

Hammer vs Dagenhart

Child labor was a real problem in the twentieth century, it was common for children to work long hours in factories, mills, and other industrial settings. Families depended on their child's income. The work that the children were doing was starting to concern the public. Advocates for child labor laws, pointed out that children worked very long hours each week (sometimes even sixty to seventy hours a week) were deprived of fresh air, education, and time to play. People were also starting to worry about physical risk, because some factories had high accident rates. Because of the risks, some states made laws restricting child labor, but it placed those states at an economic disadvantage.

In 1916, Congress passed the Keating-Owen Act, while Woodrow Wilson was president. This law forbade the shipment across state lines of goods made in factories who employed children under the age of 14. Also, children between 14 and 16 who worked more than eight hours a day, overnight, or more than six days a week. Congress claimed constitutional authority for this law because Article I, Section 8 gives it the power to regulate interstate commerce.

Roland Dagenhart of North Carolina worked at a textile mill with his two teenage sons. He believed the law was unconstitutional and sued, eventually taking his case to the Supreme Court. He made three constitutional arguments. First, he argued that the law was not a regulation of commerce. Secondly, he believed the Tenth Amendment left the power to make rules for child labor to the states. Finally, his liberty and property were protected by the Fifth Amendment including the right to allow his children to work.

The court agreed with Dagenhart and struck down the Keating-Owen Act as unconstitutional. The Court held that while Congress had the power to regulate interstate commerce, "the manufacture of goods is not commerce." Then, the Court reasoned, the Tenth Amendment made clear that powers not delegated to the national government remained with the states or the people. The power "to regulate the hours of labor of children in factories and mines within the states, is a purely state authority." The Court noted that all states had some restrictions on child labor already. Even if states with very restrictive child labor laws were at an economic disadvantage, Congress did not have the constitutional power to impose uniform rules for the country.

I would have decided this case differently because I personally wouldn't want any child getting hurt, not having a good education, no access to fresh air, just to make an income for their family. The Child Labor Amendment is a proposed and still-pending amendment to the United States Constitution that would specifically authorize Congress to regulate "labor of persons under eighteen years of age". Since Dagenhart had so much information backed-up to prove that his case was right, the congress thought that it was the right decision to overturn the law because it would increase their profits, if more people were working. I think that what Dagenhart did was completely selfish and bad, because he was risking the lives of other children, and his own.

Thankfully, his case was overturned in *US v. Darby Lumber Company* (1941) where the Court interpreted the Commerce Clause as giving Congress the power to regulate labor conditions. If this didn't happen, then child labor might still be something that happens to this day.