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CHILD LABOR LAWS: A HISTORICAL CASE OF PUBLIC POLICY IMPLEMENTATION

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Abstract
This paper looks at two models of public policy implementation. Strengths and weaknesses of these two models are assessed using a historical case study of implementation of the first national child labor law. This case study demonstrates the advantages of a historical perspective on policy implementation.

DRAFT: NOT FOR QUOTATION

September, 1989

The 1960's were an optimistic decade in public policy. We passed legislation to eradicate racism, poverty and inequality, confident that we would create a 'great society.' Ironically,most of the same social ills still plague our country and,without the optimism of the sixties, these problems now seem insurmountable and overwhelming.

By the 1970's it was clear that passing legislation often did little to resolve social problems. Assumptions that laws were self-implementing no longer seemed valid. Traditional distinctions between laws-makers and administrators seemed suddenly fuzzy.

Public policy implementation began to attract attention. Much early work on policy implementation viewed the implementation process in terms of "the transmission belt" theory of administration (Stewart, 1975) in which implementors act as a conduit for authoritative decisions. Responses other than compliance are characterized as correctable pathologies (e.g., goal displacement) or as weaknesses arising elsewhere in the system (e.g., unclear statutes) or inherent characteristics of the problem (e.g., amount of change required) or unreasonable expectation (e.g., implementation requiring technology not yet invented). Much of this research led to catastrophizing about prospects for successful implementation, (i.e., statutes were too vague to implement without substantial reinterpretation, but the compromises required to pass legislation meant that legislation would be vague). New models of public policy implementation developed to identify critical variables.

As the field of implementation research expanded, studies documented successful implementation of policies and programs involving factors found to inhibit implementation by other studies. Clarity of legislation was identified as an important variable for successful

implementation (Mazmanian and Sabatier, 1983). Yet, successful cases of implementation of statutes with vague goals, requiring large amounts of change, and without oversight or monitoring were found (Bullock and Lamb, 1984) Absence of requisite technology was cited as a factor thwarting successful implementation, but successful implementation of programs where technology needed to be invented to carry out the program were found (Wanat, 1974). Conclusions and finds in the implementation literature are confusing and contradictory. Often these finds are based on studies of implementation of programs and policy during the first few years after legislation was enacted. We suggest that a longer time-frame may unravel some of the contradictions in the current implementation literature.

The question of the appropriate time-frame is an important question in policy implementation research. At any point in time, what we look at as policy is a narrow slice of a continuous stream (Jones, 1984). Most case studies used to test models of implementation concentrate on implementation in progress. That is, the time frame used is short when compared with the decades often required to stabilize patterns of behavior after some perturbation (e.g., legislation, crisis, technological innovation) disrupts the status quo.

In this study we explore implementation models across time to see how well they predict and explain completed implementation processes. To test whether current models of implementation help explain and predict completed policy implementation and policy implementation from a different time period, we turned to the progressive era and chose the first federal child labor law. There is substantial similarity between the Great Society Programs and the reforms sought during the progressive era. Both focus on issues of poverty and inequality. Both attack practices embedded in and

maintained by economic structures. We feel these similarities provide a context in which we can risk tentative generalizing about performance of models across time and on importance of different variables in completed processes of policy implementation.

We examine two models here: one developed by Sabatier and Mazmanian and one developed by Nakamura and Smallwood. We contrast these two models with the traditional model of implementation to provide perspective on the advantages offered by these two models and indicate why they developed.

Traditional Model of Implementation:

Many models of policy implementation focus heavily on attributes of legislation as predictors of implementation. We call these models rational models of public policy implementation. Rational models of implementation adopt a machine model of organizations and view decision-making as a rational process. The focus of policy implementation in these models is on clear, concise, consistent goals set forth by law-makers in statutes and applied by administrators in programs. Bureaucrats charged with administering programs correspond to Weberian ideal-type career bureaucrats impartially applying rules set forth by law-makers. Following the Wilsonian tradition, separation of administration from formulation of policy is clear-cut and distinct (Wilson, 1887). In the tradition of Frederick Taylor, efficiency measures successful program administration. In the rational model of public policy implementation, administration is the only process involved in implementation. This perspective on implementation views interest groups as a source of perturbation forcing accommodation and particularistic application of rules. Rational models of public policy implementation assume groups affected by policy can be made to comply

with statutes as long as intent is clearly specified and bureaucrats follow rules laid down for them. Programs are evaluated to determine whether goals have been met. If statutory goals are met, then implementation is successful. The more efficiently goals are met, the more successful the implementation.

Empirical and theoretical work of political scientists and organization theorists challenges foundations of the rational model of policy implementation (Rourke, 1978; Lewis, 1977; Present, 1979; Bardach, 1977). Bounded rationality (Simon, 1957) challenges assumptions based on rational decision-making in public policy. The notion of dominant coalitions (Cyert and March, 1963) challenges the assumption of clear, consistent goals. Political compromise leads to ambiguous goals in legislation (Nakamura and Smallwood, 1980; Lewis, 1977). Statutes are often based on faulty causal logic. Educational reform bills, a classic example (Mazmanian and Sabatier, 1983), may specify that improved curriculum materials be provided to schools to achieve higher student educational achievement. Yet the link between curriculum materials and educational achievement is not clearly established. Statutes requiring use of technology not yet developed (i.e., the 1970 Clean Air Act) also fail to meet assumptions of the rational model of implementation.

Since policy-makers are often elected officials, impact of interest groups on policy implementation is intertwined with law-makers' responsiveness to constituents (Lewis, 1977). Law-makers thus become a conduit for interest group perturbations disrupting impartial application of rules by bureaucrats.

Communication between constituents and law-makers and between law-makers and bureaucrats is often ambiguous and incomplete.

Information economics leads us to believe that information is costly. Dysfunctional communication is often exacerbated by bureaucratic complexity with multiple hierarchical levels in which responsibility is diffuse and multiple decision points militate against action (Pressman and Wildavsky, 1973).

Allison's analysis of the Cuban Missile crisis contrasts the rational-actor model of decision-making with organizational and bureaucratic models. His work raised awareness of interaction among government agencies involved in decision-making. Interaction between agencies affects both decision-making and ways decisions are, or are not, carried out (Allison, 1969).

Models of public policy implementation developed during the 1970's attempt to integrate advances in organization theory and in decision-making with the rational model of public policy implementation. We examine two of these models here.

Mazmanian and Sabatier's Model:

Mazmanian and Sabatier advance a model of public policy implementation that includes 16 independent variables:

-seven related to "ability of the statute to structure implementation"

clear, consistent objectives;

adequate causal theory;

financial resources;

hierarchical integration within and among implementing institutions;

decision rules of implementing agencies;

recruitment of implementing officials;

formal access by outsiders

-four to "tractability of the problem"

technical difficulties;

diversity of target group behavior;

target group as a percent of population;

extent of behavioral change

-and five to "nonstatutory variables affecting implementation"

socioeconomic conditions and technology;

public support;

attitudes and resources of constituency groups;

support from sovereigns;

commitment and leadership skill of implementing officials

(Mazmanian and Sabatier, 1983, p. 22).

These are linked to five dependent variables or stages in the implementation process:

outputs of implementing agencies,

compliance of target groups,

actual impacts of policy outputs,

perceived impacts of policy outputs and

major revision in the statute.

While variables measuring statutory structuring of implementation reflect the rational model of policy implementation, nonstatutory variables incorporate other environmental and political factors influencing

implementation. Tractability variables measure technological, behavioral and political difficulties of
implementation.

Variables in the model are distilled into six criteria which the authors use to evaluate success of public policy
implementation. The six criteria appear below:

1. The statute contains clear and consistent policy directives.
2. The statute incorporates sound theory identifying factors affecting program goals and gives implementing officials sufficient jurisdiction to attain those objectives.
3. The statute structures implementation to maximize the probability of compliance from implementing officials and target groups.
4. Top implementing officials are strongly committed to attainment of statutory objectives and have the skills necessary to ensure achievement of the goals.
5. The program is actively supported by organized constituency groups and a few key sovereigns (legislative or executive) throughout the implementation process.
6. Changing socioeconomic conditions over time do not weaken the statute's causal theory or political support nor the priority of statutory objectives.

(Mazmanian and Sabatier, 1983).

While this model incorporates assumptions of the traditional model of implementation (i.e., that goals and legislation are the driving force behind implementation and that implementation is a "transmission belt" process), political and socioeconomic factors are also considered.

Nakamura and Smallwood's Model:

An alternative model of policy implementation, presented by Nakamura and Smallwood, posits three policy arenas each occupied by groups of actors: policy formulators, policy implementors and policy implementation evaluators. Actors in these arenas are linked to each other by relationships characterized by five different scenarios: classical technocracy, instructed delegation, bargaining, discretionary experimentation and bureaucratic entrepreneurship. Relationships between policy makers and policy implementors vary with each scenario on three criteria:

1) degree of goal specificity provided by policy formulators,

2) the nature of tasks delegated to policy implementors, and

3) amount of control implementors and formulators exercise over each other.

The model provides five evaluation criteria suggested for evaluation of policy outcomes: goal attainment, efficiency, constituency satisfaction, clientele responsiveness, and system maintenance. Each evaluation criterion is more likely to be relevant to a specific relationship or scenario involving policy formulators and policy implementors (the five scenarios listed above). The attached diagrams (Nakamura and Smallwood, 1980, pp.114-115, 153) summarize these relationships.

Differences in relationships among the same categories of actors are important in this model. In fact, the model describes five different types of relationships between policy makers and policy implementors. The model assumes there will be negotiation and bargaining over goals during the implementation process. This model incorporates criterion for success other

than efficiency in meeting goals. Using scenarios encourages us to look beyond the individual statute. This model resolves even more challenges leveled at the rational model of policy implementation than does the Mazmanian and Sabatier model. The Nakamura and Smallwood model, however, lacks specific variables to focus investigation.

CASE STUDY

Application of these models to the first national child-labor law (the 1916 Keating-Owen bill) and to early development of child labor policy will test robustness of these models. As noted earlier, this particular statute was chosen because it parallels in many ways War on Poverty legislation which gave birth to these two models.

Brief History of National Child Labor Legislation:

Employment of children has a long history intertwined with beliefs that child labor prevents female promiscuity and juvenile delinquency. Putting children to work kept them out poor houses and prevented idle fingers from engaging in the "devil's work." Many parents relied on meager income provided by children to help support the family. This was, however, a vicious cycle of poverty, since child labor depressed wages and hence undermined adults' ability to earn adequate incomes. Child labor was both a cause and an effect of poverty. During the 19th century, employers profited from child labor and many employers, as well as parents, fought tenaciously to prevent its regulation.

As early as 1867, Massachusetts instituted the first factory inspections to regulate child labor, but subsequent progress was slow. By 1890 only thirteen states had some form of child labor legislation. The 1890

Census showed that 18% (1,500,000) of the nation's children age 10 to 15 were gainfully employed.

The Progressive Era aroused social consciousness on many issues, including child labor. Those concerned were motivated by compassion for the plight of child laborers and by a concern for the future of the nation. If children were working, they were not in school and hence not receiving knowledge and skills needed by future citizens. It appears that it is no coincidence Massachusetts had both the first child labor legislation and the first compulsory school attendance legislation. (A 1836 Massachusetts Law required that children under 15 attend school three months per year.) Accident rates were much higher for child laborers than for adults in the same industries (e.g., 133% higher in the textile industry). Killing and maiming children decreases the future pool of adult workers, so employing children wasted future adult labor. Children could be viewed as a national resource--a resource threatened by child labor.

During the early 1900's state committees to investigate the extent and impact of child labor proliferated. The New York Child Labor Committee was the most active of these. In 1902, the Pennsylvania anthracite coal strike publicized the desperate plight of children working in mines and fueled sentiment against the practice.

In 1904 the National Child Labor Committee (NCLC) was established through efforts of the New York Child Labor Committee. The National Consumer's League provided offices for the new NCLC and letters requesting donations raised $8,000 in the first few weeks. Membership in the NCLC was broadly based and non-partisan. Of the 46 members, one-third were Southerners and one-third were New Yorkers. Members included social workers, church leaders, labor leaders, businessmen, bankers,

lawyers, educators and government officials. The NCLC investigated child labor conditions, publicized problems and sponsored state-level legislation to reduce child labor. The NCLC targeted Pennsylvania for its first investigation. More than 10,000 ten to fourteen-year-old children were found working illegally in mines, despite a state statute prohibiting mine work for children under fourteen years old. The only proof of age required under the Pennsylvania law was a parent's affidavit and, since parents often lied about the child's age, the law was virtually useless.

Increasing public support and government recognition for NCLC during this time show concern about child labor gaining legitimacy. By 1906 NCLC membership exceeded 981 associate members (those contributing between $2 and $25). In 1907 a special act of Congress incorporated NCLC and by 1909 membership had risen to 5,000 associate members.

In 1906 Representative Beveridge of Indiana introduced a bill in Congress using federal regulation of interstate commerce to restrict child labor. Firms operating in states with strong child labor legislation were at a competitive disadvantage with firms in the same industry located in states with weak child labor legislation. This provided impetus for Congressional action. At this time NCLC members split on whether to support national legislation. The AFL opposed national child labor legislation fearing government interference in labor. President Roosevelt questioned the constitutionality of the bill.

By 1912, however, NCLC supported national child labor legislation. The transformation came about as NCLC acknowledged, that despite its efforts to obtain new and improved state legislation, implementation of state laws was neglected. Factory inspections were virtually non-existent. Since

state inspectors were often political appointees of state officials who relied on factory owners for election support, laws simply were not enforced. NCLC thought federal-level legislation might encourage states to meet minimum standards in their own legislation and would enhance enforcement.

In 1912 the Children's Bureau was created and placed in the Department of Commerce and Labor. In 1913, when Labor became a separate department, the Children's Bureau was transferred to the Department of Labor. The head of the Children's Bureau, Julia Lathrop, was chosen by NCLC. NCLC also had impact on the Progressive Party platform of 1912. In 1913, two bills designed to regulate child labor in businesses which engaged in interstate commerce were introduced in Congress, one by Rep. Copley and the other by Sen. Kenyon. NCLC evaluated both bills and rejected Copley's based on a clause defining violators as employers who had knowingly violated the law. NCLC felt this would make the law impossible to enforce. The Kenyon bill did not meet NCLC minimum standards, so NCLC decided to submit its own bill.

The NCLC bill specified that for firms engaging in interstate commerce, no children less than 14 years old could work in factories, no children less than 16 years old could work in mines or quarries, and the maximum work day for children under 16 was limited to 8 hours with no work between 7 p.m. and 7 a.m. The law designated employers of children rather than carriers of goods produced by employers using child labor as violators. In 1915, NCLC used Rep. Palmer and Sen. Owen to sponsor the bill. The House passed the bill 233 to 43. The Senate, which was near the end of the year, let the bill die. In 1916, NCLC had Rep. Keating and Sen. Owen sponsor the same bill. This time the House passed the bill 343 to 46.

Sen. Overman of North Carolina, who cast the one dissenting vote preventing the bill from reaching the floor in 1915, almost succeeded in blocking the bill again. However, NCLC's McKelvey convinced Pres. Wilson that, if he did not adopt some reform measures in the Democratic Party platform, he would surely lose the election. Wilson promised in the platform that national child labor legislation would be passed, called Democratic Senators to the White House to let them know his wishes and refused to accept the nomination until Democratic Senators agreed to pass the Keating-Owen bill. The bill passed in Sept., 1916.

On Sept. 1, 1917 the bill took effect. In anticipation, laws designed to meet the national standard passed in six states. States, particularly those in the south (which had the weakest laws prior to Keating-Owen) wanted to establish their own standards to discourage federal interference in their affairs.

Soon after the bill became law, a case contrived by North Carolina mill owners to test the constitutionality of the law, was brought before Judge Boyd in the Federal Court of the Western Judicial District of North Carolina. Judge Boyd ruled the law unconstitutional based on fathers' 5th Amendment rights to profit from their children's labor. The law remained in effect in the rest of the states and in the other judicial districts in North Carolina during the appeal to the Supreme Court. It was generally assumed that the Supreme Court would uphold the law, but in June, 1918 in a 5 to 4 decision the Court ruled that the law was an unconstitutional infringement on states' rights.

As Table 1 indicates, after the Supreme Court struck down the federal statute, child labor rates rose again. The data for this table are based on inspections by government inspectors during the nine months in

which the Keating-Owen law was in effect and inspections during the 10 months immediately after the Supreme Court overturned Keating-Owen. The table includes information on the number of establishments inspected, the number of establishments in which violations were found and the percentage of establishments inspected in which violations were found. State laws were often weaker than the Keating-Owen standard. The table also includes information on violations of state laws reported by the federal inspectors. Individual states selected for inclusion in this table had at least 10 establishments inspected in both time periods.

TABLE 1

Number of Establishments Inspected Found Violating Keating-Owen
(note that many state statutes were not as strong as Keating-Owen)

	9/1/17-6/3/18 (during Keating-Owen)			6/3/18-4/24/19 (after Keating-Owen)			6/3/18-4/24/19 (state laws)	
	violators	inspct	%	violators	inspct	%	violators	%
All 48 States	293	689	43	736	1187	62	561	47
Florida	7	14	50	11	15	73	8	53
New Jersey	5	14	36	13	32	41	13	41
N. Carolina	50	109	46	52	53	98	47	87
Rhode Island	16	20	80	24	37	65	4	11
S. Carolina	19	64	30	24	24	100	2	8
Virginia	26	57	46	96	103	93	74	72

While implementation of Keating-Owen halted, attempts to reduce child labor through federal action did not. In July of 1918, Felix Frankfurter, head of the War Labor Policies Board, added a clause to all federal contracts enforcing the Keating- Owen standards for all companies with federal contracts. The standard applied to all military bases and reservations by order of the Adjutant General. In August 1918 inclusion of the Keating-Owen standards in the war powers act was attempted. This effort did not get through Congress before the end of the war. Clearly, regulation of child labor had achieved legitimacy, and the particulars of regulation specified in Keating-Owen constituted the standard.

In November of 1918, NCLC began drafting an amendment to the 1918 Revenue Bill to tax employers not meeting Keating-Owen Standards. Sen. Pomerene introduced a similar bill of his own in which all employers not meeting the Keating-Owen standards would be subject to a 10% tax on all their profits. The NCLC decided to support Pomerene's bill which passed in February, 1919. In May, 1919, North Carolina mill owners again tested the constitutionality of the law in Judge Boyd's court. Judge Boyd, without even hearing all the arguments in the case, announced his decision--the law was unconstitutional. Again the Supreme Court was expected to uphold the law.

The 1920 census reported 8.4% of children 10 to 15 years old (1,000,000 children) gainfully employed compared to 18.4% (2,000,000 children) reported gainfully employed in the 1910 census.

TABLE 2

Census Data for Employed Children Ages 10 and 15

year	no. of children employed	percentage of children employed
1870	739,164	13.2
1880	1,118,356	16.8
1890	1,503,771	18.1
1900	1,750,178	18.2
1910	1,990,225	18.4
1920	1,060,858	8.5

The number of 10 to 15 year-olds in the population increased by 15.5% during the decade between 1910 and 1920, while the number of children 10 to 15 years old gainfully employed decreased by 46.7%. It appears that this reduction in employment of children can be attributed to the federal legislative activity of the decade, including both Keating-Owen and the 1919 Revenue Bill. As Table 3 (below) shows, child labor rose in areas unregulated by the federal statutes and decreased in those covered during the latter part of the decade by federal laws. Use of child employees declined substantially in manufacturing and mining, both of which produce goods transported across state boundaries. Additionally, total employment in manufacturing and mining increased during this period, so the reduction in child labor is not an artifact of an industry-wide slump.

TABLE 3

Changes in Employment of Children between 1910 and 1920

Area of Employment	10-15 yrs.	10-13 yrs.	All Employees (includes adults)
Covered by State Laws Only			
Clerical	12.9%	-4.6%	80.0%
Public Service	110.4%	142.9%	67.8%
Covered by State & Federal Laws			
Manufacturing	-29.0%	-71.0%	20.6%
Mines	-60.0%	-72.6%	13.0%

In May 1922, the Supreme Court in an 8 to 1 decision ruled the 1919 Revenue Act unconstitutional. By 1923 only 13 states had statutes which met the Keating-Owen Standards. The work day for many child laborers exceeded 8 hours and industries in states with strong child labor laws began migrating to states with weaker child labor laws.

As is well known, efforts to regulate child labor continued. The Fair Labor Standards Act, whose child labor provisions were almost identical to Keating-Owen, was upheld by the Supreme Court in 1938. Like Keating-Owen, the Fair Labor Standards Act, which is also known as the Wages and Hours Act, restricts employment of child labor in goods shipped across state boundaries. There is no other federal regulation of child labor.

Further chapters in the fight against child labor are beyond the scope of this paper, but obviously the Keating-Owen effort had impact. While there is still room for improvement in child labor regulation, (e.g., among migrant farm laborers), current child labor in this country differs dramatically from child labor at the turn of the century. All but two of our fifty states prohibit full-time industrial employment for children under 14 years. Six states have laws which establish 15 years as the minimum age

for full-time employment. For children under 16 years, hours of employment are limited to eight hours per day and a maximum work week of 48 hours in 25 states. Twelve other states have laws that establish these restrictions on hours, but have loopholes that allow serious exceptions. Four other states further limit the work week to a 44 hour maximum.

If we look at an overview of the progress from the first state statutes to the acceptance of federal legislation, we gain perspective on policy implementation as a long-term process.

Chronology of Progress in Child Labor Legislation

1842 Connecticut and Massachusetts limit workday of children in textile factories to 10 hours

1848 Pennsylvania prohibits employment of children under 12 in mills

1867 Massachusetts institutes first factory inspections to enforce child labor regulations

1870 Census provides first reliable statistics on child labor (only for children 10 years and older)

1890 Thirteen states had some child labor legislation

1900 Half the states had some form of child labor legislation, but only ten states attempted to enforce their child labor laws

1904 National Child Labor Committee Established

1912 Children's Bureau created

1916 Keating-Owen became law

1917 Keating-Owen took effect

1918 Keating-Owen declared unconstitutional

1919 Revenue Act imposes a 10% tax on profits of firms not meeting Keating-Owen standards for child labor

1922 Revenue Act of 1919 declared unconstitutional

1924 Congress proposes a constitutional amendment to prohibit child labor (The amendment has never been ratified by enough states)

1933 National Recovery Act (NRA) contained provisions against child labor (The NRA was declared unconstitutional)

1936 Public Contracts Act establishes minimum age of 16 for boys and 18 for girls for firms with federal contracts

1938 Fair Labor Standards Act included provisions to restrict child labor on goods transported across state boundaries. (This act was upheld by the Supreme Court)

1948 Amendment to Fair Labor Standards Act prohibits children from engaging in farm labor during school hours

1974 Amendment to Fair Labor Standards Act prohibits employment of children under 12 on farms using 500 or more man-days of labor per quarter and requires written permission from the parents of children 12 and 13 years old employed on farms of this size (Upheld by the Supreme Court)

General Provisions of the Keating-Owen Statute:

The law provided "That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within thirty days prior to the time of the removal of such product therefrom children under the age of sixteen years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the

United States, in which within thirty days prior to the removal of such product therefrom children under the age of fourteen years have been employed or permitted to work, or children between the ages of fourteen years and sixteen years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of seven o'clock postmeridian, or before the hour of six o'clock antemeridian . . ." (Public--no. 249--64th Congress).

Inspections to enforce the act were authorized. Prosecution of violations by district attorneys was required. Fines for first offenses were not to exceed $200 and penalties for subsequent offenses could range between $100 to $1000 and could also be punished by imprisonment of three months or less. Shippers, who received written guarantee that no prohibited child labor had occurred during the 30 days prior to removal of the product, were safe from prosecution. Employers with certificates on file verifying the age of child laborers were safe from prosecution, as long as they dismissed children whose certificates were revoked. In qualified states, state certificates carried the same force as federal certificates. The statute established a Child-Labor Board, comprised of the Attorney General and the Secretaries of Labor and Commerce, "to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act." The complete statute appears in Appendix A.

The rules and regulations made by the Child-Labor Board covered information required on certificates of age, type of documentation of age required to issue certificates, authorization and acceptance of state certificates, process for and effect of suspending or revoking certificates, computation of hours of employment, days of employment, time record requirements for laborers between the ages of 14 and 16, inspections,

implications of obstructing inspections, a definition of what constituted removal of goods, and forms for guarantees provided to shippers. The official publication of the rules and regulations appears in Appendix B.

Implementation of the 1916 Keating-Owen Statute:

Grace Abbott, (of Hull House fame) was appointed director of the Child-Labor Division of the Children's Bureau of the Department of Labor. According to the Secretary of Labor, she established a cooperative relationship between the states and the Federal agency. State cooperation reduced confusion and contradictory requirements from administering both state and federal statutes. The Department of Labor Children's Bureau, in which the Child-Labor Division was located, conducted research on administration of state child labor laws and understood how legislation could be thwarted. Incremental progress was expected and did not cause overly pessimistic appraisal. The Department of Labor requested $200,840 to implement the law the first year. (The budget request appears in Appendix C.) Congress appropriated $150,000.

The Child-Labor Board designated an advisory board consisting of the Assistant Secretaries of Labor and Commerce and a juvenile court judge to assist in formulating the rules and regulations. A year lead time between passage of the law and enforcement of the law, specified in the statute, provided time to develop rules and regulations for implementation and to allow employers to conform to the legislation.

Certification of age was the most crucial aspect of implementation. Many states already had laws and procedures for certifying the age of child laborers. In February, 1917, the board sent a letter to governors in each state advising them of the standards governing child labor used to produce

goods transported across state lines or out of the country. This letter advised governors that, to avoid the costs and confusion of certifying children for work under the federal statute and certifying the children under state statutes (double certifying), states should raise their standards to the level of the federal standard. States whose laws met the minimum standard could rely on their own system of certification and would be granted the right to conduct their own inspections of establishments. Six states did pass, during the year before the law took effect, legislation to raise their certification standards to meet the federal guidelines. Other states designated administrative boards which had the power to comply with federal certification standards. Initially, only five states: North Carolina, South Carolina, Georgia, Mississippi and Virginia were denied the prerogative of managing the certification process themselves. However, had the law continued in effect some of the states initially granted the privilege would have had it withdrawn. States had to regularly re-apply for permission to issue certificates. In July of 1917, two months before the law took effect, public meetings were held to discuss the statute and seek input from state officials and employers. Tentative rules and regulations were presented at these meetings. Issues raised at these public meetings included: 1. the person to whom the certificate should be issued--It was decided that the certificate would be issued to the child, but the child would need an intent to employ card from a prospective employer in order to apply for certification. Officials discussed issuing the certificates to employers since this would help schools keep track of children. The problem of employers not returning certificates when children quit or changed jobs made this idea undesirable. Employers were, however, required to keep the certificates on file. 2. whether to issue certificates to 16-year-olds--Based on

the costs involved, officials decided to issue certificates only to 16-year-olds working in mines and quarries. During the nine months it was in effect, those charged with implementing the Keating-Owen bill became convinced of the need to issue certificates to all 16-year-olds. 3. what would constitute acceptable proof of age--A ranked list of documents specified several sources of proof. If the first document on the list was not available then the second would be accepted and so on. The list in order of preference included: birth certificate, baptismal certificate, bible record, life insurance policy, other documentary evidence and physician's certificate of physical age combined with parent's statement and school record.

There were many problems with certification that arose from the proof of age documentation. In the past parents' affidavits had proved highly unreliable. Attempts by parents to alter or present false documents proliferated under the new regulations. Birth certificates were rarely available. The family Bible was the main source of documentation. Many cases in which the Bible records appeared to be altered were cited by officials. Certificates were not given to children in these instances. Life insurance, commonly purchased to insure the child would receive a decent burial, proved a poor source of age documentation. Life insurance companies would "correct" the child's age on the policy on request by the parents. School records were often the best source, but were hard to obtain. Issuing officers learned more ways to obtain school records the longer they were on the job. In some instances, particularly in mill towns, the mill provided more than half the funds for the school and determined who would serve on the school board. In these cases school officials were sometimes threatened with dismissal if they provided accurate records of age.

The physician's evaluation was nothing more than height and weight. In establishing the regulations, the board considered the possibility of using puberty as an indicator, but rejected the idea since the examination would be too personal. Development of teeth was too variable to be useful. The cutoff points for height and weight were arbitrarily determined since good data about average height and weight for children in the communities affected did not exist. The criterion was 56 inches and 80 pounds for 14 year-olds and 57 inches and 85 pounds for 16 year-olds. Exceptions could be made down to 54 inches and 75 pounds for 14 year-olds and 56 inches and 80 pounds for 16 year- olds. School records often contradicted the physician's estimate of age.

During the nine months the law was in effect, federal officials reviewed 25,330 applications for certificates in the five states in which they were responsible for certification. Officials issued 19,696 certificates. During August, 1917, state officers contacted employers and inspected records to determine whether certificates currently on file were adequate. Federal officers submitted to Washington duplicate copies of certificates issued.

In the five states in which federal officials certified children: North and South Carolina, Georgia, Mississippi and Virginia, after the first flood of applicants, inspection districts were arranged so an inspector could reach each mill town once a month. These five states were "chosen" for federal intervention based on their weak statutes and poor record of enforcement. North Carolina had very low standards. The state commissioner had no funding for inspections and no right of entry. Georgia had low standards and one inspector for the entire state. Mississippi had low standards and no penalties for canneries who violated state laws. South Carolina had

recently raised the state standards and was much more cooperative than the other states in this group. Virginia was originally not one of the chosen few, but performed so poorly during the first six months that the state was denied authority to issue certificates when it was time for states to re-apply.

There were additional problems when states were responsible for certification. In most states, local officials--often school superintendents--were responsible for issuing certifications and verifying documentation. Sometimes local officials sold certificates. Sometime school superintendents delegated responsibility for certification to clerical or custodial personnel. The problem was worse in the summer, when school superintendents were out of town. State commissioners had no authority over school superintendents and so could not prevent this practice. The quality of certification depended on the person doing the certifying and varied wide between neighboring communities. One public meeting, attended by state commissioners and chief factory inspectors from 28 states and the District of Columbia, focused on rules and regulations for inspections. Those attending wanted federal recognition as inspectors. They received it. This meant an inspection could be initiated by either states or by the Child-Labor Division and that state inspectors could search records for evidence of shipment across state or national boundaries. In return state officials provided education and information to employers and parents prior to the law taking effect. One inspector from the Child-Labor Division coordinated federal and state inspection activities. Initially, joint inspections were conducted to acquaint each level with the other's work and to impress upon employers state support for the federal legislation. State officials were trained to obtain proof that goods had been shipped interstate. Federal inspectors checked to see whether allowing states to issue certificates worked. (As

discussed above, in many cases it did not work.) The state and federal officials shared the work of inspections and shared information.

A general plan for inspections during the first year targeted the most important child-employing industries (limited to those engaging in interstate commerce) in states with the lowest standards. Low standards arose either from weak legislation or from thwarted enforcement. Inspections were unannounced.

In mines, mine inspectors were often responsible for child labor inspections. On the surface this appeared to be a reasonable conservation of resources, but in practice the mine inspectors did not have enough time to check certificates. Mines are checked inside the mine; age certificates are check outside the mine. Mine inspectors were skilled in engineering, not in document checking.

Postponement of the civil service act delayed the starting date for inspections. Despite the delay, during the short life of the bill 639 manufacturing inspections were conducted in 24 states and the District of Columbia and 28 mine inspections were conducted in 4 states. 293 inspected establishments had violated the law.

The statute specified fines for a first offense that were more lenient than fines for subsequent offenses. While the law was in effect eight employers plead guilty and were fined as follows: 1 - $50; 3 - $100; 1 - $150; 2 - $160; 1 - $300. Seventeen other cases were pending and 21 cases had been sent to the Justice Department with recommendations to prosecute.

After the law was declared unconstitutional, the Child-Labor Division continued conducting inspections. There were two justifications for these inspections. First, conducting research on child labor practices was part of

the general mission of the Children's Bureau of the Department of Labor. Inspectors provided data for this research. Second, after Keating-Owen was overturned government contracts required Keating-Owen standards for businesses involved in these contracts. Inspectors provided information used to enforce this clause. Federal inspectors shared results of these inspections with state officials and continued to provide additional indicators of the impact of Keating-Owen. The results of the inspections conducted after June, 1918 are summarized below.

Pennsylvania had requirements for certification that were equivalent to the federal standard, but implementation was not uniform. Conditions were particularly bad in the mines.

In Alabama the state commissioner did not investigate any certification records supplied by superintendents. The Federal Child-Labor Inspector estimated that less than 50% of the children working in Alabama had proper certificates. After the June, 1918 Supreme Court decision, superintendents began granting certificates exempting children from the state law.

In Florida many employers were unaware of or ignored certification requirements. As a result of the federal inspections a lot of employers sent their child employees to be certified. Establishments paying piecework rates kept no time records. As a result of federal inspections, 7 cigar factories were prosecuted by state inspectors.

Kentucky passed a new law in 1918 that equalled the federal standard. School superintendents were unknowingly violating the law. Manufacturers understood the law better than the superintendents, but thought the superintendent's signature would prevent prosecution. After

learning of this problem, the state commissioner provided more information for superintendents.

In Maryland, 42.9% of the children employed in the canneries were younger than the state limit--14 years. Here again, piecework meant that there were no time sheets. Physicians did not want to certify age and did not support the law.

In Massachusetts certificates were filled out in pencil so they were easy to alter. No documentation was required for certification. Inspectors found 2,375 children younger than 16 working in Massachusetts. Of these 221 had no certificate and 192 had invalid certificates.

New York was an example of success. The state law was stronger than the federal standard. Children younger than 18 could not work hours other than those between 8 a.m. and 5 p.m. Documentation of age required the proof used to enforce Keating-Owen, except that two physician's statements were required, with a third physician consulted if the first two did not agree. Only 3 children under 14 were found working and 31 between the ages of 14 and 16 were found working more than 8 hours/day. There was one flaw in the state law. It lacked provisions to revoke certificates if better evidence of age was found. State inspectors conducted routine periodic inspections.

North Carolina fell at the opposite end of the spectrum. After June, 1918, inspectors found 622 children under 14 working. (The state minimum was 13). 91 of these 622 were under ten years old. Three establishments were inspected both while the statute was in effect and after June, 1918. The results show:

Before June, 1918	Establishment 1: no violations
	Establishment 2: no violations

	Establishment 3: 1 child working under age
After June, 1918	Establishment 1: 17 children working under age;
	15 children working long hrs.
	Establishment 2: 8 children working under age;
	14 children working long hrs.
	Establishment 3: 25 children working under age;
	49 children working long hrs.

It should be kept in mind that not all violations of the federal standards were violations of the weak North Carolina statute.

Ohio had the strongest state law. It was passed in 1913, three years before Keating-Owen. Lack of supervision of certificate issuing caused violations. Inspectors found no children employed in violation of the federal standards, but 327 were employed in violation of the Ohio law. There were also problems with children who lived close to the border of West Virginia crossing over the border to work at night.

In Virginia the state commissioner requested joint state and federal inspections after June, 1918. In factory inspections 31 children under 14 were found working and 572 children between 14 and 16 were found working 9 to 10 hour days. In the canneries, inspectors found 319 children under 14 working. Of these 130 were under 12 years old. No certificates were on file in the canneries inspected. The state law covered canneries, but did not provide penalties for violations by canneries.

One can only gain an impression of practices and conditions from the report of these inspections because the size of the establishments is not given. It is significant however that federal and state cooperation in inspections continued after the statute was gone. Recall that NCLC's

justification for supporting national legislation was improved enforcement of state statutes through federal involvement.

Evaluation Based on the Mazmanian and Sabatier Model:

Using the 16 independent variables linked to the dependent variables yields the following picture:

1. technical difficulties: lack of reliable documents made certification of age difficult and inaccurate
2. diversity of target group behavior: low - range of behaviors was narrow. (4 types of employment practices) and could be specified
3. target group as a percent of population: large - child labor practices prohibited by the statute were widespread
4. extent of behavioral change: high - costly for employers to dismiss cheap child laborers and many parents wanted children to work
5. statute contains clear, consistent objectives: yes - regulation of child labor in the establishments producing goods for interstate transport (It must be noted however that the real goal of having national legislation, better enforcement of state statutes and a minimum standard for all child laborers, not just those employed by makers of goods transported across state lines, was not and could not constitutionally be included in the statute.)
6. statute incorporates adequate causal theory: yes - Penalizing employers and certifying children had been shown at the state-level to reduce child labor.
7. initial allocation of financial resources: given $50,000 or 25% less than requested for the first year

8. hierarchical integration within & among implementing institutions: excellent, with one exception--the Supreme Court - cooperative relationships were established between the states and the Child Labor Division; cooperation between the Justice, Commerce and Labor Departments appears to have been good; placement in the Children's Bureau provided supportive parent agency

9. decision rules of implementing agencies: very good - carefully developed rules with input from multiple sources; mandate provided flexibility to revise rules as necessary

10. recruitment of implementing officials: very good - favorable to statute and broader goals of reducing child labor in general - Grace Abbott was well qualified and sympathetic to goals

11. formal access by outsiders: good - cooperative relationships with state officials and state child labor commissions, NCLC;

12. socioeconomic conditions and technology: unfavorable - the war increased demand for child labor, yet state officials reported that despite the war state statutes were easier to enforce than they had been prior to the law and the war

13. public support: mixed - very high among most of the upper and middle class, although this eroded some during the war - very low among lower class (parents of child laborers) and among employers of child labor

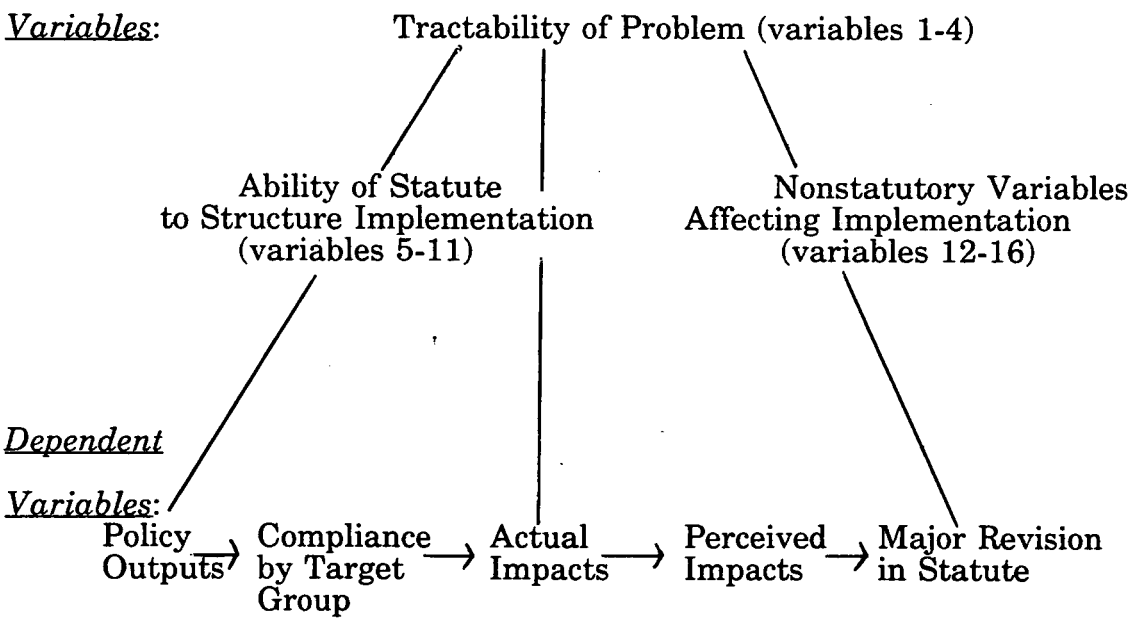
14. attitudes and resources of constituency groups: good - NCLC and other state child labor committees had some resources and very supportive

15. support of sovereigns: good - many legislators were sympathetic and sponsored bills drafted by NCLC; McKelvey's contact with Wilson resulted in passage of the bill

16. commitment and leadership skill of implementing officials: excellent

Summarizing the impressions provided above, it appears that tractability of the problem was low, ability of statute to structure implementation was good and non-statutory impacts were favorable. The independent variables affect the dependent variables in this model as indicated in Figure 1 below:

FIGURE 1



In terms of policy outputs, 25,330 applications for certificates were processed and 667 manufacturing or mining inspections were completed. Eight violators had been prosecuted. Actual policy impacts are difficult to separate from impacts of other legislation, such as compulsory school attendance laws, but quantitative evidence presented in Tables 1 and 3 indicates impacts were greater in areas of child labor covered by the Keating-Owen bill. We infer from this evidence that there were discernable impacts attributable to the legislation. Census data presented earlier

indicate that steady increases in child labor had reversed by 1920. Additionally, as data presented earlier indicate, reductions in child labor occurred in industries affected by federal legislation, while child labor increased in industries affected by state laws alone.

The major statute revision was overturning the bill. Although, as the historical account indicates, other legislation was drafted almost immediately. The solid level of policy outputs is consistent with the quality of statutory variables despite the intractability of the problem. The non-statutory variables give no indication of the ultimate fate of the law.

In Sabatier and Mazmanian's model, the variable which led to "revision" of the law, hierarchical integration within and among implementing agencies, is part of the group of statutory variables which affect the first dependent variable--policy outputs. This independent variable, according to the model, affects the fifth dependent variable--major revisions of statutes--only indirectly through policy outputs and their impacts. Clearly, this was not the case. The Courts initiated a major revision of the statute.

Policy outputs in this model would be expected to stop when the law no longer exists, but, as shown above, in this case they persisted after the law was overturned. The model shows that the non-statutory variables (12 - 16) do not affect the actual impacts, however it seems here that non-statutory variables are quite important in determining the actual impacts. Public support and the war effort both affected impacts. It also seems likely that commitment and leadership skill of implementing officials would affect policy outputs.

The model's predicted impact of groups of independent variables on the dependent variables of the policy implementation process is not

consistent with the affects of these variables on the implementation of the Keating-Owen law. Mohr distinguishes between variance models and process models (Mohr, 1982). This model incorporates both variance and process model approaches to implementation.

Variance models identify causes of events and explain variation in data. They rest on the logic that independent variables are necessary and sufficient precursors of dependent variables. Process models tell a story about how events occur. They predict likelihood of a final event based on joint probability distributions of time-ordered necessary events. The logic of a process model is that initial events are necessary, but not sufficient to insure the final event will occur.

Using Mohr's distinction between variance and process models, Mazmanian and Sabatier's use of independent variables is consistent with the variance theory approach, but their dependent variables form a process model. Mohr elaborates at length the caveats of mixing the two types of models. This may be the reason connections between the independent variables and the stages in the implementation process (the dependent variables) did not fit in the case examined here.

Using the six questions developed by Mazmanian and Sabatier to distill this analysis, we find that the Keating-Owen legislation had clear and consistent criteria for resolving goal conflicts (rules and regulations formulated by the mandated Child Labor Board). The legislation was based on sound causal theory and implementors had jurisdiction needed to achieve goals. Location of implementors in hierarchical structure, decision rules, resources and support are sufficient to facilitate, if not maximize, probability that implementing agents will behave as desired. Leadership and skill were outstanding and level of commitment was high. The program was actively

supported by constituency groups and key legislators, but alas, the courts were hostile. Changing circumstances did not undermine the priority of the objectives embodied in the legislation. The Keating-Owen bill had a weakness on only part of one of the six criterion, (court support) but it proved to be a fatal flaw. The independent variables of this model help organize information about this case and clarify the strengths of the legislation and its support. These strengths lead us to predict that the law would have discernible impacts, and, even during its brief life, it did.

Evaluation Based on the Nakamura and Smallwood Model:

If one looked only at the statute and ignored the historical involvement of the NCLC, this might be classified as an example of the instructed delegation scenario. Policy makers and implementor agreed on the goals, but broad discretion to administer the statute was delegated to the implementors. However, the brief history provided above shows a classic example of the bureaucratic entrepreneurship scenario linking policy makers and policy implementors. The NCLC, a private organization funded through individual donations, drafted legislation for Congress to sponsor. NCLC, not policy makers, decided where to set the standards. NCLC members chose, from their own ranks, the head of the Children's Bureau, the agency charged with implementing federal child labor legislation.

The evaluation criterion used in Nakamura and Smallwood's model to evaluate policies based on bureaucratic entrepreneurship is system maintenance. NCLC succeeded in maintaining broad popular and political concern about child labor. Progress in the general area of child labor was made, even through the law banning interstate transporting of goods produced by employers of child labor did not succeed. The letter of the law was not the true objective of the law. Regulation of interstate commerce

was a vehicle through which advocates of child labor legislation sought to increase enforcement of state legislation. (This was the rationale for NCLC support of national legislation as indicated in the brief history provided above). Cooperation of federal and state officials even after the legislation was struck down indicates that the relationship established during the brief life of the law persisted. Given that the 1919 Revenue Act passed soon after the Keating-Owen statute was struck down, chances are that there was little if any lag in federal assistance in inspections.

An equally significant indication of progress toward NCLC's objectives is subsequent reference in reports and documents to whether laws met Keating-Owen or the federal standards. Even though the law was no longer in effect, the standards for child labor it established became a benchmark against which other standards were measured. The provision in federal contracts requiring contractors meet Keating-Owen standards indicates that, in less than a year, the standards gained acceptance. Further, the Adjutant General extended Keating-Owen standards to military posts and federal reservations. The standard was established and maintained despite demise of the law. Since the Nakamura and Smallwood scenario that best describes this case evaluates performance primarily on system maintenance, performance of the statute on goal attainment and efficiency is less important. Thus progress made in inspections and certification, which seems quite substantial given the short time involved, are not the primary criterion for evaluating success of the statute. It seems advantageous not to limit evaluation to only the criterion associated with the scenario is

primarily identified. The likelihood that multiple scenarios are operating seems high and, as is seen here, the scenario may differ depending on the time frame considered. Comparison of the Models of Public Policy Implementation:

One primarily difference between these two models is their ability to accommodate a historical perspective. The Mazmanian and Sabatier model examines an individual statute and focuses on a cross-section of a process. The Nakamura and Smallwood model, due to its unstructured nature, is not constrained to evaluating variables at fixed points in time.

Thinking about the time dimension involved in these two models, poses questions of where to place the boundaries of public policy implementation. Is public policy implementation confined to the implementation of one statute? Does it encompass the long-term progress of social change in a policy area? If we are looking at a single statute, where, in the process of social change in the policy area, does this statute fall? Is the change process just beginning, so that the legislation is breaking new ground? Is the legislation consolidating past gains? Or, is the legislation culminating decades of unrelenting effort? If the focus is narrow, important contextual factors will be omitted. If the focus is broad, important micro-level factors may be lost in the wealth of information.

When we limit our focus to a single statute, the secondary effects of implementation may be obscured. In this case, the NCLC was primarily interested in the secondary effect of improved implementation of state statutes. The federal law was a vehicle to accomplish this obliquely, since it could not be done directly. Since the statute was struck down, the secondary effects were the only long-term impacts of this law.

While the scenarios of the Nakamura and Smallwood model seem better suited to analyze the broader picture provided by a historical analysis of public policy implementation, analysis using the Mazmanian and Sabatier model provides greater detail an is more helpful in sorting out the multitude of factors affecting implementation. Conclusions:

The model presented by Mazmanian and Sabatier, focuses on detailed cross-sectional information, but is unable to cope adequately important secondary impacts and contextual factors captured by the historical perspective used here. The model also gives no indication that, with good performance on all criteria but part of one, demise of the legislation should be expected. Mazmanian and Sabatier's linkage of the groups of independent variables to the stages of the policy implementation process was not supported by the evidence of this case. This model does, however, quite accurately represent the strengths of the legislation itself. The Mazmanian and Sabatier model comprehensively assesses a legislative slice in the stream of policy on child labor.

The model presented by Nakamura and Smallwood, while not as rich in detail as that of Mazmanian and Sabatier, appears to capture the flavor of the policy stream more accurately. This model makes a bigger break with the rational model of implementation by focusing on interactions among actors rather than legislation. The bureaucratic entrepreneurship scenario fits well with events of the case. The associated evaluation criterion, system maintenance, seemed appropriate though limited. The sensitivity of this model to the span of time considered may present some problems in application, but perhaps one solution to this dilemma is to

evaluate the policy based on several time frames. The longer term bureaucratic entrepreneurship scenario in tandem with the shorter-term delegated instruction scenarios best evaluate implementation of Keating-Owen.

One important difference between these two models is the definition of policy implicit in each model. The Sabatier and Mazmanian model clearly considers a law to be a policy. The Nakamura and Smallwood model can accommodate laws, programs and guidelines as policy. To examine public policy only as realized in one program and its products ignores these interactions and presents policy as a single event, isolated from other policies, laws and programs. We have alluded on several occasions in this paper to the link between compulsory school attendance laws and child labor laws. Progress in each of these policy areas affected progress in the other. Historical analysis of public policy implementation allows us to consider policy as a process embedded in the social fabric, reflected in and reflecting laws and programs.

Clearly, detailed consideration of the variables presented in the Mazmanian and Sabatier model helps us make sense of mountains of implementation data. The focus on legislation in the Sabatier and Mazmanian model, however, narrows our analysis in ways that obscure the future outcomes of this case. The emphasis of the Nakamura and Smallwood model on nature of the relationships among actors in policy arenas shifts our attention to the patterns of interaction that maintained energy and momentum in this case. The multiple criterion for success offered by the Nakamura and Smallwood model seem to better predict what the future held in the area of child labor policy.

The value of historical analysis of public policy implementation is clearly illustrated by this exercise. Evaluations of the Keating-Owen law in 1918 might well have considered it a major failure, yet its secondary impacts were substantial. Predictions based on the status of the law itself would not have correctly assessed its importance in the process of policy implementation. One wonders how some of the failed laws and programs of the 1960's and 70's will look from the 21st century, when viewed as part of a completed policy implementation process.

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Appendix A

APPENDIX A.

TEXT OF FEDERAL CHILD-LABOR LAW OF 1916 AND RULES AND REGULATIONS FOR ITS ENFORCEMENT.

[PUBLIC—No. 249—64TH CONGRESS.]

[H. R. 8234.]

AN ACT TO PREVENT INTERSTATE COMMERCE IN THE PRODUCTS OF CHILD LABOR, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no producer, manufacturer, or dealer shall ship or deliver for shipment in interstate or foreign commerce any article or commodity the product of any mine or quarry, situated in the United States, in which within thirty days prior to the time of the removal of such product therefrom children under the age of sixteen years have been employed or permitted to work, or any article or commodity the product of any mill, cannery, workshop, factory, or manufacturing establishment, situated in the United States, in which within thirty days prior to the removal of such product therefrom children under the age of fourteen years have been employed or permitted to work, or children between the ages of fourteen years and sixteen years have been employed or permitted to work more than eight hours in any day, or more than six days in any week, or after the hour of seven o'clock postmeridian, or before the hour of six o'clock antemeridian: *Provided*, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any article or commodity under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such article or commodity before the beginning of said prosecution.

SEC. 2. That the Attorney General, the Secretary of Commerce, and the Secretary of Labor shall constitute a board to make and publish from time to time uniform rules and regulations for carrying out the provisions of this act.

SEC. 3. That for the purpose of securing proper enforcement of this act the Secretary of Labor, or any person duly authorized by him, shall have authority to enter and inspect at any time mines, quarries, mills, canneries, workshops, factories, manufacturing establishments, and other places in which goods are produced or held for interstate commerce; and the Secretary of Labor shall have authority to employ

such assistance for the purposes of this act as may from time to time be authorized by appropriation or other law.

SEC. 4. That it shall be the duty of each district attorney to whom the Secretary of Labor shall report any violation of this act, or to whom any State factory or mining or quarry inspector, commissioner of labor, State medical inspector, or school-attendance officer, or any other person shall present satisfactory evidence of any such violation to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States without delay for the enforcement of the penalities in such cases herein provided: *Provided*, That nothing in this act shall be construed to apply to bona fide boys' and girls' canning clubs recognized by the Agricultural Department of the several States and of the United States.

SEC. 5. That any person who violates any of the provisions of section one of this act, or who refuses or obstructs entry or inspection authorized by section three of this act, shall for each offense prior to the first conviction of such person under the provisions of this act, be punished by a fine of not more than $200, and shall for each offense subsequent to such conviction be punished by a fine of not more than $1,000, nor less than $100, or by imprisonment for not more than three months, or by both such fine and imprisonment, in the discretion of the court: *Provided*, That no dealer shall be prosecuted under the provisions of this act for a shipment, delivery for shipment, or transportation who establishes a guaranty issued by the person by whom the goods shipped or delivered for shipment or transportation were manufactured or produced, resident in the United States, to the effect that such goods were produced or manufactured in a mine or quarry in which within thirty days prior to their removal therefrom no children under the age of sixteen years were employed or permitted to work, or in a mill, cannery, workshop, factory, or manufacturing establishment, in which within thirty days prior to the removal of such goods therefrom no children under the age of fourteen years were employed or permitted to work, nor children between the ages of fourteen years and sixteen years employed or permitted to work more than eight hours in any day or more than six days in any week or after the hour of seven o'clock postmeridian or before the hour of six o'clock antemeridian; and in such event, if the guaranty contains any false statement of a material fact, the guarantor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violation of the provisions of this act. Said guaranty, to afford the protection above provided, shall contain the name and address of the person giving the same: *And provided further*, That no producer, manufacturer, or dealer shall be prosecuted under this act for the shipment, delivery for shipment, or transportation of a product of any mine, quarry, mill, cannery, workshop, factory,

or manufacturing establishment, if the only employment therein, within thirty days prior to the removal of such product therefrom, of a child under the age of sixteen years has been that of a child as to whom the producer or manufacturer has in good faith procured, at the time of employing such child, and has since in good faith relied upon and kept on file a certificate, issued in such form, under such conditions, and by such persons as may be prescribed by the board, showing the child to be of such an age that the shipment, delivery for shipment, or transportation was not prohibited by this act. Any person who knowingly makes a false statement or presents false evidence in or in relation to any such certificate or application therefor shall be amenable to prosecution and to the fine or imprisonment provided by this section for violations of this act. In any State designated by the board, an employment certificate or other similar paper as to the age of the child, issued under the laws of that State and not inconsistent with the provisions of this act, shall have the same force and effect as a certificate herein provided for.

SEC. 6. That the word "person" as used in this act shall be construed to include any individual or corporation or the members of any partnership or other unincorporated association. The term "ship or deliver for shipment in interstate or foreign commerce" as used in this act means to transport or to ship or deliver for shipment from any State or Territory or the District of Columbia to or through any other State or Territory or the District of Columbia or to any foreign country; and in the case of a dealer means only to transport or to ship or deliver for shipment from the State, Territory, or district of manufacture or production.

SEC. 7. That this act shall take effect from and after one year from the date of its passage.

Approved, September 1, 1916.

Appendix B

Appendix B

RULES AND REGULATIONS FOR CARRYING OUT THE PROVISIONS OF AN ACT OF THE CONGRESS OF THE UNITED STATES APPROVED SEPTEMBER 1, 1916, ENTITLED "AN ACT TO PREVENT INTERSTATE COMMERCE IN THE PRODUCTS OF CHILD LABOR, AND FOR OTHER PURPOSES," ADOPTED BY THE BOARD CONSISTING OF THE ATTORNEY GENERAL, THE SECRETARY OF COMMERCE, AND THE SECRETARY OF LABOR, AUGUST 14, 1917.

Regulation 1. Certificates of age.

Certificates of age, in order to protect the producer, manufacturer, or dealer from prosecution, shall be either:

1. *Federal age certificates issued by persons hereafter to be designated by the board for children between 16 and 17 years of age when employment in or about a mine or quarry is contemplated and for children between 14 and 16 years of age when employment in a mill, cannery, workshop, factory, or manufacturing establishment is contemplated. Such certificates shall contain the following information: (1) Name of child; (2) place and date of birth of child, together with statement of evidence on which this is based, except when a physician's certificate of physical age is accepted by the issuing officer, in which case physical age shall be shown; (3) sex and color; (4) signature of child; (5) name and address of child's parent, guardian, or custodian; (6) signature of issuing officer; and (7) date and place of issuance.*

2. *Employment, age, or working certificate, permit, or paper issued under State authority in such States as are hereafter designated by the board.*

Regulation 2. Proof of age.

Persons authorized by the board to issue age certificates under the authority of this act shall issue such certificates only upon the application in person of the child desiring employment, accompanied by its parent, guardian, or custodian, and after having received, examined, and approved documentary evidence of age showing that the child is 14 years of age or over if employment in a mill, cannery, workshop, factory, or manufacturing establishment is contemplated, or that the child is between 16 and 17 years of age if employment in or about a mine or quarry is contemplated; which evidence shall consist of one of the following-named proofs of age, to be required in the order herein designated, as follows:

(*a*) A birth certificate or attested transcript thereof issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(*b*) A record of baptism or a certificate or attested transcript thereof showing the date of birth and place of baptism of the child.

(*c*) A bona fide contemporary record of the date and place of the child's birth kept in the Bible in which the records of the births in the family of the child are preserved, or other documentary evidence satisfactory to the Secretary of Labor or such person as he may designate, such as a passport showing the age of the child, a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, or a life insurance policy; provided that such other satisfactory documentary evidence has been in existence at least one year prior to the time it is offered in evidence; and provided further that a school record or a parent's, guardian's, or custodian's affidavit, certificate, or other written statement of age shall not be accepted except as specified in paragraph (*d*).

(*d*) A certificate signed by a public-health physician or a public-school physician, specifying what in the opinion of such physician is the physical age of the child; such certificate shall show the height and weight of the child and other facts concerning its physical development revealed by such examination and upon which the opinion of

the physician as to the physical age of the child is based. A parent's, guardian's, or custodian's certificate as to the age of the child and a record of age as given on the register of the school which the child first attended or in the school census, if obtainable, shall be submitted with the physician's certificate showing physical age.

The officer issuing the age certificate for a child shall require the evidence of age specified in subdivision (*a*) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file evidence that the evidence of age required by the preceding subdivision or subdivisions can not be obtained.

Regulation 3. Authorization of acceptance of State certificates.

States in which the age, employment, or working certificates, permits, or papers are issued under State authority substantially in accord with the requirements of the act and with regulation 2 hereof may be designated, in accordance with section 5 of the act, as States in which certificates issued under State authority shall have the same force and effect as those issued under the direct authority of this act, except as individual certificates may be suspended or revoked in accordance with regulations 4 and 8. Certificates in States so designated shall have this force and effect for the period of time specified by the board, unless in the judgment of the board the withdrawal of such authorization at an earlier date seems desirable for the effective administration of the act. Certificates requiring conditions or restrictions additional to those required by the Federal act or by the rules and regulations shall not be deemed to be inconsistent with the act.

Regulation 4. Suspension or revocation of certificates.

SECTION 1. Whenever an inspector duly authorized under this act shall find that the age of a child employed in any mill, cannery, workshop, factory, manufacturing establishment, mine, or quarry as given on a certificate is incorrect, or that the time record is not kept in accordance with regulation 8, he shall notify the child, the employer, and the issuing officer that the certificate or the acceptance of a State certificate for the purposes of this act is suspended and indicate such suspension on the certificate or certificates.

SEC. 2. A statement of the facts for which the suspension was made shall be forwarded by the inspector to the Secretary of Labor, or such person as he may designate, who will either (*a*) revoke or withdraw the certificate or the acceptance of the certificate, or (*b*) veto the suspension, as in his judgment the facts of the case warrant.

Due notice shall be sent to the child's parent, guardian, or custodian, to the employer, and to the issuing officer of the action taken in regard to a suspended certificate.

SEC. 3. If the suspension of a certificate be vetoed, a new certificate shall be issued upon the surrender of the one suspended. If for any reason such new certificate can not be obtained from a State issuing officer, the notice of the veto if attached to a suspended certificate shall be recognized and accepted as meeting the requirements of section 5 of the act.

Regulation 5. Revoked or suspended certificates.

A revoked or suspended certificate will not protect a producer, manufacturer, or dealer from prosecution under section 5 of the act after notice of such suspension or revocation, except as provided in regulation 4.

Regulation 6. Hours of employment.

In determining whether children between 14 and 16 years of age have been employed more than eight hours in any day the hours of employment shall be computed from the time the child is required or permitted or suffered to be at the place of employment up to the time when he leaves off work for the day, exclusive of a single continuous period of a definite length of time during which the child is off work and not subject to call.

Regulation 7. Days of employment.

A child may not be employed for more than six consecutive days.

Regulation 8. Time record.

SECTION 1. A time record shall be kept daily by producers or manufacturers, showing the hours of employment in accordance with regulation 6, for each and every child between 14 and 16 years of age, whether employed on a time or a piece-rate basis.

SEC. 2. Certificates of age for children employed in any mine or quarry or in any mill, cannery, workshop, factory, or manufacturing establishment may be suspended or revoked for failure on the part of a manufacturer or producer to keep time records as required by this regulation or for false or fraudulent entries made therein.

Regulation 9. Inspection.

An inspector duly authorized under this act shall have the right to enter and inspect any mine or quarry, mill, cannery, workshop, factory, or manufacturing establishment, and other places in which goods are produced or held for interstate commerce; to inspect the certificates of age kept on file, time records and such other records of the producer or manufacturer as may aid in the enforcement of the act; to have access to freight bills, shippers' receipts, or other records of shipments in interstate or foreign commerce kept by railroads, express companies, steamship lines, or other transportation companies so far as they may aid in the enforcement of the act.

Regulation 10. Obstructing inspection.

SECTION 1. It shall be the duty of a producer or manufacturer to produce for examination by an inspector the certificates of age kept on file and any child in the employ of a manufacturer or producer whom the inspector may ask to see. Concealing or preventing or attempting to conceal or prevent a child from appearing before an inspector or being examined by him or hindering or delaying in any way an inspector in the performance of his duties shall be considered an obstruction of inspection within the meaning of section 5.

SEC. 2. No owner, manager, or other person in charge of premises or records shall be subject to prosecution for obstruction of inspection if the inspector shall refuse upon request to submit his identification card for examination by such owner, manager, or other person.

Regulation 11. Removal.

Withdrawal for any purpose of an article or commodity from the place where it was manufactured or produced constitutes a removal thereof within the meaning of the act; and the 30-day period within which employment of children contrary to the standards prescribed in section 1 of the act results in prohibiting shipment in interstate or foreign commerce shall be computed from that time.

Regulation 12. Guaranty.

SECTION 1. A guaranty to protect a dealer from prosecution under section 5 of the act shall be signed by and contain the name and address of the manufacturer or producer; it shall be specific, covering the particular goods shipped or delivered for shipment or transportation, and shall not be a general guaranty covering all goods manufactured or produced or to be manufactured or produced by the guarantor. It may be incorporated in or attached to or stamped or printed on the bill of sale, bill of lading, or other schedule that contains a list of the goods which the manufacturer or producer intends to guarantee.

SEC. 2. A dealer shipping goods from a State other than the State of manufacture or production does not require a guaranty in order to be protected from prosecution. (See sec. 6 of the act.)

SEC. 3. A guaranty substantially in accordance with the following forms will comply with the requirements of the act:

For products of mines or quarries—

(I or we), the undersigned, do hereby guarantee that the articles or commodities listed herein (or specify the same) were produced by (me or us) in a mine or quarry in which within 30 days prior to removal of such product therefrom[1] no children under the age of 16 years were employed or permitted to work.

(Name and place of business of producer or manufacturer.)

(Date of removal.)

For products of a mill, cannery, workshop, factory, or manufacturing establishment—

(I or we), the undersigned, do hereby guarantee that the articles or commodities listed herein (or specify the same) were produced or manufactured by (me or us) in a (mill, cannery, workshop, factory, or manufacturing establishment) in which within 30 days prior to the removal of such product therefrom[1] no children under the age of 14 years were employed or permitted to work, nor children between the ages of 14 years and 16 years were employed or permitted to work more than eight hours in any day or more than six days in any week, or after the hour of 7 o'clock p. m. or before the hour of 6 o'clock a. m.

(Name and place of business of producer or manufacturer.)

(Date of removal.)

Regulation 13. Alteration and amendment of regulations.

These regulations may be altered or amended at any time without previous notice by the board as constituted in section 2 of the act.

[1] During the month of September, 1917, a manufacturer or producer may substitute for the clause "within 30 days prior to the removal therefrom" the clause "on and after September 1, 1917."

Appendix C

64TH CONGRESS, 2d Session. } HOUSE OF REPRESENTATIVES. { DOCUMENT No. 1939.

Appendix C

APPROPRIATION, CHILD LABOR DIVISION, CHILDREN'S BUREAU.

LETTER

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

COPY OF A COMMUNICATION FROM THE SECRETARY OF LABOR, SUBMITTING AN ESTIMATE OF APPROPRIATION TO ENABLE THE SECRETARY OF LABOR TO CARRY INTO EFFECT THE PROVISIONS OF THE ACT ENTITLED "AN ACT TO PREVENT INTERSTATE COMMERCE IN THE PRODUCTS OF CHILD LABOR."

JANUARY 15, 1917.—Referred to the Committee on Appropriations and ordered to be printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 12, 1917.

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: I have the honor to transmit herewith, for the consideration of Congress, copy of a communication from the Secretary of Labor, of this date, submitting an estimate of appropriation in the sum of $200,840, of which sum $50,000 is to be made immediately available, to enable the Secretary of Labor to carry into effect the provisions of the act of September 1, 1916, entitled "An act to prevent interstate commerce in the products of child labor, and for other purposes," being for the service of the fiscal years 1917 and 1918.

The Secretary of Labor, in his communication, states the reason for the submission of the estimate at this time.

Respectfully,

W. G. MCADOO, *Secretary.*

JANUARY 12, 1917.

The SECRETARY OF THE TREASURY,
Washington, D. C.

MY DEAR MR. SECRETARY: There is transmitted herewith an estimate of appropriation in the sum of $200,840, for "General expenses, Child Labor Division, Children's Bureau," for submission

to Congress to be considered in the sundry civil bill during the present session.

This estimate was not submitted with the regular estimates for the fiscal year 1918 for the reason that there was not sufficient time between the date of the approval of the act of Congress, the provisions of which are to be enforced by the appropriation requested, and the time they were submitted to enable the department to approximate the cost of organizing and operating the division for the fiscal year 1918.

Cordially, yours,

W. B. WILSON,
Secretary.

Estimates of appropriations required for the service of the fiscal year ending June 30, 1918, by the Department of Labor.

DEPARTMENT OF LABOR.

CHILDREN'S BUREAU.

General Expenses, Child Labor Division—

To enable the Secretary of Labor to carry into effect the provisions of the act of Sept. 1, 1916, entitled "An act to prevent interstate commerce in the products of child labor, and for other purposes," in the District of Columbia and elsewhere, including a preliminary survey, for which purpose the sum of $50,000 shall be made immediately available, traveling expenses and per diem in lieu of subsistence at not exceeding $4, pursuant to section 13 of the sundry civil act, approved Aug 1, 1914, of officers, special agents and other employees, office rent in the District of Columbia and elsewhere, telegraph and telephone service, express and freight charges, and all other contingent and miscellaneous expenses, and the employment in the District of Columbia and elsewhere of such assistants, clerks, and other persons as may be considered necessary for the purposes named (submitted) (vol. 39, p. 675, secs. 1-7)..... $200,840

	Rate per annum	
Estimated, 1918:		
1 director	$3,500	3,500
1 assistant director	3,000	3,000
4 district supervising agents	1,800	1,800
2 special agents	1,600	1,600
8 special agents	1,400	1,400
Do	1,200	1,200
2 special agents	1,200	1,200
5 clerks, class 1	1,000	1,000
4 clerks	840	840
1 messenger		700
Total salaries		50,700
Other objects of expenditure:		
Traveling expenses		50,000
Telegraph and telephone service		1,000
Equipment and material		10,000
Preliminary survey		50,000
Office rentals		3,000
Miscellaneous items		36,140
Total		200,840

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