terms; not merely what is now likely or promised to us under and by the existing Federal administration and Congress, but at any time in the future. No one knows who are going to be in power in Washington even 3 years hence, and certainly not 10 or 20 years from now. Surely, the protection of the future welfare of our children is much too vitally important a duty to be dealt with by you on the notion that because you believe that well-intentioned, sympathetic, sentimental, or unselfish men and women happen at this moment to be in power in Washington, they will always be there, and that their successors, will be reasonably, unselfishly, and benevolently inclined or self-restrained in the exercise of their unlimited power.

The CHAIRMAN. The committee will go into executive session. That closes the public hearings.

(Whereupon, at the hour of 10:35 a. m., the public hearing before the committee was closed.)

(Letters and telegrams submitted by Dr. Clifford G. Grulee, in connection with his testimony, are here printed in full, as follows:)

WILLIAM PALMER LUCAS, M. D.,
San Francisco, January 24, 1935.

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.

DEAR DR. GRULEE: Just received yours of January 22 regarding Senate bill No. 1130. I have contacted the State board of health, as well as the city board of health. Both of them feel it very important to have the bill passed, as State funds for child-welfare work have been very materially cut. They feel, in fact, that the appropriation should be larger than it is. The States should get a larger proportion. As it stands it probably would be about \$20,000 for each State. The State board of health in California has had to cut its child-welfare and maternity work very much. They are very anxious to continue on the program which they had before the State cuts occurred. They feel very strongly that they could be able to match the Federal funds.

California has a very good children's bureau in the State board of health, with Dr. Stadtmuller as head. Dr. Eliot, I am sure, knows Dr. Stadtmuller well.

Dr. Geiger, of the Board of Health of San Francisco, says he is heartily in favor of having the bill passed and that the child-welfare program should be enlarged. He feels very definitely that money obtained should be concentrated to carry on an intensive piece of work in whatever part of the State most needs it, with a comprehensive child-welfare program.

I heartily endorse the bill.

As ever,

WILLIAM PALMER LUCAS.

WARREN R. SISSON, M. D.,
Boston, January 25, 1935.

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.

DEAR DR. GRULEE: As one interested in child-welfare problems and as a member of the faculty of Harvard Medical School, the Public Health Department of Massachusetts, and national organizations for child welfare, I should be very grateful to you if you would add my whole-hearted approval of Senate bill 1130. I sincerely hope that the committee of the Senate will give this bill more favorable consideration.

Yours very truly,

WARREN R. SISSON.

Dr. BORDEN S. VEEDER,
St. Louis, Mo., January 23, 1935.

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.

MY DEAR DR. GRULEE: I understand that you are to speak in favor of Senate bill 1130, representing the pediatricians of America. I wish to add my endorsement of the bill which appropriates money for child-welfare work through the various States under the general direction of the Children's Bureau.

Those of us who have watched the results of the funds administered through the previous bills of the Shepherd-Totvner Act realize the tremendous value of the work that has been accomplished for the welfare of the children of America.

Very sincerely yours,

BORDEN VEEDER.

DR. THOMAS B. COOLEY,
Detroit, Mich., January 23, 1935.

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.

DEAR DR. GRULEE: I have your letter inquiring as to my attitude toward Senate bill No. 1130. I have seen what there has been in the newspapers regarding this bill, and hope that it may pass, as I know that there is a great need in many localities for such activities as it contemplates, and I believe that the methods which it provides for appropriation and administration of the

necessary funds are the proper ones. I am familiar enough with the work of the Children's Bureau to have perfect confidence in the ability and discretion of its staff to direct such an undertaking.

I am glad that you are interesting yourself in this matter and shall be glad to have you call on me if I can do anything more to help.

Very truly yours,

THOMAS B. COOLEY.

HARVARD UNIVERSITY,
SCHOOL OF PUBLIC HEALTH,
Boston 17, Mass., January 22, 1935.

Dr. CLIFFORD GRULEE,
Evanston, Ill.

MY DEAR DR. GRULEE: I am writing to call your attention to the importance of the children's section (701) of the security bill now before Congress and to urge that the American Academy of Pediatrics lend its support to this bill and take steps to bring to the attention of Congress the importance of passing such legislation.

There seems to be no room for discussion of the important part which maternal and child health play in the total picture of social security. Enormous progress has been made during recent years toward securing more adequate protection of the child population of the United States. Further progress in this direction may be expected with confidence if certain services, the value of which have already been proven, are made more generally available and if satisfactory methods of applying newly acquired knowledge are constantly sought and put into operation. Due to economic conditions there has been curtailment of such activities in many quarters during recent years. If security in respect to maternal and child health is to be more nearly attained there must be continued effort on the part of all the States and local communities of the country to extend through various forms of education a knowledge of the care which is necessary to protect health, and in certain rural and poverty-stricken areas there must be actual provision of necessary services. In addition, it is most important that there be an adequately staffed division of child hygiene connected with each of the State departments of health and a well-trained personnel devoting their time to the improvement and extension of maternal and child health services. Section 701 of the security bill specifically makes provision to meet these needs. There would seem to be no doubt that this bill would make possible effective work of the character outlined in all of the States and would greatly advance progress toward adequate protection throughout the country.

Trusting that the Academy of Pediatrics may be of some service in bringing this matter to the attention of Congress.

Very truly yours,

HAROLD C. STUART, M. D.

RICHARD M. SMITH, M. D.,
Boston, January 24, 1935.

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.

DEAR DR. GRULEE: I have been informed with reference to Senate bill no. 1130 that it is proposed under the provisions of this bill to extend work for children on the basis of cooperative work with medical groups through the State departments of health. I believe that such an extension of health activity would be altogether desirable, and I trust that you will be able to be present at the hearing and speak in favor of the bill.

Very sincerely yours,

RICHARD M. SMITH.

THE JOHNS HOPKINS HOSPITAL,
Baltimore, Md., February 8, 1935.

Dr. CLIFFORD GRULEE,
Children's Bureau, Washington, D. C.

DEAR DR. GRULEE: May I call your attention to the importance of the children's section (701) of the economic-security bill? I think that the legisla-

tiou for maternal and child health as proposed is of great importance in the interests of the health of children and mothers and should be put in operation.

Truly yours,

E. A. PARK.

EDWARD CLAY MITCHELL CLINIC FOR INFANTS AND CHILDREN,
Memphis, Tenn., January 25, 1935.

Dr. CLIFFORD G. GRULEE,
Evans ton, Ill.

DEAR DR. GRULEE: After reading Senate bill no. 1330 and considering the various phases, I wish to endorse this bill, and I believe it will be helpful legislation in the field of child welfare.

After this bill is passed, and then properly administered, great good will undoubtedly result.

Sincerely yours,

E. C. MITCHELL.

UNIVERSITY OF VIRGINIA HOSPITAL,
University, Vn., February 6, 1935.

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.

DEAR PAT: When I wrote you with reference to the Wagner bill I wrote rather hurriedly, and I want to put myself straight on one or two matters. I am in favor of this bill so far as the child-welfare provisions are concerned, with the exception that I believe the ad-ministration of such funds should be specifically under medical supervision.

SO far as the old-age pensions are concerned, whereas I am heartily in favor of such a plan in principle, I am very much afraid that individual States will experience the serious difficulty in meeting the terms of the bill from a financial standpoint.

Very sincerely,

LAWRENCE T. ROYSTER, M. D.

[Telegrams]

BROOKLINE, MASS., *January 25, 1935.*

Dr. CLIFFORD G. GRULEE:

Letter just received: See every reason why Senate bill 1130 should receive my hearty endorsement,

KENNETH D. BLACKFAN.

UNIVERSITY, VA., *February 8, 1935.*

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.:

Approve Wagner bill for mothers and children if administered by physician; doubtful concerning old-age pension from financial standpoint. Wrote you recently on subject.

L. T. ROYSTER.

POCATELLO, IDAHO, *February 8, 1935.*

Dr. C. G. GRULEE,
Chicago, Ill.:

From public-health standpoint the bill is worthwhile, regardless of the A. M. A. conception. It is essentially repetition of the Shepard-Towner Act which was most valuable. However, would emphasize necessity of absolute medical dominance.

B. E. BONAR.

ST. LOUIS, MO., *February 7, 1935.*

Dr. CLIFFORD GRULEE,
Evanston, Ill.:

Approve Senate bill in general ; child's welfare details not known.

HUGH McCULLOCH.

LOUISVILLE, KY., *February 7, 1935.*

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.:

I heartily and unreservedly approve Senate bill no. 1130.

PHIL F. BARBOUR.

DALLAS, TEX., *February 7, 1935.*

Dr. CLIFFORD GRULEE:

Thoroughly in sympathy with bill but awaiting American medical decision.

HUGH LESLIE MOORE.

PHILADELPHIA, PA., *February 7, 1935.*

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.:

I strongly approve of Senate bill 1130, section on maternal and child-health.

JOSEPH STOKES, Jr., M. D.

TUCSON, ARIZ., *February 7, 1935.*

CLIFFORD G. GRULEE, American Academy of Pediatrics,
Evanston, Ill.:

Definitely approve child-welfare bill, S. 1130.

VIVIAN TAPPAN, M. D.

DENVER, *Corn., February 8, 1935.*

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.:

As far as informed I approve of Senate bill.

Dr. F. P. GENGENBACH.

LITTLE ROCK, ARK., *February 7, 1935.*

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.:

Unqualifiedly approve S. 1130 as a meritorious measure.

MORGAN SMITH.

PORTLAND, OREG., *February 7, 1935.*

Dr. GRULEE,
Evanston, Ill. :

Along broad general lines I approve child-welfare bill. I fear difficulties will arise in its just administration if medical profession has a voice in its application. Should work satisfactorily.

J. B. BILDERBACK.

NEW YORK, N. Y., *February 8, 1935.*

Dr. CLIFFORD GRULEE:

Approve Senate bill 1130, section on maternal and child health.

OSCAR M. SCHLOSS.

INDIANAPOLIS, IND., *February 7, 1935.*

Dr. C. G. GRULEE,
Evanston, Ill.:

Favor Wagner bill,

O. N. TORIAN.

. KANSAS CITY, MO., *February 8, 1935.*

Dr. ROBERT L. DE NORMANDIE,
Boston, Mass.:

Thoroughly approve maternity and child-welfare section social-insurance bill.
Dr. LEROY A. CALKINS.

CLEARWATER, FLA., *February 8, 1935.*

Dr. ROBERT L. DE NORMANDIE,
Boston, Mass.:

Strongly approve of provisions of Wagner bill, title 7. It is a vital national necessity that maternal welfare should be bettered by Federal action. Support should be given by all thoughtful citizens.

RUDOLPH W. HOLMES.

LOUISVILLE, KY., *February 8, 1935.*

Dr. ROBERT L. DE NORMANDIE,
Boston, Mass.:

I most heartily approve of the maternity and child-welfare sections of the President's social-insurance bill. American women and children stand sorely in need of the health supervision the passage of this bill would make possible to them.

ALICE N. PICKETT, M. D.,
Associate Professor of Obstetrics, University of Louisville.

CINCINNATI, OHIO, *February 7, 1935.*

Dr. CLIFFORD G. GRULEE,
Evanston, Ill.:

Strongly approve Senate bill 1130 section on maternal and child-health and urge all possible support be given to it. Bill appears sound in construction and cannot help but result in good to child welfare.

A. GRAEME MITCHELL.