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# Youth Truth



Official 'Zine of Americans for a Society Free from Age Restrictions [www.asfar.org](http://www.asfar.org)

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## Child Labor Laws: For Whose Benefit?

Peter Hansen

If you're under 18, good luck getting a job this summer. You'll need it. A report from the National Center on Education and the Economy reveals that employment opportunities for the nation's youth have been steadily disappearing for the past year. While employment among all age groups declined 1.4% during the year 2001, for 16-19-year-olds it decreased by 9.3%.<sup>1</sup>

Our *current* tight job market doesn't explain why employment levels for people under 18 have been low for over a *decade*. The rate of employment of 15- to 17-year-olds throughout the 1990s never came close to returning to the 1989 peak of about 40% in summer months (and around 27% in school months). And the figures for *that* banner year for youth employment aren't so impressive when compared with 1978 youth employment levels (around 44% in summer months and nearly 30% in school months).<sup>2</sup>

Is this a bad thing? Isn't "child labor" against the law or something? Are kids even supposed to be working?

Before the Fair Labor Standards Act of 1938, there was no federal law governing youth employment. Prior to the twentieth century, American children were generally expected to work, to help support their families and to avoid "idleness".<sup>3</sup> Labor reformers pointed to youngsters' long hours in torturous and dangerous jobs when arguing for improved conditions for all workers, but, at the same time, fought to exclude children from the workplace,

even as it became more humane. We do still allow kids to work, but only when and where adults want them to.

Our society has a schizophrenic attitude toward the dependence of youth. On the one hand, we believe that a good child *is* a dependent one, that a child's job is to accept the support and education provided by their parents and the government, to aspire to no more than good grades, and to stay out of trouble. To a child with higher goals than that, we say "wait until you're older." On the other hand, the kind of dependence in which children are forced to live is roundly denounced by society; it is degrading, a sign of a character flaw. And we do judge children by their dependence, reproaching them with it even as we make sure they cannot escape from it. We label them "unready" while denying them the opportunities to prove otherwise.

Our grandparents used to reproach *their* kids by telling them of the hardships and toil they endured "when I was your age." The *current* generation of parents, far less likely to have experienced actual hard labor in their youth, can always fall back on the tried and true "As long as you're living under my roof, as long as I'm supporting you, you will follow my rules." This is one way of saying "obey me" and trying to justify the demand at the same time. But it sends another message to the kid: you are worthless, you are a burden, and the only way you can even begin to repay my *charity* to you is with your obedience and your gratitude.

A steady, full-time job often increases a person's sense of self-worth. With a job, one is useful, responsible, depended upon. As a worker, one contributes to something larger than oneself, and experiences the interdependence of a team. At the same time, a steady job that allows an employee to be self-supporting provides a feeling of *independence*.

But independence is just what adults seem to want to *discourage* in kids. Although there are plenty of advocates for jobs for youth, they want these opportunities to be provided via special *programs* for youth, where they will be evaluated, supervised, specially trained, "matched" and "placed" in a "job environment", continually monitored—in short, where they will experience none of the self-reliance and autonomy that accompanies a good job experience.

Our schizophrenic view of "child labor" is evident in the federal laws which govern it. There are no federal restrictions on the hours a 16-year-old may work (although many states have their own restrictions), but they cannot operate most machinery or drive motor vehicles on the job. Kids of 14 and 15 are banned from most non-agricultural jobs other than in retail stores or restaurants, and the hours they may work are severely limited. While kids under 14 are forbidden to do any paid work other than newspaper delivery, babysitting and yard work arrangements, exceptions are made for jobs in the performing arts, as well

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## Buzz

### ASFAR Officers On Radio

On Friday, April 19 at 2 p.m. eastern time, ASFAR Vice-President Daniel McGuire & board member David Schneider-Joseph discussed ASFAR and the youth rights movement on AM 550, a station serving North Dakota, South Dakota and parts of Iowa, Minnesota, Montana and Nebraska. David Schneider-Joseph reported that the discussion included the voting age, drinking age, driving age, gun-ownership age, compulsory schooling, curfews and the book *Lord of the Flies*.

### NYRA President On CNN Again

On May 9, 2002 at 11:30 a.m. eastern time, NYRA President and ASFAR member Alex Koroknay-Palicz appeared on *CNN International* to compare the satisfaction and behavior of today's generation of young people with that of a previous generation—their parents.

## Redirect

The April issue of *Reason* features a fine commentary on zero tolerance policies at <<http://reason.com/0204/fe.cs.asthma.shtml>>. At <<http://writ.news.findlaw.com/hamilton/20020328.html>> a law professor argues that the church is subject to the laws of the land. And at <<http://www.observer.co.uk/worldview/story/0,11581,706580,00.html>> a British columnist offers his views on America's abstinence-mania.

### On the March/April Cover Story

I read your opinion piece concerning the newly passed Campaign Finance Bill and its limitation on contributions by minors. I'm an avid news junky, and I found your piece interesting since I'd seen NO mention of this on any news show, despite the over-coverage of the campaign finance issue by the news media.

I find the whole notion of campaign finance reform to be an assault on free speech. Congress tends to work around its constitutionally mandated limits by passing a patchwork of small laws that, taken individually, will be found constitutional. They hope that courts will not look at the laws in a larger context, where it is clear that each small restriction is meant to add to a total ban on campaign speech.

Having said that, I believe you missed a crucial point in your piece which would likely explain the reason for the age restriction. Most big contributors tend to give the maximum contribution amount, which is fairly small by a wealthy person's standards. So these people tend to have their spouses, kids, and even employees contribute the maximum amount also, thus bumping up the effective amount they have contributed.

Since most people under 17 have few resources of their own, it is likely that most of the money which originates from minors represents "sham" contributions that are really from the minors' parents. I believe that is what Congress wanted to eliminate.  
Spencer

The author responds:

I must've been in too big a rush to get the article done. I guessed that this section of HR2356 (prohibiting campaign contributions by people under 18) was stuck in there by someone eager to trumpet their concern for children. Two people wrote to me with this alternate explanation, and they're quite right. However, a provision banning this kind of third-party sneakery (using third parties as "intermediaries" or "conduits" for donations) already existed in the Federal Election Campaign Act of 1971, and the recently-passed reform bill didn't eliminate that prohibition. So using one's children (or other family members) to increase one's maximum donation is already covered elsewhere; there is no need to ban genuine, self-motivated contributions by youth! Just because adults have sometimes used their kids to violate the law, that's no reason to penalize young people by taking away *more* rights.  
Susan Wishnetsky

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## Letters

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Opinions expressed may not reflect the views of ASFAR.

## Kids Are People

(Woty Freeman fills in for ASFAR President Justin Mallone, who was in the process of moving to a new home in May 2002.)

ASFAR does not exist simply to oppose age restrictions at any cost. It exists to promote the view that young people are capable human beings, with human rights. Every other position we take is an implication of this basic goal, and not the basis for the organization. Our objection to the drinking age can't be about achieving consistency with *other* bad laws, such as the age of majority. It's about respecting the basic humanity of *all* people, and fighting for the rights of young people. Similarly, ending compulsory schooling is not about the "best interests" of children; it's about the right of children to come to their *own* conclusions about what's best for them. We must consistently combat the idea that young people are subhuman, and fight any law that would deny our humanity. This is the way we can win, because this way we have deep arguments that thinking people ought to accept.

Respecting the humanity of young people means opposing all age restrictions, but it also means opposing unjust laws that affect people of *all* ages. Taking the position that we are people who deserve rights means we must favor eliminating age discrimination by **expanding freedom**, not expanding restrictions. We *could* achieve a society free from age restrictions by expanding government power and requiring licenses for everything from

homeschooling to getting a tattoo. We could also eliminate some age restrictions by banning drinking, smoking, firearms, cars, and having a dictatorship instead of voting. This would be consistent with an objective to get rid of age discrimination, but *inconsistent* with the *true* goal of recognizing, legally and socially, the humanity of young people (and everyone else). If we take the wrong stand or refuse to speak on any youth rights issue, we are betraying the people we are fighting for.

Every issue matters. The drinking age, the driving age, the voting age, firearms restrictions, drug restrictions, sexual age of consent laws, child labor laws, laws enforcing parental authority, and others all deny young people the ability to exercise their rights and live full lives. In some cases, especially in the instance of laws preventing young people from having guns, the laws make it impossible for young people to stay alive at all. These laws are all unacceptable, and any upholding or trivializing of them is wrong.

There are people who attempt to trivialize our movement by saying that we only care about avoiding frustrating laws, and not about justice and the proper function of

## Just In My Opinion

Woty Freeman  
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laws. These people are wrong—but they would be correct if our reason for fighting age restrictions was simply the fact that we find them annoying. We are not simply fighting for faster transportation or easier access to alcohol. We are fighting the evil idea that young people are subhuman creatures somewhere between apes and modeling clay, and advocating the idea that we are all human beings with human rights. If our best argument to offer people who initially oppose our ideas is a description of the annoyance of being unable to drive or buy beer, there is no reason people ought to be convinced to take up our cause. (They will, properly, regard us as a bunch of whining kids who care more about getting our own way than we do about what laws a good society ought to have.) It's only if we have good, consistent principles we can stand on and argue from that we will convince thinking people that we should have equal rights. The human rights of people, including young people, are something we can stand on, argue from, and fight for.

## News Links

### Finger-Shooter Loses Lawsuit

A New Jersey boy suspended in June 2000 for pretending his finger was a gun will not be allowed to sue his school district, according to a May 2 article at <<http://www.freedomforum.org/templates/document.asp?documentID=16171>>. A federal judge threw out the lawsuit.

### "A" Is For "Adults Only"

Apple Computers encourages knowledgeable code-writers to participate in their open-source developer program, Darwin. But in March, one active contributor found that his input wasn't welcome any more after the company learned he was 15 years old. Details are at <<http://www.wired.com/news/school/0,1383,51343,00.html>>.

### Michigan Students Protest Suspensions

About 150 students at South Lyon High School attended a May 14 sit-in to protest the suspension of several students for publishing and distributing an underground newspaper critical of school officials. The ACLU may represent the students, according to <[http://www.freep.com/news/locoak/nslyon16\\_20020516.htm](http://www.freep.com/news/locoak/nslyon16_20020516.htm)>.

## Perspective

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## Why Schools As Targets? Why Authority Figures As Targets?

On the school shooting in Erfurt, Germany (see News Link, below).

Schools as we know them can be soul-crushing for certain individuals, students *and* teachers. Authority figures are the enforcers of the law-imposed system of oppression. When people's circumstances drive them close to the edge, it is usually the boss, the school, the teachers, the police, the principals, the mega-gigantic-corporations, sometimes the parents—the \*authorities\*—that they think about lashing out against. If they are oppressed enough, or are more prone to losing it, these thoughts are made actions. Until widespread meaningful change happens in society, such attacks will likely continue to happen, and with increased regularity.

THE SYSTEM, including compulsory school, doesn't allow freedom. The person does not choose to be there, but is forced by law or circumstance. Force is a bad basis for any organization and will result in tension with those who resist conformity (and conformity for those who don't resist or whose spirits are broken). There is a wide spectrum of resistance from a well-thought-out written complaint, to protest, to organization-forming, to verbal argument or questioning, to theft, vandalism, sabotage, and in this case, violence.

One can draw parallels between school shootings and workplace violence such as those employees who "go postal". When people are treated as numbers instead of individuals whether purposefully or because they "slipped through the cracks" or because of the huge population the system must deal with on a daily basis, they learn to dislike the system that is dehumanizing them. A person's value is measured by the

system in terms of numbers. What is your GPA? What were your SAT, ACT, GRE scores? What's your IQ? Did you make quota? How big is your trust fund? Many of these numbers are major factors in determining the opportunities people have in life, *instead of* their individual accomplishments, potentials, characteristics and merits. These numbers affect what other peoples' opinions of them are. These numbers determine what quality education they are eligible for. Why are so many people opposed to national ID's, even if they would make us "safer"?

Each person starts out as and remains, for the most part, an individual. Each person has unique thoughts, experiences, feelings, emotions, a life that is different from every other person's life on this planet. Any system that must deal with masses of people "efficiently" tends to assign numbers to individuals. Systems tend to take on a life of their own, doing what's best for the system, which is quite often to the detriment of the people caught up in the system. What's the human price of efficiency?

I don't know the shooter or anything about his life or his motivations. I don't live in Germany or know much about German culture or what the German school system is like. What I'm writing is meant to stir debate and conversation and to introduce these thoughts into the debate. And they're my gut feelings. It's where my thoughts are at the moment.

My heart goes out to the people who knew these dead. The pain must be excruciating.

## News Links

### **Caseworkers Cut Corners, Lose Children**

A Florida five-year-old was missing for over a year before the state's Department of Children and Families realized she had disappeared, apparently kidnapped by someone posing as a social worker. The child's real caseworker, according to <<http://www.mycfnw.com/sh/news/stories/nat-news-143803220020506-200503.html>> had been falsely reporting visits to the child's home. A follow-up at <<http://more.abcnews.go.com/sections/gma/goodmorningamerica/gma020516flalostkids.html>> reveals that this case is not so unusual in Florida.

### **School Shooting in Germany**

On April 26, a recently-expelled 19-year-old student returned to his high school in Erfurt, Germany—with a gun and 500 rounds of ammunition. His targets were mainly adult authority figures; he killed 13 teachers, a secretary, and a police officer, as well as 2 female students, before turning the gun on himself. Six other people were wounded. One report may be seen at <[http://news.bbc.co.uk/hi/english/world/europe/newsid\\_1952000/1952869.stm](http://news.bbc.co.uk/hi/english/world/europe/newsid_1952000/1952869.stm)>. In February 2002, a multiple shooting took place in Munich, Germany, in which the gunman's former high-school principal and two former bosses were killed.

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# News Links

## **No Ceremony for Regular Joes**

Eight high schools in San Fernando Valley, California have decided that only students who plan to enter colleges, trade schools, or military service will be included in their own graduation ceremonies; see <<http://www.cnn.com/2002/fyi/teachers.ednews/05/08/graduation.policy.ap/index.html>>.

## **Polite Teen Drinkers Undetected**

Two Philadelphia area teens were arrested in February for selling alcohol to friends in a barn furnished with a stereo system, ping-pong and gambling tables, and a fully equipped wet bar. After months of operation, the bar's neighbors remained unaware of anything going on, according to <<http://www.philly.com/mld/inquirer/news/local/2690129.htm>>; the surprised next-door neighbor said she never heard any noise.

## **Church Claims Immunity**

Boston's Roman Catholic Archdiocese argued for dismissal of a sexual abuse lawsuit against it on the grounds that the separation of church and state renders the church exempt from liability. Superior Court Judge Raymond Brassard rejected that argument and denied the motion to dismiss the case, according to <<http://www.freedomforum.org/templates/document.asp?documentID=16227>>.

## **Smartest U.S. Town Lowers Voting Age**

It may not change anything, but this news is a ray of sunshine: on March 25, 2002, the City Council of Cambridge, Massachusetts, the home of Harvard University, voted to allow 17-year-olds to vote in local elections. The minutes of the council meeting appear at <[http://www.ci.cambridge.ma.us/govt/council\\_2002/020325FinalActions.pdf](http://www.ci.cambridge.ma.us/govt/council_2002/020325FinalActions.pdf)>. To take effect, however, the measure needs the approval of the Massachusetts state legislature, by no means guaranteed.

## **Canadians Choose Cigs Over Kids**

A city ordinance in Winnipeg which took effect January 1, 2002 prohibited smoking in stores and shops frequented by children. Many businesses, instead of banning smoking, decided to ban people under 18. A brief article is at <<http://www.libertysearch.com/articles/2002/000005.html>>.

## **Who Looks Up Girls' Skirts?**

A story reported worldwide: A female vice-principal of a Rancho Bernardo, California high school was placed on administrative leave after she lifted the skirts of females entering a school dance, in full view of other students, to make sure they weren't wearing thong underwear. There are many links to this story; two are <<http://www.nbc4.tv/news/1429404/detail.html>> and <<http://www.nbcsandiego.com/news/1427309/detail.html>>. Apparently the school's dress code did not even prohibit thongs.

## **PA Students Can Criticize in Print**

A committee of the Pennsylvania Council of Basic Education rejected a proposal on May 15 to allow school administrators to suppress dissent in student publications. According to <<http://www.freedomforum.org/templates/document.asp?documentID=16268>>, the proposal would have eliminated the section of the school code that reads "School officials may not censor or restrict material simply because it is critical of the school or its administration".

## **Students Mourn Free Speech Demise**

West Virginia University students staged a mock funeral for the First Amendment on May 13 after the school enacted a policy of confining student demonstrations to specific "free speech zones". The article at <<http://www.freedomforum.org/templates/document.asp?documentID=16247>> tells of black-shrouded mourners marching a coffin to its final resting place.

## **"Abstinence" Money Misused**

A lawsuit against the state of Louisiana accuses the state of using federal grants for sexual abstinence programs to provide biblical instruction and organize prayer sessions at local abortion clinics, among other religious activities, according to <<http://www.azcentral.com/news/articles/0509a10filler09.html>>.

## **Zero Tolerance for Students Only**

A Florida middle school must rehire their Technology Coordinator, who was fired for using cocaine on the job, according to <<http://www.pensacolanewsjournal.com/news/031502/Local/ST001.shtml>>.

## **CIPA Testimony: Filters Flunk**

In a federal court in Philadelphia, testimony on the Children's Internet Protection Act began on Tuesday, March 26. Witnesses told of the ineffectiveness of the blocking software required by the act, as well as the inevitability of inoffensive, educational sites being blocked. The text of the law can be viewed at <<http://sethf.com/anticensorware/legal/001218cipa.html>>; some coverage of the court proceedings is found at <<http://www.wired.com/news/business/0,1367,51338,00.html>>.

## **Town Backs Down on Restriction**

After a public outcry, West Virginia's Alcohol Beverage Control Commission promised that the existing law against minors being allowed into restaurants that serve alcohol unless accompanied by their legal guardian, would not be enforced. When a zealous local official in Parkersburg, WV warned area restaurants about the law, relatives found that they could no longer take their young grandchildren, nieces or nephews out to restaurants such as The Olive Garden, Applebee's or Red Lobster. And, according to <[http://www.newsandsentinel.com/news/story/0562002\\_new03\\_alcohol.asp](http://www.newsandsentinel.com/news/story/0562002_new03_alcohol.asp)>, with prom night on the way, young people worried about where to plan a special dinner. The follow-up story at <[http://www.newsandsentinel.com/news/story/05172002\\_new06\\_ABCC\\_Rules.asp](http://www.newsandsentinel.com/news/story/05172002_new06_ABCC_Rules.asp)> reports that the town's chamber of commerce will petition state leaders to change the 1901 law.

## **Parents' Advice Gets Girl Suspended**

Becca Johnson, an honor-roll sixth-grader in Mount Lebanon, Pennsylvania, was suspended for three days after a teacher spotted her drawing of two teachers with arrows through their heads. According to <<http://www.freedomforum.org/templates/document.asp?documentID=16187>>, Becca's parents always told her to write or draw about her feelings if she was angry, rather than taking her anger out on others.

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Editor's note: Content of reviewed books may not represent the views of ASFAR.

## Levine, Judith. *Harmful to minors : the perils of protecting children from sex*. Minneapolis : University of Minnesota Press, 2002.

America is a land of free speech, of open debate. Almost every proposal has its opponents. And while the stronger voice usually gets its way without much compromise, that doesn't mean that the opposition must remain silent thereafter. Look at the months since September 11: critics of George W. Bush and his war on terrorism may have been publicly derided or condemned, but they *have* been speaking, in newspapers, on TV, and in public protests. In America, unpopular points of view are not suppressed ... unless it's about something as unpeakable as kids being allowed to have sexual lives.

There is plenty of talk about kids and sex in the mass media—as long as that combination is portrayed as uniformly dangerous and evil. People who count the number of times they hear the word “sex” in relation to children on news programs these days will be convinced that talking about the subject is far from forbidden, what with all the talk about the Catholic priest scandal. But the arguments are all on one side.

Judith Levine's *Harmful to Minors* went unpublished for years. It was suppressed not by the government, but by a string of publishers who rejected her work (or called for vast revisions only to end up

chickening out and dropping the book anyway). Editorial boards found the book “commercially unenviable”, calling it “hard to swallow” and “radioactive”. It remained unpublished because of fear, the fear that “is precisely what *Harmful to Minors* is about”. The publishers knew all too well what might happen to them if they released the book.

It had happened before, when the U.S. House of Representatives unanimously voted to condemn a 1998 research article in the *Psychological Bulletin* which concluded that consensual sex between a minor and an adult is not generally traumatic and should not be classified as abuse. And just this year, Missouri legislators punished the University of Missouri with a \$100,000 budget cut for allowing a similar article to be seen by the public (*New York Times*, April 13, 2002, p.B1). Violating this particular taboo can get you in big trouble with the government, even if they can't arrest you for expressing your views or truthfully reporting the results of your research (yet). And let's not forget about the hate mail, bomb threats, or attacks by angry fanatics.

Many of the anticipated consequences *did* happen to the University of Minnesota Press when the book's publication was announced. Even before its scheduled

May 2002 release, the Minnesota House of Representatives passed a resolution condemning the book. Under pressure from Minnesota House majority leader Tim Pawlenty to cancel the publication, the publisher agreed to allow their selection process to be reviewed by people from other academic presses. They got the hate mail and angry phone calls, too. One can only imagine the personal consequences for those involved with this book, branded “perverts” by their relatives, neighbors or church groups ...

But the publicity paid off for the publisher—the first printing sold out even before it hit the bookstore shelves. Sometimes it pays to take a risk.

Now I wouldn't urge you to buy this book just to support a courageous writer or publishing house, although I have to admit that's one of the reasons I rushed to get my copy. I urge you to buy it because it's good, superbly researched and written. It's enjoyable reading, too, full of stories that illustrate the facts and figures.

Levine explores the historical changes in attitudes about children and sexuality, showing how these attitudes differed from and contributed to our current paranoia and prudery. She exposes the statistical distortions, which often grow with each retelling, used to fan the flames of hysteria. She reveals the political trade-offs which allowed “abstinence” to become the only acceptable topic in most sex education classes (with contraception mentioned only to stress its unreliability), even though

## News Links

### Attack on Video Games Goes National

As reported in the March/April 2002 issue of *Youth Truth*, the Indianapolis city ordinance restricting the minors' access to “inappropriate” video games was found unconstitutional, but on April 19, a similar law in St. Louis, Missouri was upheld by a federal court. Variations of the ordinance are now appearing around the country, most notably from the U.S. House of Representatives. Rep. Joe Baca (D-Calif.) has introduced H.R. 4645, which would make the sale or rental to minors of videos with violent or other “offensive” content a federal crime. Two articles are at <<http://www.cnn.com/2002/TECH/ptech/05/07/violent.videogames.reut/>> and <<http://www.cnn.com/virtual/editions/europe/2000/roof/change.pop/frameset.exclude.html>>.

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graduates of abstinence classes are afterward just as sexually active “as kids who had received lessons stressing condom use, with the dangerous difference that the first group hadn’t been taught anything about safe sex.” And she recounts the true stories of ordinary kids, parents, and teachers who were harmed by the pervasive fear and suspicion that surrounds any place children and adults come together.

In one story, a nine-year-old boy was taken from his mother’s home and placed in a harrowing “treatment program” for young sex offenders because he’d poked his little sister’s behind. (He’d also been known to utter swear words and look under girls’ skirts.) The sister, labeled a “victim”, was also removed and subjected to plenty of “treatment”; the mother was naturally suspected of abuse. After two years and \$30,000 in legal expenses, the family was reunited and allowed to recover from all this “treatment”.

Parents, already frantic about the dangers of “predatory” pedophiles, must also worry about their own innocent play with their children, their “in the bathtub” photographs, their shows of affection. Teachers have also been affected; one, who felt compelled to give up his career soon after it began, is quoted:

“What a stifling effect this moral panic held for a young male teacher who until this time worried mostly about establishing warm, trusting relationships with all the children .... I started to worry and second-guess myself when I

went about my once taken-for-granted routines of changing diapers, wiping runny noses, unbuttoning and buttoning a two-year-old’s ‘Button Down 501’ jeans .... suddenly, the sense of touch, which has always been such an integral part of my relationship with children ... was being called into question.”

And the dilemma of an older teacher is described:

... She had been reprimanded by an administrator for not intervening when a group of four- and five-year-olds enacted childbirth with a doll .... She thought it was an excellent game, in fact, and because one child had seen her baby sister being born, impressively accurate. But her student teacher... complained to the school’s headmistress, who in turn instructed the teacher to stop such games in the future. The headmistress averred that the play was harmless and might even be educative, but she feared that parents, if they found out, might react as the student teacher had. The senior teacher protested that such a situation offered a good opportunity to educate such parents, but she was overruled. She told me she wasn’t sure what she would do the next, inevitable, time such a game occurred. Fifteen or twenty years ago, she added, such play would have been regarded as healthy and unremarkable.

The book covers nearly every topic that could be raised. Only one aspect of the book concerned me: Ms. Levine’s assumption

## Sue’s Review

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that all children crave and need physical affection (which I agree is basically true) did not include the qualification that not all children are the same—some children need more than others—and that the affection should be wanted and enjoyable to the child. The possible effect of the unwanted (non-sexual) physical contact to which children are so often subjected, such as having to accept unwelcome kisses from relatives, being tickled, pinched, tossed or spun around, against their will, was not discussed. Psychologist Richard Farson suggested in his 1974 book *Birthrights* that being forced to submit to such invasions of personal space might teach a child that what happens to their bodies is not under their control. I have seen no other mention of this theory elsewhere, but it rang true to me. Perhaps this is a topic for further research, and another book!

Two long passages can be viewed for free at <[http://www.upress.umn.edu/Books/L/levine\\_harmful.html](http://www.upress.umn.edu/Books/L/levine_harmful.html)>. But don’t stop there; do buy this book, or check it out from your local library. If your library doesn’t own it, encourage them to buy it. Since the arguments in this book are so seldom seen, no library’s collection could be truly balanced without it.

## News Links

### Bill Promotes “Teen Endangerment”

The “Teen Endangerment Act” (HR 476), which makes it harder for minors to obtain abortions, would place pregnant teens in *more* danger, says an ACLU press release at <<http://www.aclu.org/news/2002/n032002a.html>>; the bill is at <<http://thomas.loc.gov/cgi-bin/query/z?c107:h.r.476>>.

### “Virtual” Underage Sex Is Protected Speech

On April 16, the U.S. Supreme Court struck down provisions of the Child Pornography Prevention Act of 1996 which outlawed computer-generated depictions of minors in sexual situations and portrayals of apparent teen sex by young-looking actors over the age of 18. According to the article at <<http://www.cnn.com/2002/LAW/04/16/scotus.virtual.child.porn/?related>>, the majority opinion cited artistically significant examples of such portrayals, such as Shakespeare’s *Romeo and Juliet* and films such as *Traffic*.

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as for seasonal crop harvesting.<sup>4</sup> (For the past few years, Senator Arlen Specter has pushed for another exception, to allow Amish children to use power saws and other machinery in their parents' woodshops.)

It's hard to see how these restrictions and exceptions serve to benefit the people to whom they apply. Children of actors or "stage mamas" are likely to be thrust into careers in performing, whether or not this suits their personalities or needs. Children on farmlands are likely to do a lot of hard work and gain a great deal of experience in farm chores at an early age, but are prevented from trying out other types of work. Poor rural or migrant children are still found laboring in the fields, harvesting crops for the lowest of wages. The typical suburban youth may find a job in a local restaurant or store, and typical urban youth, especially those in economically depressed areas, are unlikely to find any job at all. According to statistics from the Department of Labor, kids from the poorest families (who probably need jobs the most) are *least* likely to be employed,<sup>5</sup> possibly because they live in neighborhoods where jobs are scarcest. None (except some of the child performers) are able to work enough hours or earn high enough wages to be independent or self-sufficient. The "youth minimum wage" of \$4.25 per hour (the federal minimum wage is \$5.15) during the first 90 days of employment helps make sure of that.<sup>6</sup>

In this land of opportunity, where we claim to care about giving everyone a fair shake and "leaving no child behind", it seems that the laws governing youth employment operate primarily to maintain the class divisions in our society, to ensure that the children born into a certain class remain in it for life. The exceptions to the laws

seem designed to benefit certain industries and communities, or the children's parents, but not the children themselves.

But, you may ask, isn't that what public schools and compulsory education laws are for—to make sure all kids get exposed to alternatives and receive an education that will make them well-rounded and capable of choosing their own paths in life? That may be what schools are *intended* to do (although one might easily believe that they were established solely to remove children from the labor market and train them for the jobs influential businessmen wanted them to fill), but in fact schools do little to level the playing field among the different classes in our society. Schools in poor communities tend to prepare students for minimal level employment, expecting little from them, focusing on maintaining order and discipline. Students in wealthier areas and college towns are expected to be college-bound, and the education they receive fits that expectation. The children of upper class families, of course, are sent to exclusive private schools.

But the main factor in determining the success of a child is the parents and home environment. It is impossible for any school to overcome the influence of living in squalor, surrounded by poverty and hopelessness. For someone in that situation, earning a paycheck is something real that can make a difference; attending school teaches no trade and promises benefits that are uncertain and many years away.

International human rights groups are now trying to abolish child labor around the world, often without considering the consequences for the young workers who will lose their jobs. Free schools may not exist in their country, or may provide only the

most basic level of education (for example, public schools in Bangladesh only go up to the fifth grade). At any rate, the schools will not pay them wages to attend, and hunger can certainly make it hard to learn. Some may turn to prostitution or crime. If they survive and stay out of prison, they'll eventually re-enter the work force (perhaps having lost the opportunity for a promotion to a higher position) and may discover that the same old textile factory they left years before, deprived of its child labor force, now hires adults, and offers the only jobs available to them with their paltry education. In countries that banned child labor in response to international pressure, many of the jobless children find it hard to understand how or why people thought these laws would help them.<sup>7</sup>

Before *our* society outlawed "sweatshops," many people—children and adults—were glad to take those arduous jobs because the alternative was destitution and possibly starvation. Few children are in danger of starving in the United States today, but we must still consider the situation our laws create for many children in this country. They may be living in poverty; we leave them powerless to help themselves or their families. They may be poor students for whom school, year after year, provides confirmation of their inferiority; we give them no other options. They may be gifted or talented individuals, eager to put their abilities to use; we make them wait.

Now that regulations ensure better working conditions for all, there's no sense in associating "child labor" with "sweatshops" or exploitation. If we truly wish to "leave no child behind" in this country, we must allow children the freedom to have alternatives, the freedom to choose their own best path, the freedom to work.

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1. National Center on Education and the Economy. *The national economic recession and its impacts on employment among the nation's young adults (16-24 years old): the untold story of rising youth joblessness*. Washington, D.C. : the Center, 2002 <<http://www.nyec.org/YouthPapermarch2002.pdf>>, p. 2.

2. U.S. Dept. of Labor. *Report on the youth labor force*. Rev. Washington, D.C. : the Dept., 2000 <<http://www.bls.gov/opub/rylf/rylfhome.htm#Preface>>, p. 32.

3. *Ibid*, p. 3.

4. *Ibid*, p. 5.

5. *Ibid*, p. 33.

6. *An overview of federal child labor laws*, <<http://www.stopchildlabor.org/USchildlabor/childlaborUS.htm>>.

7. Alam, Shahidul. "Efforts to ban goods made by children are counterproductive", in *Child labor and sweatshops*. (At issue series.) San Diego, Calif. : Greenhaven Press, 1999.

