

*Models of public policy implementation proliferated during the 1970s and 1980s. We argue that these models should be robust across different time periods and should accurately postdict and explain the outcomes known to have occurred. This article looks at two models of policy implementation, one developed by Mazmanian and Sabatier and another developed by Nakamura and Smallwood. Robustness and explanatory ability of these models are assessed using a historical case study of the first national child labor law. This demonstrates the advantages of a historical perspective on policy implementation. Looking at policy across time raises questions about current models of implementation.*

## **CHILD LABOR LAWS** *A Historical Case of Public Policy Implementation*

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**The 1960s were optimistic years in public policy.** We passed legislation to eradicate racism, poverty, and inequality, confident that we would create a *great society*. The 1970s demonstrated that simply passing legislation may do little to resolve social problems. Assumptions that laws were self-implementing no longer seemed valid. Policy implementation began to attract attention.

Much early work on policy implementation viewed the implementation process in terms of “the transmission belt” approach to administration

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(Stewart, 1975) in which implementers act as a conduit for authoritative decisions. This approach relies on a machine model of organizations and views decision making as a rational or boundedly rational process. Attributes of legislation predict implementation success or failure. Bureaucratic responses, other than compliance, are correctable pathologies (e.g., goal displacement) or weaknesses arising from flawed legislation (e.g., unclear statutes) or inherent characteristics of the problem (e.g., amount of change required) or unreasonable expectations (e.g., technology not yet invented). As the field of implementation research expanded, empirical studies of implementation and theoretical advances in organization theory challenged these assumptions.

For example, one assumption is that clearly articulated legislative goals are important for successful implementation (Lowi, 1967; Van Meter & Van Horn, 1975). But, multiple conflicting goals are the rule rather than the exception and espoused goals are those of the dominant coalition (Cyert & March, 1963). Vague goals often reflect political compromise (Schneider, 1982). Multiple goals embodied in a single piece of legislation reflect lawmakers' responsiveness to constituents (Lewis, 1977). Stressing clear legislative intent within the political and organizational context in which laws are formulated led to pessimism about program implementation. Yet researchers documented cases of successful implementation of laws with vague or multiple competing goals (Bullock & Lamb, 1984).

Another assumption is that policies are decisions made by policy formulators and implemented by administrators. Allison's analysis of the Cuban missile crisis raises 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). Implementation problems are exacerbated by government and organizational complexity in which responsibility is diffuse and multiple decision points militate against action (Pressman & Wildavsky, 1973).

Absence of requisite technology is cited as a factor thwarting successful implementation. Yet some scholars document successful implementation of programs where technology needed to be invented to carry out the program (Wanat, 1974).

These findings are confusing and raise serious questions. To address these concerns, we applied two implementation models to a case from another period of history—the Keating-Owen Act passed in 1916 to regulate child labor.

## VALUE OF A HISTORICAL PERSPECTIVE

Using a historical case allows us to examine the merits of varying and expanding the time frame. The time frame used is an important issue in policy research (Greenberg, Miller, Mohr, & Vladeck, 1977; Salamon, 1976). Most case studies in this field concentrate on implementation in progress. When looking at policy at a particular point, we examine a narrow slice in a continuous policy stream (Jones, 1984; Neustadt & May, 1986). This often produces contradictory conclusions between studies conducted during the first few years after legislation was enacted and those conducted several years later (Kirst & Jung, 1980). In the analysis we present here, varying the time frames led to different conclusions about implementation.

## NATURE OF THE MODELS

There are many different types of social science models, and they have varying uses (Greenberger, Crenson, & Crissey, 1976). Two common uses of models are predictive and descriptive. Predictive models use current states or conditions to anticipate future states or events. Descriptive models explain the unfolding progression from current events or states to future events or states. Ideally, models of implementation would both predict and explain why specific actions and states led to implementation success or failure. So, we explore both these aspects of the models.

We examine two models here: one developed by Mazmanian and Sabatier (1989) and one developed by Nakamura and Smallwood (1980). These models were selected because they are widely known and are among the more completely developed. We applied them to the first national child labor law to see how well each would have predicted or, more accurately, postdicted the outcomes. Additionally, we use each model to examine the unfolding events in the case.

### MAZMANIAN AND SABATIER'S MODEL

Mazmanian and Sabatier (1989) developed a model of public policy implementation that includes 16 independent variables. Of these, 7 are related to the "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 are related to the "tractability of the problem":

technical difficulties  
diversity of target-group behavior  
target group as a percentage of population  
extent of behavioral change

Five are "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

These are linked to five dependent variables:

outputs of implementing agencies  
compliance of target groups  
actual impacts of policy outputs  
perceived impacts of policy outputs  
major revision in the statute

Variables measuring statutory structuring of implementation reflect conventional assumptions about implementation. Nonstatutory and tractability variables incorporate contextual and environmental factors influencing implementation. These variables are distilled into six criteria to predict successful implementation. These 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 & Sabatier, 1989).

This model maintains assumptions that goals and legislation are the driving forces behind implementation. However, political and socioeconomic factors considered in this model resolve some challenges to traditional assumptions. Additionally, this model develops an elaborate set of variables useful in organizing case information. The assessment of the level of these variables is, however, subjective and open to substantial disagreement among equally informed evaluators. Despite its subjectivity, this model systematically assesses the impact of a wide range of specific variables.

#### **NAKAMURA AND SMALLWOOD'S MODEL**

An alternative model of policy implementation, presented by Nakamura and Smallwood (1980), posits three policy arenas, each occupied by groups of actors: formulators, implementers, and evaluators. Actors in these arenas are linked to each other by relationships characterized by five different scenarios:

classical technocracy  
 instructed delegation  
 bargaining  
 discretionary experimentation  
 bureaucratic entrepreneurship

Relationships between policymakers and policy implementers vary with each scenario on three criteria:

1. degree of goal specificity provided by policy formulators
2. the nature of tasks delegated to policy implementers
3. amount of control implementers and formulators exercise over each other

The model provides five evaluation criteria for policy outcomes:

- goal attainment
- efficiency
- constituency satisfaction
- clientele responsiveness
- system maintenance

This model focuses attention on the nature of the relationships and distribution of responsibility and initiative among policy actors. It describes five different types of relationships between policymakers and policy implementers. Each evaluation criterion is more likely to be relevant to a specific relationship or scenario. Figure 1 (Nakamura & Smallwood, 1980, pp. 114-115, 153) summarizes these relationships.

Using scenarios encourages us to look beyond the individual statute and to examine a wide constellation of relationships and divisions of responsibility that might affect implementation. It assumes there will be negotiation and bargaining over goals during implementation. It incorporates criteria for success other than efficiency and goal achievement. Lack of specific variables leads to a less focused analysis, however.

## **COMPARISON OF THE TWO MODELS**

Mazmanian and Sabatier (1989) focus on predicting when implementation will succeed. They regard the statute as an important component in this process and include several variables related to its ability to structure implementation. Nakamura and Smallwood (1980) concentrate on explaining how implementation happens and provide less help predicting success. The relationships among actors are the focal point of their model.

One difficulty with Mazmanian and Sabatier's predictive approach is that success is defined as meeting the mandates of the statute as efficiently as possible. Success is a multifaceted construct, and relying on only one aspect may lead us to ignore other valuable indicators of progress (Cameron, 1986; Connolly, Conlon, & Deutsch, 1980). By using different criteria for each scenario, Nakamura and Smallwood's model accommodates a broad definition of success.

Mazmanian and Sabatier clearly specify variables they think affect implementation. These variables include social and political conditions. Assigning values to these variables is subjective, and equally informed

<b>Classical Technocracy Scenario</b>			
Role of Policymakers	Role of Implementers	Role of Evaluators	
Formulate specific goals and delegate technical authority to implementers	Support policymakers' goals and devise technical means to achieve them	Measure goal attainment and efficiency	
<b>Instructed Delegation Scenario</b>			
Role of Policymakers	Role of Implementers	Role of Evaluators	
Formulate specific goals and delegate administrative authority to implementers	Support policymakers' goals and negotiate administrative means to achieve goals	Measure goal attainment and efficiency	
<b>Bargaining Scenario</b>			
Role of Policymakers	Role of Implementers	Role of Evaluators	
Formulate goals and bargain with implementers over goals and means	Bargain with policymakers over goals and means of achieving goals	Assess constituency satisfaction	
<b>Discretionary Experimentation Scenario</b>			
Role of Policymakers	Role of Implementers	Role of Evaluators	
Support abstract goals and delegate discretion to implementers to refine goals and means	Refine abstract, undefined goals and means for policymakers	Assess ability of program to adapt to clientele demands	
<b>Bureaucratic Entrepreneurship Scenario</b>			
Role of Policymakers	Role of Implementers	Role of Evaluators	
Support goals and means formulated by implementers	Formulate goals and means and persuade policymakers to accept them	Predict ability of the system to survive (system maintenance)	

**Figure 1**

SOURCE: Adapted from Nakamura & Smallwood (1980). Copyright 1980 from *The Politics of Implementation* by Robert Nakamura and Frank Smallwood. Reprinted with permission of St. Martin's Press, Incorporated.

scholars can (and do) disagree about the correct value. The Nakamura and Smallwood model lacks specific variables to focus systematic investigation. Additionally, environmental and contextual factors that might lead to one or the other of their five scenarios are unspecified.

## **THE CASE STUDY**

To select a case, we turned to the progressive era and chose the first national child labor law—the 1916 Keating-Owen Act. Selection of the progressive era was deliberate. There are many similarities between the great society programs and the reforms of 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 these two models across different time periods. The selection of the specific piece of progressive era legislation was based on availability of data. Although we acknowledge that this piece of legislation has a unique history, it also exhibits a wide range of policy activities and is well documented.

### **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 (U.S. Department of Labor, 1930). Putting children to work kept them out of poor houses and prevented idle fingers from doing the devil's work (Hamilton, 1938/1832). Many parents relied on the meager income provided by children to help support the family (U.S. Department of Labor, 1930). This was a vicious cycle of poverty, because child labor depressed wages and undermined adults' ability to earn adequate incomes (Abbott, 1938).

The progressive era aroused social consciousness on many issues, including child labor. Reformers were motivated by compassion for the plight of child laborers and concern for the nation's future (Peters, 1912). If children were working, they were not in school receiving the knowledge and skills needed by future citizens in a democracy (McKelway, 1912). Accident rates were much higher for child laborers than for adults in the same industries (Lumpkin & Douglas, 1937). Killing and maiming children decreases the future pool of adult workers, so employing children



wasted labor. Gradually, children came to be regarded as a national resource—a resource threatened by child labor (Beveridge, 1938).

During the early 1900s, citizen committees to investigate the extent and impact of child labor proliferated. In 1904, the National Child Labor Committee (NCLC) was established. Membership grew quickly from 981 associate members<sup>1</sup> in 1906 to 5,000 in 1909 (Trattner, 1970). By 1916, the NCLC was 9,236 members strong with annual contributions exceeding \$70,000 (Lovejoy, 1916). Membership in the NCLC was broad based and nonpartisan.

In 1907, Congress chartered the NCLC to “promote the welfare of America’s working children” (Stockburger, 1976). To fulfill this mission, it investigated working conditions, publicized problems, and sponsored state-level legislation to reduce child labor. NCLC was actively involved in creating a federal Children’s Bureau (in 1912) and gave the Bureau a complete file of its publications and 500 photographs (Lovejoy, 1912).

In 1906 Representative Beveridge of Indiana introduced a bill in Congress using federal interstate commerce regulation to restrict child labor. Firms operating in states with strong child labor laws were at a competitive disadvantage with firms in the same industry located in states with weak child labor laws (Cleland, 1981). This provided impetus for congressional action. At this time, NCLC members split on whether to support national legislation (Trattner, 1970).

By 1912, NCLC supported national child labor legislation. Despite efforts to obtain new and improved state laws, NCLC felt implementation was inadequate. State factory inspections were virtually nonexistent, often because there were so few inspectors. Seven states had no inspectors; six states had one inspector; nine states had two inspectors (Chute, 1912). State courts often suspended or dismissed cases or imposed trivial fines. For example, in 1915 in Ohio, 72% of fines in cases prosecuted were suspended or remitted; in Virginia, 58% of the cases were dismissed or fined court costs only (Taylor, 1916). NCLC and others thought federal legislation would provide resources to help states inspect factories, and federal court involvement would encourage state courts to uphold their laws (Abbott, 1938, p. 528; Taylor, 1916).

NCLC wrote a bill and Representative Palmer and Senator Owen sponsored it. The 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 workday 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.<sup>2</sup>

In 1915, the House passed the bill by a vote of 233 to 43, but the Senate let it die (Abbott, 1938). In 1916, the House again passed it, this time 343 to 46. The NCLC's McKelway convinced President Wilson that if he did not adopt some reform measures in the 1916 Democratic party platform, he would lose the election (Trattner, 1970). When the Senate seemed likely to let the bill die in committee again, Wilson personally reminded Democratic senators of the party platform (McKelway, 1916). The senators allowed the bill to reach the Senate floor where it passed 52 to 12.

A case, contrived by mill owners to test the constitutionality of the law, was brought before Judge Boyd in the Federal Court, Western Judicial District, North Carolina. He ruled the law unconstitutional. Experts in constitutional law, consulted before the legislation was introduced, expected the Supreme Court to uphold it. The law remained in effect elsewhere during the appeal. In June 1918, in a 5 to 4 decision, the Supreme Court declared Keating-Owen unconstitutional (*Hammer v. Dagenhart*, 1918).

Although implementation of Keating-Owen halted, attempts to reduce child labor through federal action did not. The Children's Bureau, with its expanded staff, continued inspections to fulfill its mission—to investigate and publicize child labor problems and to help states enforce their own laws (Cleland, 1981). 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. The adjutant general ordered that the Keating-Owen standards be applied to all military bases and reservations. In August 1918, these standards were incorporated into a proposed war powers act, but the war ended before its passage.

In November 1918, a proposed revenue act included Keating-Owen standards. Employers not meeting these standards would be subject to a 10% tax on their profits. This bill passed in February 1919. After less than 9 months, Keating-Owen standards were again law. In May 1919, North Carolina mill owners again tested the constitutionality of the law in Judge Boyd's court. Without even hearing all the arguments in the case, he announced his decision—it was unconstitutional. The Supreme Court was expected to uphold the law and states (other than North Carolina) continued implementation. In May 1922, the Supreme Court, in an 8 to 1 decision (*Bailey v. Drexel Furniture*, 1922) ruled this clause of the Revenue Act unconstitutional.

Efforts to regulate child labor continued. The Fair Labor Standards Act of 1938, with child labor provisions almost identical to Keating-Owen, was upheld by the Supreme Court in 1938. It restricts employment of child labor in goods shipped across state boundaries. This is the only federal regulation of child labor.

#### **IMPLEMENTATION OF THE 1916 KEATING-OWEN STATUTE**

Implementing Keating-Owen involved two activities: certifying children by age and inspecting workplaces to ensure that children were working only under the conditions specified and during the hours permitted for their age. Accurate certificates made inspectors' jobs easier. Both these activities were critical to effective implementation of the law, but certification was viewed as a means to an end, rather than an end itself (Frye in U.S. Department of Labor, 1923). Keating-Owen did not require that employers keep age certificates on file but provided that a valid certificate protected an employer from prosecution (U.S. Department of Labor, 1921).

The law established a basis for cooperation between state and federal governments. The Children's Bureau tried to develop this into a "genuine working relationship" (U.S. Department of Labor, 1921, p. 14). In July 1917, 2 months before the law took effect, public meetings were held to seek input from state officials and employers. At this meeting, state and federal officials identified a ranked list of documents that would constitute acceptable proof of age. 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.

Many problems arose from the quality of documentation. Based on experience enforcing state laws, parents' affidavits were considered highly unreliable. Birth certificates were rarely available. The family Bible was the main source of documentation, but it could easily be altered. Certificates were not given to children if the Bible appeared to be altered. Life insurance, commonly purchased to ensure the child would receive a decent burial, provided poor documentation. Life insurance companies "corrected" the child's age on the policy at the parents' request. School records, often the best source of information, were hard to obtain. In some 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. Federal officials learned more ways to obtain school records the longer they were on the job (U.S. Department of Labor, 1921).

States whose laws met Keating-Owen standards could use their own system of certification. In February 1917, governors in each state received a letter advising them of the standards. This letter suggested that, to avoid the cost and confusion of certifying children for work under both Keating-Owen and state statutes (double certifying), states could raise their standards. During the year before the law took effect, six states raised their certification standards to federal levels. Other states designated administrative boards that had the power to comply with federal certification standards (U.S. Department of Labor, 1917).

Initially, only North Carolina, South Carolina, Georgia, Mississippi, and Virginia were denied the prerogative of managing certification themselves. These five states were chosen for federal intervention based on their weak statutes and poor enforcement record. During the 9 months the law was in effect, federal officials reviewed 25,330 applications and issued 19,696 certificates in these states (U.S. Department of Labor, 1921).

In the other states, federal inspectors checked whether allowing states to handle certification worked. Sometimes it did not. It depended on the person doing the certifying and varied widely. In most states, local officials—often school administrators—were responsible for issuing certifications and verifying documentation.<sup>3</sup> Sometimes local officials sold certificates (U.S. Department of Labor, 1923). Based on the first months of implementation, some states originally allowed to certify children would have received federal assistance with this function had the law remained in effect (U. S. Department of Labor, 1921).

Inspections formed the other prong of child labor regulation. State inspectors requested and received authority to initiate investigations (U.S. Department of Labor, 1917). This meant an inspection could be initiated by either states or the federal Child-Labor Division and that state inspectors could search records for evidence of shipment across state or national boundaries. State officials were trained to obtain proof that goods had been shipped interstate. Some joint inspections were conducted initially to familiarize each group with the others' practices (U.S. Department of Labor, 1921). Federal and state inspectors shared data. State officials provided education and information to employers and parents prior to the law taking effect (U.S. Department of Labor, 1921).

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. During the bill's short life, 639 manufacturing inspections and 28 mine inspections were conducted. Of these, 44% or 293 inspected establishments had violated the law (U. S. Department of Labor, 1921).

The statute specified more lenient fines for a first offense. 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 (U.S. Department of Labor, 1921). These amounts should be compared with the \$1 and \$5 fines routinely imposed by state courts (Taylor, 1916).

After the law was declared unconstitutional, the Child-Labor Division continued conducting inspections (U.S. Department of Labor, 1921). There were two justifications for these inspections. First, conducting research on child labor practices was part of the mission of the Children's Bureau. Second, government contracts required Keating-Owen standards for child workers. Inspectors provided data needed for both these functions. Federal inspectors shared results of these inspections with state officials (U.S. Department of Labor, 1922, 1924).

#### **DID KEATING-OWEN REDUCE CHILD LABOR?**

The 1920 census reported 8.5% 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 1).

The number of 10- to 15-year-olds in the population increased by 15.5% between 1910 and 1920, whereas the number of children 10 to 15 years old gainfully employed decreased by 46.7% (U.S. Department of Labor, 1926). But can the decline in child labor be attributed to the federal legislation? Compulsory school attendance requirements expanded during this time and might explain the decline. Labor unions expanded and might have triggered a drop in child labor.

Child labor declined in industries affected by federal law and increased in other jobs. This suggests that the law decreased child labor over and above impacts from compulsory school attendance and other economic and social events. As Table 2 indicates, child labor declined substantially in manufacturing and mining, both of which produce goods transported across state boundaries. Because total employment in manufacturing and

**TABLE 1**  
**Census Data for Employed Children Ages 10 and 15**

<i>Year</i>	<i>Number of Children Employed</i>	<i>Percentage of Children Employed</i>	<i>Child Workers as a Percentage of All Workers</i>
1870	739,164	13.2	5.9
1880	1,118,356	16.8	6.4
1890	1,503,771	18.1	6.4
1900	1,750,178	18.2	6.0
1910	1,990,225	18.4	5.2
1920	1,060,858	8.5	2.5

**TABLE 2**  
**Changes in Employment of Children Between 1910 and 1920**

<i>Area of Employment</i>	<i>10-15 years (percentage)</i>	<i>10-13 years (percentage)</i>	<i>All Employees (percentage, includes adults)</i>
Covered by state laws only			
Clerical	12.9	-4.6	80.0
Public service	110.4	142.9	67.8
Covered by state and federal laws			
Manufacturing	-29.0	-71.0	20.6
Mines	-60.0	-72.6	13.0

SOURCE: Based on U.S. Department of Labor (1926) and the thirteenth and fourteenth U. S. Census.

mining increased during this period, this reduction is not an artifact of an industrywide slump. Clerical and public service occupations do not produce goods transported across state lines and were subject only to state laws. In public service occupations, the increase in child labor outstripped the overall increase in employees.

These data are consistent with the hypothesis that Keating-Owen, despite its legal difficulties, helped reduce child labor in industries engaging in interstate commerce.

Further evidence suggesting that national legislation contributed to the decline in child labor is provided by inspections of establishments employing children—both during the time Keating-Owen was in effect and after it was overturned. As Table 3 indicates, after the Supreme Court



struck down the federal statute, child labor rates rose again. The data for this table are based on data from federal inspectors during the 9 months during which the Keating-Owen law was in effect and inspections during the 10 months after it was overturned. The table includes information on the number and percentage of establishments inspected and the number of establishments found in violation. The portion of the table reporting inspection results after Keating-Owen was struck down also includes information on violations of state laws. These establishments were inspected by federal agents who reported their findings to state officials and also recorded the status of child labor compared with Keating-Owen standards. The same establishments were evaluated for compliance with state laws and compliance with the overturned federal statute. Obviously, noncompliance with Keating-Owen after June 3, 1918 was not illegal, and state laws were often weaker. Individual states selected for inclusion in this table had at least 10 establishments inspected in both time periods.

Several interesting trends are suggested by these data. The number of inspections conducted nearly doubled in the 10 months following the demise of Keating-Owen (1,187 inspections), compared with the 9-month period covered by Keating-Owen (689 inspections). Readers should recall that NCLC's rationale for supporting national legislation was improved enforcement of state laws through federal involvement in inspections. Inspections increased even after the legislation was overturned, which suggests that this unstated goal was met.

Looking at these data for all states, compliance with existing laws (Keating-Owen while it was in effect and state laws after Keating-Owen was overturned) remained fairly constant (43% vs. 47%). But the number of establishments violating Keating-Owen standards rose from 43% to 62% after it was overturned. "A South Carolina newspaper reported that children's hours in the mills, reduced to eight when the federal law went into effect, were being raised to eleven again" (Trattner, 1970, p. 137). This further suggests that legislation affected employment practices.

A stronger case could be built for the impact of child labor legislation if the practices of individual employers could be compared during the period in which the law applied and the period immediately before or after the law was in effect. There is little data, however, comparing child labor while the Keating-Owen statute was in effect with child labor in the same establishments after it was overturned. But three establishments in North Carolina were inspected both while the statute was in effect and after June 1918 (Table 4).



TABLE 4

	<i>Before June 1918 During Keating-Owen</i>	<i>After June 1918 Keating-Owen Overturned</i>
Establishment 1	No violations	17 children working under age 15 children working long hours
Establishment 2	No violations	8 children working under age 14 children working long hours
Establishment 3	One child working under age	25 children working under age

SOURCE: U.S. Department of Labor (1921).

These data indicate that owners of these establishments complied with Keating-Owen while it was law. After it was overturned, these same establishments increased their use of child labor. It should be kept in mind that not all violations of the federal standards violated North Carolina laws. After June 1918, inspectors found 622 children under 14 years old working in North Carolina. The state minimum was 13 years, so not all of these children were working illegally under state law. But 91 of these children were under 10 years old—clearly a violation of state law. Here again, these data support the hypothesis that Keating-Owen had an impact.

Although labor unions, compulsory school laws, and other forces helped reduce child labor, Keating-Owen also seems to deserve some credit. But, how could this happen when the law was overturned? Readers should recall that the Supreme Court decision was close (5 to 4) and most state and federal actors expected the court to uphold Keating-Owen. Inspections continued and violators were tried and fined, even during the court challenge of the statute. Additionally, the Revenue Act (passed in February 1919) reintroduced Keating-Owen standards in less than 1 year. Employers, state officials, and federal officials, as well as the legislative and executive branches of government expected the Keating-Owen standards to continue. When the 1919 Revenue Act was challenged in the courts, implementation continued again. The *Bailey v. Drexel Furniture* (1922) decision took more than 2 years. So, between 1919 and 1922, state and federal officials continued to collaborate on inspections and to develop certification procedures. It appears that many private employers in affected industries complied with Keating-Owen child labor standards because the Supreme Court was expected to uphold the statute. So, these laws affected child labor practices based on the expectation that they would remain in effect. This covered a period of 6 years, from the 1916 passage of Keating-Owen to the 1922 *Bailey v. Drexel Furniture* decision.

Another way these laws appear to have had impact was through their effect on state laws. Recall that NCLC's justification for supporting a national law was to improve enforcement of state statutes through federal involvement. It is significant that federal and state cooperation in inspections continued after the statute was gone. The appropriation for the Child Labor Law Division of the Children's Bureau was \$125,000 for the year 1919. This supported 51 employees including 17 inspectors and 22 certificate-issuing officers (Abbott, 1938). This provided states with needed personnel to conduct inspections.

Further, readers may recall that the states themselves were encouraged to meet Keating-Owen standards to avoid double certifying of children. In fact, during the period between passage and implementation of Keating-Owen, six states passed new laws that met the standards. Thus state laws improved based on the expectation that the courts would uphold the national standards and the desire to avoid the cost and confusion of double certifying of children. Additionally, state inspectors reported that federal law increased respect for state laws (U.S. Department of Labor, 1922).

It is critical to remember that the goals of Keating-Owen exceeded the statutory authority. Only 150,000 of the 1,850,000 child employees were covered by Keating-Owen (Trattner, 1970). Supporters wanted to decrease child labor in all industries, not just those engaged in interstate commerce. A national law provided support for state inspections and encouraged states to improve and enforce their own laws. Overturning the law simply expanded the area in which federal legislation did not apply. It did not destroy the relationships established between state and federal actors. The lengthy court battle provided 6 years of federal support during which states raised their standards, improved enforcement of their own laws, and regulation of child labor gained acceptance.

### **EVALUATION BASED ON THE MAZMANIAN AND SABATIER MODEL**

Using the six questions developed by Mazmanian and Sabatier (1989) to distill this analysis, we find that:

1. Keating-Owen legislation had clear and consistent criteria for resolving goal conflicts (rules and regulations formulated by the Child-Labor Board).
2. Legislation was based on sound causal theory (experiences of state child labor associations) and implementers had the jurisdiction needed to

achieve goals (at least the official goal of restricting child labor in goods transported beyond state boundaries).

3. Location of implementers in hierarchical structure, decision rules, resources, and support were sufficient to facilitate, if not maximize, probability that implementing agents would behave as desired. (Federal agencies—Justice, Commerce, and Labor—collaborated and the parent agency—Labor—was supportive. State and federal actors collaborated to facilitate inspections. Local officials certifying age were a weak link.)
4. Leadership and skill were outstanding and level of commitment was high at the federal level. State leadership, skill, and commitment varied but were generally good. Local leadership, skill, and commitment varied widely. Federal actors could intercede at the state and local levels when problems arose.
5. The program was actively supported by constituency groups (NCLC and state child labor associations), key legislators, and the President, but alas, some members of the courts were hostile.
6. Changing circumstances, in particular the war, did not undermine the priority of the objectives embodied in the legislation, although war did increase the demand for child labor.

Because Keating-Owen had a weakness in only part of one of these six criterion (court support), we would expect successful implementation with relatively few problems.

Using the 16 independent variables linked to the dependent variables yields a more realistic picture:

1. *Technical difficulties*: difficult. Lack of reliable documents made certification of age difficult and inaccurate. Invalid certificates made inspections more difficult.
2. *Diversity of target group behavior*: low. The range of behaviors was narrow (four employment practices) and could be specified.
3. *Target group as a percentage of population*: There were two target groups—children and employers. Of the children, 18% or approximately 2 million, ages 10 to 15, were employed; of these, only 150,000 were employed producing goods shipped between states (Trattner, 1970). Many employers used child labor.
4. *Extent of behavioral change*: large. It was costly for employers to dismiss cheap child laborers, many parents wanted children to work, and many in both groups vigorously resisted regulation, both state and federal, for decades (Abbott, 1938).

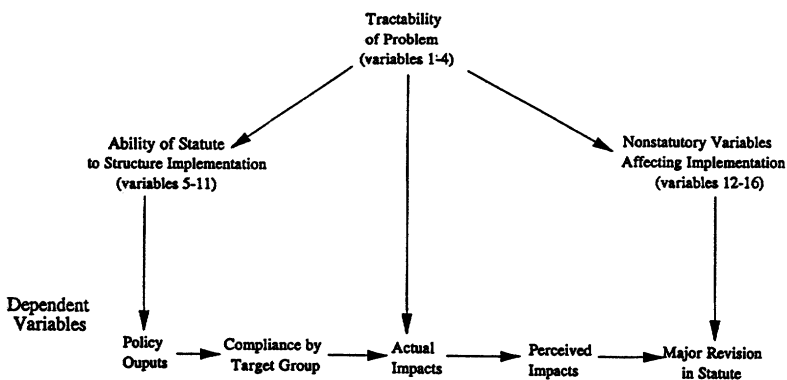
**TRACTABILITY OF THE PROBLEM (Variables 1-4):** The problem appears only moderately intractable using these criteria. Because child labor problems persisted for decades in the face of state and federal attempts to reduce and regulate it, it seems likely that these variables underestimate the intractability of the problem.

5. *Statute contains clear, consistent objectives*: yes. To regulate child labor in the establishments producing goods for interstate transport. (The real but unstated goal was better enforcement of state statutes and higher state standards.)
6. *Statute incorporates adequate causal theory*: yes. Certifying children, inspecting business establishments, and fining employers had been shown to work at the state level.
7. *Initial allocation of financial resources*: marginal. The Department of Labor requested \$200,840 initially. Congress appropriated \$150,000, or 25% less than requested.
8. *Hierarchical integration within and among implementing institutions*: excellent between federal and state levels; poor to good between state and local levels. Cooperative relationships were established between the state child labor inspectors and the Child-Labor Division; placement of the Children's Bureau in the Department of Labor provided a supportive parent agency. Local officials were not consistently effective in certifying children.
9. *Decision rules of implementing agencies*: very good. Carefully developed with input from state officials, the assistant secretaries of Labor and Commerce, and a juvenile court judge. Rules could be revised as necessary. A 1-year lag between passage and enforcement (specified in the bill) provided time to develop rules and allowed employers to conform to the law.
10. *Recruitment of implementing officials*: very good at the federal level; state and local officials were already in place and varied widely in their commitment. Grace Abbott, director of the Child-Labor Division of the Children's Bureau, established a cooperative relationship between the states and the federal agency. She was well qualified and supportive. The head of the Children's Bureau, Julia Lathrop, was chosen based on the recommendation of the NCLC and was sympathetic to the goals and mission of the agency.
11. *Formal access by outsiders*: good. Cooperative relationships with state officials, NCLC, and state child labor committees.

ABILITY OF STATUTE TO STRUCTURE IMPLEMENTATION (Variables 5-11): The ability of the statute to structure implementation appears to have been good or possibly even very good.

12. *Socioeconomic conditions and technology*: unfavorable. The war increased demand for child labor, yet state officials reported that regulations were easier to enforce.
13. *Public support*: very high among most of the upper and middle classes, although this eroded some during the war; very low among lower class (parents of child laborers), and among most employers of children.
14. *Attitudes and resources of constituency groups*: very good. NCLC and other state child labor committees were very supportive. NCLC had more than 9,000 members and \$70,000 in contributions. They shared data with the Children's Bureau (Lovejoy, 1916).

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**Independent Variables**



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**Figure 2**  
Mazmanian and Sabatier (1989, p. 22).

15. *Support of sovereigns:* good. Legislative and executive branch sovereigns were supportive; judiciary support was mixed. Legislators passed the bill by a sizable margin; President Wilson's involvement gave the bill a ticket to the Senate floor. A constitutional challenge was expected, but legal experts thought the law would be upheld. (This proved incorrect. Five justices were unsupportive sovereigns, but this was not known initially.)
16. *Commitment and leadership skill of implementing officials:* Excellent at the federal level, very good at the state level, and mixed at the local level. Many federal inspectors worked long hours and traveled extensively to the mill towns in their districts. They pursued better documentation and were developing techniques for obtaining accurate age records. State inspectors were often highly committed but overwhelmed and severely understaffed. Many local officials certifying children's age were neither dedicated nor skillful. Certificates were a means to simplify inspections, so invalid certificates complicated the work of state and federal inspectors.

**NONSTATUTORY VARIABLES AFFECTING IMPLEMENTATION**  
(variables 12-16): the combined effect of these variables on implementation appears to be good.

In the Mazmanian and Sabatier (1989) model, the 16 independent variables discussed above affect the dependent variables in the model as indicated in Figure 2.

We would expect limited actual impacts due to the moderately intractable nature of the problem (variables 1-4). Evidence indicates that child

labor declined substantially during this time period and that impacts were greater in industries covered by federal law. We infer from these data that some actual impacts can be attributed to federal legislation.

The ability of the statute to structure implementation (variables 5-11) are all positive except initial allocation of financial resources. This leads us to expect fairly high levels of policy outputs. During the short life of the statute, 25,330 applications for certificates were processed and 667 manufacturing or mining inspections were completed. Eight violators were prosecuted. These policy outputs seem quite impressive for a 9-month period.

Although we might expect some revision in the statute, nonstatutory variables (variables 12-16) support the statute itself and give little indication of its vulnerability. Major revisions of the statute were not accurately predicted. Constitutional scholars consulted by NCLC at the time predicted that the Supreme Court would uphold it. The speed with which comparable legislation was drafted, passed, and signed into law affirms the positive orientation of legislative and executive sovereigns. A small segment of one of five variables swamped the effect of the other nonstatutory variables affecting implementation. The overwhelming power of the courts to unilaterally revise the statute does not seem to be adequately represented in the model.

The Mazmanian and Sabatier (1989) model examines an individual statute, focuses on a cross section of a process to evaluate numerous variables, and then reintegrates the cross section with the process of policy development. This model is designed to assess the likelihood of success in implementing specific statutes. It did not postdict the major revision of the statute accurately. With good performance on most criteria, demise of the legislation would not be expected.

This model, however, quite accurately represents the strengths of the legislation itself. The legislation was clear. Rules were formulated carefully with input from knowledgeable state actors. The causal link between the actions mandated and the conditions addressed had been established previously at the state level. The legislation appears effective in meeting both its stated and unstated goals.

Focusing on legislation obscures the future outcome of this case. When the statute no longer existed, this model provides little insight into the continuing impacts of a nonexistent law. Further application of the model to subsequent events is difficult because the model is tightly coupled to the statute.

## EVALUATION BASED ON THE NAKAMURA AND SMALLWOOD MODEL

If one considers only the statute, this case typifies the instructed delegation scenario. Policymakers and implementers agreed on the goals, but broad discretion to administer the statute was delegated to implementers. As we already noted, focusing exclusively on the statute is misleading in this case.

The bureaucratic entrepreneurship scenario, linking policymakers and policy implementers, better captures the role played by NCLC and the Children's Bureau. In this scenario, policymakers support goals and means formulated by these groups. The Children's Bureau, established in 1912, predated the passage of Keating-Owen. To enforce the law, a Child-Labor Division was added to this agency. The Children's Bureau might be described as an agency created by an interest group (NCLC). The status of NCLC is ambiguous. Funded through individual donations, it was a private, nonprofit organization. This, however, ignores congressional action (in 1907) chartering NCLC and assigning it the mission of investigating and gathering data on child labor practices. This difficulty in accommodating NCLC (a crucial actor in the case) suggests that the expanded range of relationships provided in Nakamura and Smallwood's (1980) model is still too limited. Recent work on advocacy coalitions (Sabatier & Pelkey, 1987; Sabatier & Jenkins-Smith, 1988), which can accommodate the role played by interest groups like NCLC, is clearly helpful in understanding crucial implementation relationships. Within the confines of the Nakamura and Smallwood model, the bureaucratic entrepreneurship scenario provided the best fit, given the role of the Children's Bureau and NCLC's quasi-bureaucratic status.

The criterion of success for this scenario is system maintenance. This refers to the institutional viability of a system and focuses attention on those "who can threaten the existence of an organization" (Nakamura & Smallwood, 1980, p. 152). In other words, is the system of institutional relationships established and supported by the statute maintained?

The Children's Bureau and NCLC continued to produce, publicize, and share data about child labor. Additionally, collaboration between state and federal inspectors continued and the Children's Bureau continued to provide support and resources to state officials. 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. Maintaining the

system of federal and state cooperation and establishing standards were significant achievements. Because the Revenue Act (1919) passed soon after Keating-Owen was overturned, there was only a brief lag in the enforcement of federal standards, which provided further opportunities for the system of state-federal relationships to survive.

Because the Nakamura and Smallwood (1980) scenario that best describes this case evaluates performance primarily on system maintenance, goal attainment and efficiency might be considered unimportant. But implementers made substantial progress in inspections and certification. This progress seems noteworthy, especially when the short duration of the legislation is considered. This suggests advantages in expanding the evaluation beyond the criterion associated with the scenario identified. The likelihood that multiple scenarios are operating seems high, and the scenario differs depending on the time frame considered.

The sensitivity of this model to the span of time considered presents problems as well as advantages. Different time frames change the scenario that fits. One solution to this dilemma is to evaluate the policy using several time frames. For example, the longer term bureaucratic entrepreneurship scenario in tandem with the shorter term delegated instruction scenarios might better explain this case. This would give the quality of the legislation more attention.

This case demonstrates the power of system maintenance as an evaluation criterion. Typically, system maintenance connotes an inertial continuation of a statute, an agency, or set of rules but does not imply outcomes and impacts. In this case, it led to ongoing acceptance of child labor standards and continued collaboration of actors across federalist boundaries. System maintenance generated outcomes and impacts despite constitutional hurdles that destroyed the legal mandate for these effects. This increases our understanding of the importance of and the role played by these relationships in implementation.

This model looks at streams of events and attempts to understand the nature of the relationships among actors in producing policy. Its predictive focus is secondary to its descriptive focus. Although not as rich in detail as that of Mazmanian and Sabatier (1989), it captured the flavor of the policy stream more accurately. It is better equipped to encompass the variety of policy activities that may arise in a federalist system of multiple governments and shared powers. The set of relationships considered is limited, however, and a broader spectrum needs to be considered.<sup>4</sup>



## CONCLUSIONS

A 1918 evaluation of Keating-Owen might have considered it a failure, yet its effect on the policy stream appears substantial. Sleeper effects, characteristic of social movements challenging patterns and practices of daily life, require time to develop (Salamon, 1976). Focusing on a single statute obscures these effects. We conclude that predictions based on the fate of the law itself incorrectly assess its importance in the process of policy implementation. Short-term evaluations might have underestimated the social impacts of the policy, even if the law had persisted (Salamon, 1976).

Examining a historical case demonstrated the sensitivity of implementation to the span of time considered. Using the Nakamura and Smallwood (1980) model, we identified two different time frames that helped explain case events and provided different criteria of success. This suggests that we need models of implementation that encourage us to vary the temporal parameters. By viewing policy as a stream unfolding over time, we frame actions and events in the context of other events and policies (Neustadt & May, 1986).

One important difference between the two models we examined is the definition of policy implicit in each. For the Mazmanian and Sabatier (1989) model, policy is closely associated with a statute. The close link between the statute and policy limited our ability to apply this model to the wider variety of policy-making activities found in this case. It provided little help in explaining impacts after the statute was overturned.

For Nakamura and Smallwood (1980), patterns of interaction between policymakers and implementers are crucial. This provides more, but still not enough, flexibility to capture prominent aspects of this case. By focusing on relationships between key groups of actors, the model accommodates laws, programs, and guidelines as policy. This wider focus helped identify the importance of system maintenance as a criterion of success.

Use of these two models of policy implementation to understand implementation of the first national child labor legislation suggests that we need to expand our definition of policy beyond statutes or single events. Secondary effects and relationships that exceeded the bounds of the law were crucial. Models of policy implementation need to be flexible enough to accommodate a wide range of activities if they are to help us understand this complex process. Often, national legislation is constitu-

tionally prohibited. Federal actors encourage state compliance through grants, cross-cutting sanctions, or other mechanisms. Thus we often find policy activities that are not tied to specific statutes or statutes attempting to affect behavior beyond the letter of the law.

This exercise in historical analysis suggests that policy implementation model building should focus on patterns and relationships among policy actors, incorporate multiple evaluation criteria, and consider the wider temporal perspective of policy streams. It raises questions about the definition of public policy and where to place the temporal boundaries of policy implementation. Are policy and statute synonymous? Or, does policy encompass the long-term process of social change? If we are looking at a single statute, where in the process of social change does this statute occur? Does the legislation culminate decades of unrelenting effort or does it break new ground? If the definition of policy is narrow and the time frame brief, important contextual factors will be omitted and sleeper effects may be overlooked.

## NOTES

1. Associate members contributed between \$2 and \$25 each.
2. General Provisions of the Keating-Owen Act: The law provided

[T]hat 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 . . .

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 \$1,000 and could also be punished by imprisonment of 3 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, comprising 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 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.

3. In 1909, 29 states required certification by school administrators, 2 relied on inspectors, 4 used other authorities (judges, town clerks and commissioners of agriculture). In 1909, 9 states had no preemployment certification requirement and 6 states required only a parent's statement (Ogburn, 1912). By 1929, 31 states used local school officials, 9 relied on the official enforcing state child labor laws, 3 used judges, 2 used the State Board of Education, and 3 states had no system for issuing employment certificates (U.S. Dept. of Labor, 1930).

4. Work on advocacy coalitions is able to accommodate these relationships and is a valuable contribution. See Sabatier and Pelkey (1987) and Sabatier and Jenkins-Smith (1988).

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