

HRC Clips



Thursday, October 23, 1997
Wednesday, October 29, 1997



The ambulance transporting Princess Diana to the hospital
DIANA

Focusing on the Fiat

FROM THE FIRST HOURS AFTER THE CRASH THAT KILLED Princess Diana, Dodi Fayed and driver Henri Paul, investigators focused on the *paparazzi*. Nine photographers and a motorcyclist were charged with involuntary homicide and failure to render assistance at the scene of an accident. Now it appears they may be guilty of nothing more than being obnoxious. NEWSWEEK has learned that the investigating judge has told the attorneys for at least two of the *paparazzi* that once the inquiry is completed he expects the charges to be dropped. While a preliminary check of phone records indicated that none of the *paparazzi* had called the Paris emergency number for help after the accident, it turns out that one photog did dial an alternate number. Then he shouted to the others that he'd called, so they wouldn't clog police lines. As for the involuntary-homicide charges, certainly the photographers were chasing the Mercedes, but none of the witnesses saw them come close enough to interfere directly with the car.

With the *paparazzi* apparently off the hook, the investigation is now focused almost entirely on the white Fiat Uno that may have played a key role in the accident. New evidence filed in the official police dossier last week indicates that the Mercedes not only clipped another car but sideswiped it, leaving traces of white paint and black rubber along the entire right side of the Mercedes. The paint, identified as Bianco Corfu 224, was applied to Fiat Unos manufactured in Italy from 1983 to 1987; the rubber was found to be the same as used on the side moldings of the Unos. Police sources say they have eliminated all such autos registered in the area around Paris and are concentrating their search in central France, where a "considerable number" fit the criteria. "It's really a mystery," said an attorney familiar with the case. "Nobody saw the little car in the tunnel. Nobody saw it go backward; nobody saw it go forward. But for sure it existed."

ROD NORDLAND

CAMBODIA

Dying But Not Apologizing

POL POT, THE FORMER Khmer Rouge leader responsible for killing at least 1 million Cambodians in the 1970s, is now obsessed with his own mortality. His first interview in nearly 20 years, conducted by Nate Thayer and published last week in the *Far Eastern Economic Review*, "will likely be his last," says Thayer. Pol Pot, who lives under house arrest in northern Cambodia, suffers from a congenital heart defect, the effects of a 1995 stroke that partially

paralyzed his left side and a serious respiratory ailment. "He said a number of times, 'I am finished as a human being. I'm dying,'" recalls Thayer. But Pol Pot is unrepentant: "I want you to know that everything I did, I did for my country."



His final interview? Pol Pot

PEARL FAX

Satanism?

On Oct. 1, police say, 16-year-old Luke Woodham opened fire at Pearl High School, killing two students and wounding seven. Since then everyone from Gerald Rivera to CNN's Greta Van Susteren have camped out in the Mississippi town, chasing down rumors of satanic activity behind Woodham's alleged outburst. Six teenagers have been indicted for conspiring with Woodham to murder Pearl High students, but privately locals are beginning to question the supposed cult connection. Pearl's mayor says he's never heard of Satanism in the area before last month. Rumors of rampant animal sacrifice have boiled down to one boating of the Woodham family dog. Says PHS principal Roy Ballentine, "Those kids weren't even among the group that wore black."

CONVENTIONAL WISDOM WATCH

Asia Anxiety Edition

The markets in Hong Kong, Thailand and Malaysia—to name a few—are putting a crimp in the CW's retirement accounts. The CW sez: sell, sell, sell! Or was that buy, buy, buy?

Hillary	↑	She's 50 and never looked better. Can she make Bill really care about child care?
Jiang	↔	Visiting China leader is a harsh dictator. Upside: postpones World War III.
Pol Pot	↓	Million-man murderer says, "Mistakes were made," but he's not sorry. Roast in hell.
Marv A.	↔	Gets off easy. CW tip for rehab: ditch the rug Milken-style, tell Baba Wawa you're sorry.
Baseball	↓	Old CW: Must-see fall classic. New: They pre-empted "Seinfeld" for this?
Ketchup	↑	Reagan was right: it is a vegetable. Now told it fights cancer. Pour it on broccoli.

Hillary leads boomer women into their 50s

By Gail Sheehy

Welcome, Hillary, to the flaming 50s.

This Sunday the first lady officially enters the stage when women soar. Rather than turning off their mental engines and retreating into invisibility, as did so many of our mothers, women in their flaming 50s today find themselves blazing with post-menopausal zest and accomplishing things they never thought possible. The woman in her 50s today broke out of '50s conformity, into '60s revolution, '70s feminism and '80s ambition, only to roar into the '90s having detonated all the expectations for herself.

Surprise. She is enjoying higher well-being than at any stage of life. Among the thousands of professional women I have surveyed in their 50s, almost all say that 50 feels like "an optimistic, can-do stage of life." In fact, they have a third of their adult lives yet to live — time for a second adulthood.

Hillary Rodham Clinton felt much older five years ago. The press criticism that stung her the most in the '92 campaign was reading that she was "middle-aged" — and then she was only 45. This is what often happens; women go from the pits in their mid-40s to the peak at 50.

From Hillary's generational perspective, there is not more middle age. Fifty is what 40 used to be. And women of the Vietnam generation are on a demographic roll. By 2000, 30% of American women will be age 50 or over.

But en route to this stage, Hillary has struggled through a very rough midlife passage — in public. Over the past four years, she has lost her father, lost her mother-in-law and lost a dear friend to suicide. She recently let go of her adored daughter, arguably the most satisfying and successful work of her life. And like all of us, she has had to give up some dreams and illusions, including her dream of becoming the first female president.

Back in the heady days of the first presidential campaign, when I asked Bill Clinton who he saw as his successor, he responded: Hillary Rodham Clinton. Hillary herself told an audience, "We'll have

a woman president by 2010." Asked if she'd consider running, she said, "We'll talk later."

But later, she lost enormous popularity. Few would recall that Hillary entered the White House with a more favorable poll rating than her husband. A majority of Americans saw her as an asset to her husband's campaign — intelligent, tough-minded, and a good role model. But in office her know-it-all style overshadowed her husband, and voters punished them both. When the administration's critics found Bill Clinton able to brush off whatever mud was thrown at him, they looked for feet of clay in Hillary. Attacks on her moral and ethical probity all but shattered her. But instead of growing bitter or depressed, she strategically withdrew from any overt policymaking role.

Hillary is determined to rehabilitate herself and to divert her attention and energies from the empty nest. As a woman of 50, she is no longer confined by society's narrow definition of woman as sex object and breeder. She is freer to use both the masculine and feminine aspects of her nature.

The greatest gift to a woman on her 50th birthday is the license to say what she thinks. A crisis of meaning challenges us all in midlife: What can we do that matters?

Hillary is doing the most important thing a woman can do in her flaming 50s — following her passion. Having championed better child care for years, she now intends to make it a national issue. She will put us on the spot, forcing us to decide what responsibility the government and private sector have for keeping the two-earner family together and strong.

She will be the poster woman for boomer women hitting their flaming 50s. She is demonstrating how to redirect their creative, nurturing instincts into the broader world. If she can't have make 'em-jump power, she will exercise every opportunity for influence.

I'd be willing to predict that 10 years from now, her efforts to redefine the first lady's role will be seen as courageous and historic.

Gail Sheehy is author of *New Passages: Mapping Your Life Across Time*.

Clintons convene 'village' meeting on child care

Issue seen as part of president's legacy/

By Paul Bedard
THE WASHINGTON TIMES

A1

It's "village" time at the White House again.

Promoting one of their favorite issues, President Clinton and the first lady today are hosting a day-long conference on child care aimed at expanding and improving institutional day care and building on Hillary Rodham Clinton's model spelled out in her 1995 book "It Takes a Village: And Other Lessons Children Teach Us."

The conference is part of a combined effort to touch on an issue the president considers one of his lasting "legacies" and to reach out to women groping for solutions to day care.

"It's one of the hallmarks of the Clinton presidency — making children and education a national issue," said the president's former political adviser Dick Morris.

And, he added of the conference, it helps the Democrats seize a major factor in the political gender gap.

"The Republicans think the gender gap is due to abortion, but it's due to education and children. It's the cause of the gender gap," Mr. Morris said.

While framed in family-friendly themes, the conference marches head first into the politically charged debate over government regulation and involvement in day care.

While liberal advocates such as the first lady want greater federal regulation and participation by the federal government in day care, conservatives want the president to promote home and church day care while providing tax breaks for

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MEETING

From page A1

families so that parents can stay home more to care for their children.

"Everything they are doing is geared toward institutionalizing day care," said Gary Bauer, president of the influential Family Research Council.

"The Clintons care about children, but they believe that the solution for America's children lies with bureaucrats and social workers," he said in an interview.

"Their goal is to let the government get your kids and train them, and when they get older they accept their thinking," added Carmen Pate of Concerned Women of America.

Robert Rector, a senior policy analyst at the Heritage Foundation, said the Clinton agenda "is exactly the opposite agenda of what parents want."

He joined Mr. Bauer in calling on the government to provide tax breaks to working families, especially low-income mothers, so they can spend more time at home with their children instead of dumping them in day care centers, where parents have little control over the curriculum.

"The agenda of the left has been the dismantlement of the family ... ultimately by dismantling family child care," Mr. Rector said. "If you want to help families raise their children, stop stealing from them through taxes," he added.

Conservatives have not been invited to speak at the conference.

Advocates of the Clinton approach, however, argue that the only way to provide safe and healthy day care is for the government to get involved.

Featuring participants who generally favor government or corporate day care operations, the conference is expected to back efforts to make day care facilities safer, cleaner and healthier through greater regulation and demands on providers for improved services.

The administration has already called on corporations to provide free day care, and the White House is eager to push the Pentagon into helping local communities set up day care centers and to persuade local school boards to keep school doors open later, or until parents can get home, said a senior Clinton adviser.

Those involved with the Clintons' second White House child care conference in six months said the administration has accepted as "reality" that both parents or single parents must work to make ends meet and that day care availability must be expanded.

"As long as we are promoting an economic system where two parents or single parents work, it is the responsibility of the federal government" to promote affordable and accessible day care, said Joyce Shortt, a conference participant who runs a three-city day care organizing group.

"The role of the government is consumer protection here," added conference speaker Dr. Susan S. Aronson, a member of the American Academy of Pediatrics.

She wants the government to help make day care centers healthy and safe; take advantage of day care centers to provide health care such as immunizations; and coordinate government, private and corporate providers to join in day care programs.

"We need to teach everyone how to work with each other," Dr. Aronson said.

The event at the White House will be broken into six sessions, according to White House documents. It will also be broadcast to satellite sites around the nation.

The opening session will include comments from Mr. Clinton and Mrs. Clinton.

That will be followed by a panel discussion on why child care is important and include "presentations by experts addressing the relationship between child care and the economy and work force; child care and children's healthy development, particularly in the earliest years of life; and child care and the health of our communities, with a focus on the need for adequate care for children of school age."

The next session will cover "good" child care from the eyes of a lawmaker, a parent and a day care provider.

Several Cabinet aides will host luncheon working sessions.

After that, the conference will study successful day care models, such as the military system's.

The Washington Times

THURSDAY, OCTOBER 23, 1997

Skeptics leery of Clinton day care agenda

By Julia Duin
THE WASHINGTON TIMES

Although today's White House Conference on Child Care is expected to put the topic in the best possible light, it is unlikely to change the minds of those parents who refuse to add their offspring to America's 13 million children in day care.

They include King Ferry, N.Y., artist Anto Parseghian, who, as the father of nine whose wife stays at home, paints tableaux of a lonely child being left at a curb. They also include the Fairfax-based Mothers at Home, which says parents would rather have tax breaks and family-friendly work policies than a national day care system.

"Although full-time child care is a necessity for some families and a choice for others, it is not what the majority of America's parents want for their children," writes MAH public policy analyst Heidi Brennan.

"Parents want respect and support for their decisions about how to care for their children," Mrs. Brennan says. "Parents don't want their government, influenced by the advice of some well-funded day-care and education interests or so-called 'experts' to create and/or fund expensive 'one-size-fits-all' solutions."

She's referring to proposals put forth by Edward Zigler, one of the invited guests to the White House gathering. As a psychology professor at Yale University and director of that university's Bush Center for Child Development and Social Policy, he advocates a national day care system costing \$75 billion to \$100 billion annually to the American taxpayer.

"[The government] subsidizes people who go to school," Mr. Zigler says. "I don't see these as taxes or costs; I see these as investments. I'm reluctant about government intrusion, but we don't mind it when we want our water safe to drink or our medicine safe to take."

"Sixty to 75 percent of family day care is not regulated and is underground. Parents are so desperate for child care. As a nation, we've moved so slowly on this."

He predicts today's conference will look favorably on day care centers reconstituted as "schools of the 21st century" or "family resource centers." Those would be a vast improvement, he says, over

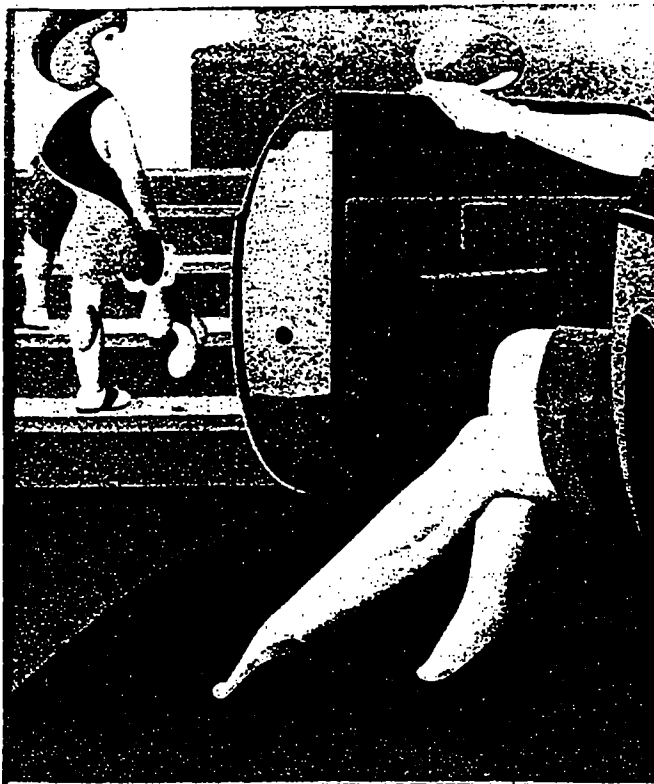


Photo by Anto Parseghian/Special to The Washington Times
New York artist Anto Parseghian's "Daycare" expresses his distaste for national child care — in spite of having nine children of his own.

"family day cares" — typically one woman caring for her own children plus four or five others.

"I've been working with the Clinton people because they have to come up with some initiatives," he says. "One will be school-aged child care, which will solve the delinquency problem."

What he'd prefer, he says, is day care beginning at age 3. Of the 13 million children requiring child care, 6 million of them are 2 years old or younger.

"That way, every child would get preschool education and their day would be as long as the workdays for mothers and fathers," he says. "There would be before- and after-school care, as well as summer care for children up to the age of 12. Thus, you've solved all the child care needs of families of kids ages 1 through 12."

The jury still appears to be out on day care's effect on children. The National Institute of Child

Health and Human Development, which is doing a multiyear study involving 1,364 racially and socially diverse children in 10 cities, said in April that children in day care test out as less warm and responsive than those whose mothers are at home.

This alienation is most pronounced with children less than 6 months old, the study said. The more hours they spend in day care, the fewer "positive strokes" — hugs, kisses and praise — they get. This has broad social implications because half of all working mothers leave their infant children in day care beginning at ages 4 to 6 months.

More than half of all American infants less than 1 year old are cared for by people other than their mothers.

Proponents of a national day care system say that parents simply need to select better caregivers for their children. At the same

time, they concede how rare such caregivers are.

Mr. Zigler, who is releasing his own study of day care in four states — Colorado, Connecticut, California and North Carolina — says only 14 percent of these centers were of high quality. In 40 percent of the cases, the care was so poor that children's health and safety were at risk. He suggests that caregivers, especially those caring for children under 3, combine forces with their local elementary schools, where they would get training.

At present, "we have a hodgepodge of profits, nonprofits and family day care homes; every study shows we have a very poor system," he says. "A woman with two of her own kids providing day care for five others often has no training and no support. What if she gets sick one day?"

"I've proposed taking all the family day care centers around a school and using the school as a hub to train and support these women so if one mom gets sick, the kids can go to another home."

As for qualifications, a day care center under his system would require what he terms a "child development associate certificate."

"Day care is a cosmic crapshoot. Behind one door is a wonderful woman who will love your children. Behind another door, if you leave your child with that woman, when you come back that night, it will be dead."

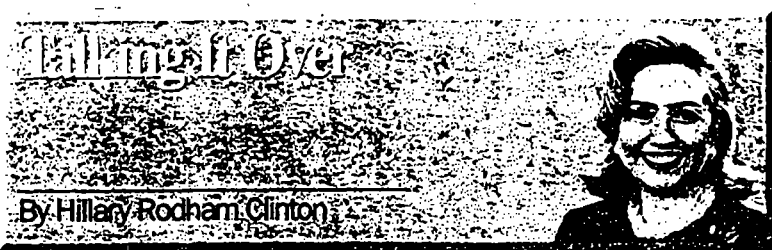
Allan Carlson, president of the Howard Center for Family, Religion and Society, which is aligned with the Rockford Institute in Rockford, Ill., rejects Mr. Zigler's views. Mr. Carlson believes the government is ignoring the most recent research on infants.

"What's come up regarding infant brain development and the need for close human attachments in the first three years all points to one conclusion never brought up at these [White House-sponsored] event," says Mr. Carlson, who will be listening to the White House conference from a nearby auditorium.

"We need to ensure every infant receives the full-time protective care of its mother, or its two natural parents," he says. "Instead, we examine strategies on how to expand the day care movement. Because there's an agenda. And that agenda is social parenting."

The Washington Times

THURSDAY, OCTOBER 23, 1997



Good child care calls for societywide effort

As Bill and I prepared for Thursday's White House Conference on Child Care, we tried to recall what things were like when we were two working parents with a young child. Back then, we did what most American parents do all the time: juggle and hope for the best.

And we were lucky. Because we were both employed, had flexible schedules and had the privilege of living in a governor's mansion with a staff for all but two years of Chelsea's young life, Bill and I did not have to worry that our daughter was being well cared for when we were out of the house.

That is not the case for most Americans. In the last 4½ years, as I have traveled our country talking to parents, no concern has been more prominent than child care. I know the questions by heart: How can I find quality child care? How can I afford it? Will child care harm my child?

According to a survey released this week by Parents magazine, nearly 75 percent of American families with young children use some form of child care. More than half of these parents worry every week whether or not their child is looked after properly.

Parents have reason to be concerned. According to research by the Families and Work Institute, 13 percent of regulated and 50 percent of nonregulated family child care providers offer care that is inadequate. That can mean centers that are unsanitary or lack toys and other materials to encourage development. It also can mean caregivers who rarely interact with children — or who are simply outnumbered by them. A recent University of Colorado at Denver study of child care in four states found only one in seven child care centers to be of good quality.

And the quality care that is available is often financially out of reach for parents. According to 1995 Census Bureau figures, families earning less than \$1,200 a month pay an average of 25 percent of their income for child care. A divorced mother I met who works as a secretary said she was able to send her child to day care only because of a scholarship and because she had moved back in with her parents. Otherwise, she told me, "I would probably have to quit my job and go on welfare. Who would watch my child during the day?"

The urgency of improving child care in America is heightened by

new information about the intellectual and emotional development of children. As we learned at the White House Conference on Early Childhood Development in April, what happens to a child in the earliest years can make a difference in how well he or she can learn for a lifetime. With 45 percent of children under age 1 in day care regularly, the issue of quality has tremendous bearing not just on individual lives, but on the future of our nation.

Fortunately, recent studies tell us that good care — whether given at home or at a day care center — is good care. Done right, day care can be beneficial for children.

At the White House conference this week, experts from around the country will gather to discuss steps to raise the quality and expand the accessibility of child care. It is important to remember that any solutions that come out of the conference must involve all sectors of society. The national government has a role to play, but so do state governments, the private and nonprofit sectors, school systems, and individual citizens. It is important, too, that we find ways to make it easier for parents who want to stay home with their children to afford to do so.

We should take inspiration from the fact that there are models of quality child care around the country. This month, I visited two of them. At the Quantico Marine Corps Base in Virginia, I learned how the military has put in place a superb child care system — with high standards, mandatory training, and good wages and benefits for the staff. In Florida, I saw how the business community is getting involved. Funds raised by the Florida Child Care Executive Partnership are matched by the state and then disbursed in grants to communities with child care initiatives.

When I asked Quantico's commander and the Florida business leaders why they were focusing on day care, their answers were remarkably similar. When parents come to work confident that their children are well looked after, they can make a much more positive contribution. It doesn't matter whether they are Marines or bank tellers.

People ask me what I want this conference to achieve. The answer is simple: I want it to call attention to the fact that we must make quality child care more accessible and more affordable. And I hope it will prepare the way for specific actions to make that happen.

The Washington Times
THURSDAY, OCTOBER 23, 1997

MONA CHAREN

Contrived crisis in child care

Following up on last summer's White House conference on early childhood development, the Clinton administration this week is hosting what it is pleased to call the "first ever" White House conference on child care.

It's not the first. The Nixon administration hosted just such a conference in 1970 (facts always seem to be tripping up this crowd).

What the White House has in mind is fairly predictable based on last summer's early childhood development conference. Then, experts offered testimony about the key brain development that occurs between birth and the age of 3. Everyone stressed how crucial it is that babies and toddlers get lots of stimulation during this period to maximize their intelligence and social growth. Yet, all of the participants stayed away from the obvious policy implications of the research — namely, that babies and toddlers are best off in the care of their parents.

At the upcoming White House conference, we will no doubt hear about the need for more and better child care. As Clinton aide Rahm Emanuel put it, the mantra will be "access, affordability and safety."

In other words, the assumption going in is that institutional child care, even for very young children, is a good thing (when done properly). That is not the way most parents see it.

According to the 1994 Census report "Who's Minding the Kids?" only 13 percent of preschool children are in center-based care. Sixty-one percent are cared for by their mothers (4 percent of whom also have home-based businesses), fathers or both mothers and fathers in tag-team arrangements. Twelve percent are looked after by grandparents or other relatives, 9 percent by neighbors, and 3 percent by nannies. In other words, people are voting with their feet, and their preference is not for institutional care.

As well it should not be. Dr. Stanley Greenspan, a respected psychiatrist, writing in *The Washington Post*, has listed a number of reasons that institutional child care is bad for kids. Among his reasons are a lack of continuity with one caregiver and a lack of prolonged interactions between child and adult.

Fully 80 percent of existing child-care centers, Dr. Greenspan asserts, are "inadequate." The limitations of child-care centers are difficult to correct, he argues, since babies and young children require the lengthy attention of one adult. Rahm Emanuel may speak of "access, affordability and safety," but affordability is simply not possible — not if the aim is "quality care." Quality costs money. And even the finest day-care centers are not as good as the average mother.

Many parents believe this without the help of experts. A May 1997 survey of 1,100 women by the Pew Research Center for People and the Press found that 41 percent thought "a family in which the father worked and the mother stayed at home was best for raising children." Forty-four percent of respondents with children under 18 said they would prefer part-time to full-time employment. A *Parents* magazine poll found that 61 percent of mothers would prefer to work part-time and 29 percent would prefer not to work outside the home at all.

Many families cannot afford to have one parent stay at home, right? Right. But fewer than the propagandists would have us believe. The average income of two-parent couples where the mother stays at home is \$35,876, which is about \$15,000 less than families with children in which the husband and wife are both employed.

American families are creative. Though we hear endless calls for more and better child care, 66.7 percent of mothers with children under age 6 are full-time mothers or are employed part-time. They are not crying out for more institutional child care. What they do need are tax breaks, flex-time, work-at-home options, telecommuting and job-sharing.

The notion of a child care "crisis" is a myth. We now have expert testimony like that of Dr. Greenspan and the other experts cited by the Clintons themselves to bolster the common-sense intuition that parents are the best guardians of young children. The goal of public policy ought to be to ensure that as many parents as possible are free to make that choice. (If you would like more information on this subject, please contact Mothers at Home in Northern Virginia.)

Mona Charen is a nationally syndicated columnist.

The Washington Times
THURSDAY, OCTOBER 23, 1997

 **COME PEEK IN OUR OLD DRAWERS.** 

The Boston Globe

boston.com

Living | Arts**Hillary at 50**

America's first lady reflects on her life, her family, her work, and her legacy

By Trude B. Feldman, Globe Correspondent, 10/23/97

WASHINGTON - On Sunday, America's first lady will celebrate her 50th birthday. Hillary Rodham Clinton - whose youthful zest for life belies her chronological age - says that she lives each day to its fullest, and as if it could be her last.

In an exclusive interview for her milestone birthday, Clinton also said that she feels young, happy, content, and optimistic about her life.

"Over time, I have become more patient, humbler, and less anxious to push the proverbial rock up the hill," she said. "I'm more conscious of the rhythms of life, and those of its simple pleasures that are available to all of us."

"I just love life and I'm blessed with a great one," she beamed. "Ever since I heard it seven years ago from Dr. Estelle Ramey [professor at Georgetown Medical School], the slogan for my life has been 'I have loved and been loved and all the rest is background music.'"

"You know, everyone has problems and faces challenges, and I'm no exception. But when you strip it all away, Dr. Ramey's slogan has been a powerful influence on me."

So how does Clinton feel about turning 50 years old?

"Well, age never bothered me before ... until now. But I have to confess to you ... being a half-century old is a little daunting. ... Just saying it ... 'I am one-half century old,'" she mused in mock astonishment. "But I hope to live to be a century old. ..."

During the 50-minute interview last week in the Map Room

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of the White House, Clinton also talked about her childhood, her parents, and her husband; what she might have done differently, and about her legacy. She also revealed her birthday wishes as well as how she copes with adversity.

If she could relive her 50 years, she would not change her personal life. But in retrospect, she said, she might have changed aspects of her professional life.

"I'm not sure I would have become a lawyer," she disclosed. "I might have studied something else. Maybe I'd have aimed for a career as a teacher, either at the high school or college level. Also, I might have studied a musical instrument more diligently and persevered longer so that I might have some of the joy that comes from playing.

"And I would have worked harder to overcome my incapacity to speak another language. I have no ear for languages. I tried French; and I took Latin for four years in high school and liked it. Perhaps if I had not become discouraged, I'd have achieved some fluency. I still remember my professor saying, 'This is hopeless. Stick to English.'"

Parents' advice sticks

In her book, "It Takes a Village," the narration of which won her a Grammy Award, Clinton writes that her parents dedicated their time, energy, and money to their children and made sacrifices to "give us a better life."

She also notes that her mother and father had different approaches to character building, but that both approaches were meant to give their children the confidence to "negotiate life's sharper edges without compromising our integrity."

When young Hillary was confronted with a tough situation, her mother would ask whether she wanted to be the "lead actor" in her life or a "minor player who simply reacts to what others think" she should say or do.

"Keeping that in mind has been very helpful to me over the past 50 years," Clinton said. "It was excellent advice and has helped me not to get upset by criticism or worry about the latest fads or fashions prevalent at any given time."

Her father would ask her, "How will you dig yourself out of

this problem?' And she recalls that that would remind her of a shovel. "That image remains with me," she said. "I still reach for emotional, mental, and spiritual shovels."

Today, she has a gold shovel as a constant reminder that she is well equipped to deal with "what life has sent my way and, when necessary, to shovel myself out."

Clinton also remembers her mother saying, "Your father and I will always love you even when we do not approve of what you do. We just hope you will share our values and want to live up to our expectations of you."

She went on to say she still asks herself, "Am I doing what I believe in? Am I living up to my own expectations? Am I treating others the way I would want to be treated?"

How does Clinton cope with the problems swirling around her? "I've been fortunate," she said. "I feel very loved and have a strong faith that has helped me through a lot. At times, I do let off steam, and I will yell and scream when it is necessary, just to vent. Most of the time, however, I'm able to deal calmly with whatever comes my way, because as a child, I was given the tools to do so."

Clinton added: "You know, we make choices daily. We can choose to be overwhelmed by problems or we can choose to try to deal with them, ignore them, or rise above them. We choose the way we cope."

"I like to laugh. Laughter and humor saved many a day for me. ... Looking at the brighter side of things and looking at the absurd parts of human nature have to keep you balanced and going."

First lady as a role model

I asked Clinton what advice for coping she has for women who look to her as a role model. "Take stock of your life and value what you have," she replies. "Where you can change something to make you happier, do it. Otherwise, try to get the most out of what you are. Don't spend time on regrets, recriminations, bitterness, and all the sadness that everyone, at times, confronts."

During my interview with President Clinton last year for his 50th birthday, I asked him to name his most significant accomplishment in his 50 years. "Convincing Hillary to marry me," he quickly responded. "That changed

everything."

Reminded of her husband's answer, Hillary Clinton said, "That's good ... because the most significant decision in my 50 years was being convinced to marry Bill Clinton."

Clinton says she hasn't taken stock of how living in the White House has changed her. "But I'm sure I have changed," she said. "I feel like I've been in graduate school for five years, in a multidisciplinary course in human development and nature; in politics and economics, in arts and culture. I feel immersed in what goes on in the world, not just in the United States."

She continued: "I'm still excited about being here in the White House. I get up every day and think about what I can do to help my husband, to work on issues about which I care deeply - like health, education, and other related issues that affect the well-being of children and families - and to make my contribution to America. That gets me going every single day."

She does not dwell on regrets; and when asked what irritates her the most, she laughs one of her contagiously hearty laughs: "Oh, I don't have enough time to answer that. Seriously, in my position, I cannot allow myself to be irritated by minor matters. If I did, I'd spend all my time being upset."

"Yet what really is irritating to me are people who are malicious and mean-spirited towards others for their own personal, political, ideological, or commercial reasons."

Birthday wishes

If she were granted three wishes for her 50th birthday, what would Clinton wish for?

"The first would be world peace," she told me. "Seriously, I wish that between my birthday and, say, the end of this year, we could see a breakthrough in Northern Ireland, further reconciliation in Bosnia, and a renewal of meaningful peace talks in the Mideast."

"My second wish is that families the world over could be healthy and in a wonderful frame of mind ... and that love and kindness and civility would prevail."

"My third is more personal. I wish I could stop feeling so

http://www.boston.com/dailyglobe/globehtml/296/Hillary_at_50.htm

10/23/97

bereft about Chelsea being away at college. She is such a joy to us and I know how capable she is. ... Still, I wish I could feel positive that everything is fine ... and I could quit worrying about her. Perhaps then I could more wholeheartedly enjoy her new adventure."

304Trude B. Feldman

This story ran on page E01 of the Boston Globe on 10/23/97.
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Africare's Bridge to a Far Continent

Benefit Celebrates Group's Aid to Understanding

By Elizabeth Kastor
Washington Post Staff Writer

Kente cloth has been something of a problem for Idara Bassey.

"Kente cloth is not worn by every African person," the U.S.-raised daughter of two Nigerians said recently with a wry smile. "You would find it in Ghana, but not everywhere in Africa. It's a relatively expensive, ed material. It's not meant to be put on coffee mugs and belts."

Bassey was sitting in an office at Africare, where she is the in-house lawyer. The 26-year-old organization, which works to improve rural life in Africa, last night held its annual benefit dinner. Somewhere over the Atlantic, Bassey knows, the brightly colored kente cloth was transformed from a fabric with specific cultural meanings to a metaphor



First lady Hillary Rodham Clinton greets 11-year-old Poppy Khumalo of South Africa at the Africare gala. Judith McHale, center, was the dinner's national chair.

BY MARTY LAVOR—ASSOCIATED PRESS

of identity. When people wear it here, she has come to accept, it is a sign that they feel connected to Africa—"an interpretation of what Africa means to them."

Africa is not only a continent. It is also an idea in the minds of Americans in general and African Americans in particular. Sometimes

the idea matches the Africa Bassey and others know, sometimes it does not.

Africare works to strengthen and clarify the bond between Americans and Africa—to make the mythologized place real. Last night at the Washington Hilton, more than 2,000

See AFRICARE, D4, Col. 3

AFRICARE, From D1

people gathered to raise money for the organization, including Hillary Rodham Clinton, assorted members of the Cabinet and Congress, and the evening's honoree, civil rights legend Dorothy Height.

Africare president and founder C. Payne Lucas said that when Africa becomes real to people—when they begin to understand the continent in all its variety and see why the place matters—then a commitment can be born.

"We call it bonding," he said.

With an annual budget of more than \$35 million, Africare supports projects in agriculture, water management, health, private-sector development and governance training, along with emergency humanitarian aid. Some projects involve millions of dollars, but others bring \$6,000 to sheep farmers in Niger, a few thousand to leather crafters in Tanzania.

Many of these smaller ventures are funded solely by individual African American churches and fraternal organizations. The donations may not be massive, but Lucas is after something more than just a big check. He wants people to feel they have a stake in that well, that village. "It's about constituency building," he said.

Africanists—people who study Africa or are in one way or another actively involved with the continent—have been talking for decades about the need to educate Americans about it, to build a support base as dedicated and active as the one Israel has in the United States.

Many saw Hillary Clinton's visit to Africa earlier this year as an invaluable aid toward that end. "It has brought to the attention of the people of the world," host Andrew Young said at last night's dinner, "some of the tremendous wealth and beauty of the people of Africa."

In her remarks, Clinton talked about the value of trade with Africa and America's role as a supporter of nascent democracies. But she also spoke of walking through Olduvai Gorge in Tanzania and considering what scientists have learned there about the

"We share a common home," she said to the appreciative crowd. "We are part of a larger family. The message embedded in that rock, that gorge, is that we share a common past and a common future."

Ancient bones, distant ancestors: The conversation always circles back to the Africa of the imagination.

Randall Robinson, who founded TransAfrica with the encouragement of Lucas, said he has "always felt indissolubly bound up" with Africa. Not to feel and explore that connection, he believes, is to miss something essential.

"No person can exist in emotional health outside of a timeless frame of his people's journey out of antiquity," he said earlier this week. "One's life cannot be appreciated just between the dates of one's birth and death—to do so renders one lost. You must be part of something larger than your own all-too-brief life."

Lucas remembered that when he was offered a job with the Peace Corps during the Kennedy administration and told he would be going to Togo, "I said, 'Where the hell is Togo?'" All he knew was Tarzan and safaris.

A decade later, Melvin Foote joined the Peace Corps. "I landed in Ethiopia—I was set to go. I had my dashiki and my afro," said Foote, who worked for Africare for years and now heads Constituency for Africa, which focuses on public education and government policy. "But my perception of Africa was wildness and jungles and snakes. You

proud!"—but no one understood what that meant."

And if Foote was uncertain about the meaning of his own bond with Africa, back in his home town of Rockford, Ill., his family and friends were completely bewildered by it.

"Oh, you're going to get eaten alive!" they told him when he went to Ethiopia, and for many years the conversation remained much the same.

The Tarzan movies and postcards from game parks had by then been joined by news photos of starving children, tales of corrupt strongmen, genocide and warfare. Americans do not necessarily think of Africa as a place in which, as Lucas says, "there are 700 million people who aren't doing any fighting."

But recently, over the past five or so years, in Rockford, Ill., and elsewhere, "there's been a tremendous change of attitude," Foote said.

The death of apartheid in South Africa and the worldwide admiration for Nelson Mandela have certainly introduced many Americans to a new view of Africa.

The bond, some think, is growing beyond simple disdain or wide-eyed enthrallment. Black Americans long shied from criticizing African leaders. But Robinson and others have vehemently assailed the leaders of Nigeria, and Lucas says he and others have learned that "we have to be candid."

Look at the continent, he says, for everything it is. Look at your imagi-

The Washington Post
FRIDAY, OCTOBER 24, 1997

Government child care

There are two key things to remember in considering Hillary Clinton's latest foray into public policy, kicked off by a White House conference on child care this week.

First of all, like just about everything else in this country, the issue of child care does not lend itself to one big homogeneous solution. Second, the last thing anyone needs or wants is for the government — any government, local, state or federal — which has made such a hash of public schooling, to start working its bureaucratic magic on child care.

Before taking any step at all — or considering allowing Mrs. Clinton and her husband to take any step — we need to separate the apples from the oranges in what Mrs. Clinton insists is to be no more than a national discussion of the problems women are having finding people to take care of their children while they work. Are we, for example, or, rather, are Mrs. Clinton and her collection of entitlement gurus (like Children's Defense Fund leader and Hillary adviser Marian Wright Edelman), to be talking about women who need child care because they need to work to feed, clothe and house their families? Or are we talking about women, like Mrs. Clinton herself, in fact, who wish to have child care — who actually seem to believe they're entitled to have child care — because they wish to work in order to lead fulfilled lives? (Mrs. Clinton, of course, as she is the first to admit, comes to the issue with no experience of her own: she's always had free help around the house, thanks first to the taxpayers of Arkansas, and now to the rest of us as well.)

It certainly seems it would be difficult to address these two entirely different situations in the same

way, at the same time. For women who work because they want to, the problem of child care is hardly an emergency; and complaints about it frequently seem to amount to not much more than the old-fashioned tongue-clucking about how hard it is to find good help these days.

For women who work out of economic necessity — many of whom might well choose not to if there were any choice — finding adequate, affordable child care has always been a problem. For them, one can envision at least one helpful hint for Mr. Clinton: How about cutting taxes in a serious way, for instance, so that these women and their husbands and families could use their own hard-earned money as they see fit — to keep mom at home, perhaps, or to pay for better-quality care — rather than handing it over to the government?

Is there an ideal solution to this problem? Quite likely not, just as there are no ideal solutions to most of life's knottier problems.

The one thing to be avoided at all costs, and the one thing one can't help suspecting is the ideal of those involved in Mrs. Clinton's new crusade, is universal, low-cost, high-quality child care for everyone. Quite apart from the fact that this is a fantasy impossible to realize, there is the fact that it isn't even everyone's fantasy. Not by a long shot. While the idea of universal child care, like that of universal health care, may be the utopian dream of the aging '60s types who inhabit the Clinton administration, most Americans prefer to manage their own lives, with the least possible intervention from Washington.

They will be as loath to invite the government into their nurseries as they were to allow it into their doctors' offices.

The Washington Times
FRIDAY, OCTOBER 24, 1997



Photo by Roger Richards/The Washington Times

President Bill Clinton watches admiringly while first lady Hillary Rodham Clinton speaks on child care at the White House. She called the issue a "silent crisis."

White House conferees alarmed at 'silent crisis'

Seek public funding, regulation of child care

By Cheryl Wetzstein
THE WASHINGTON TIMES

More leadership, money and respect for caregivers are needed to address the nation's "silent crisis" of day care for working families, speakers at an unprecedented White House conference said yesterday.

"It is America's next great frontier in strengthening our families and our future," said President Clinton, who with Treasury Secretary Robert Rubin tied quality child care to the nation's continued prosperity.

Conferees claimed that severe shortages of care — especially for infants, disabled children, teen-agers and children of parents who work odd hours — undermine the ability of parents, especially women, and single parents, to work effectively.

This, in turn, affects the nation's productivity and competitiveness, panelists said. They also spoke of a lack of "quality" child care that can respond to the extraordinary mental and emotional development that occurs between infancy and age 3.

"I think it's a silent crisis," first lady Hillary Rodham Clinton said on ABC-TV's "Good Morning America" before the conference.

"There are wonderful child care settings and very many good, solid providers who are taking care of our children, but every national survey demonstrates what unfortunately we have to recognize: Too much of our child care is not adequate," Mrs. Clinton said.

The Clintons and Vice President Al Gore gathered some 130 child care leaders, parents, businessmen, members of Congress and Cabinet officials for a daylong conference in the East Room. The proceedings were also watched through more than 100 satellite hookups around the nation.

Many of yesterday's panelists concluded that:

- More public funding is needed for subsidize child care, to ensure that all needy families can find care. Additional funds should come from local communities and private and nonprofit groups.

- More training — and perhaps accreditation — is needed for day care providers.

- Higher wages and more respect is needed for the child care profession, to attract and keep good workers.

Mr. Clinton yesterday proposed several solutions, including a new public-private partnership to expand after-school programs, legislation to help day care employers conduct background checks on pro-

spective employees, and a \$300 million scholarship fund for child care providers.

Congressional Republicans said that critical changes, including \$4 billion in new funding, are already moving to solve many day care problems.

Last year's welfare reform "completely overhauled federal child care programs" and boosted government spending on child care to \$30 billion by 2002, GOP Reps. E. Clay Shaw of Florida and Frank Riggs of California said in a letter to Mr. Clinton this week.

The federal funds are intended to "help parents pay for child care" while allowing parents to choose where they want their children cared for, the Republicans said.

The welfare law also requires states to set health and safety standards in day care facilities, and prohibits spending federal funds on substandard facilities, they said.

"We are confident that states have the legislative tools and financial means to help low-income parents find suitable child care for their children," the Republican lawmakers said. "We should avoid further changes that would make federal law a constantly moving target."

Mrs. Clinton noted on "Good Morning America" that while the welfare-reform law boosted child care funding, it also will "put a lot more children in the child care market" as welfare parents are moved into jobs.

"The real difficulty," Mrs. Clinton added, "is that the real cost of providing child care by well-trained, stable caregivers is not cheap."

In 1995, about 13 million of the 21 million children under age 6 were in child care. Another 5 million school-age children under age 14 are unsupervised after school during a typical week.

Parents pay an average of \$50 to \$92 a week for child care, according to a 1993 Census Bureau report. But while parents pay an average of \$4,000 a year per child in care, "quality" child care costs closer to \$6,800 a year per child, experts say.

Because many parents can't afford that, child care providers cut costs. As a result, experts say, roughly 14 percent of day care situations are good, as many as 20 percent are bad, and the rest are safe but "mediocre."

"Mediocre" means the kids "are wandering aimlessly ... running from the front of the couch to the back of the couch," said Families and Work Institute leader Ellen Galinsky, one of the White House panelists.

The Washington Times
FRIDAY, OCTOBER 24, 1992

Clinton Pledges \$300 Million Toward Improving Child Care

By JOHN M. BRODER

WASHINGTON, Oct. 23 — Hillary Rodham Clinton invited the President to her conference on child care today, and he obliged by offering a few modest proposals to alleviate parents' concerns about the cost and quality of day care centers.

The President promised to send to Congress a measure providing \$300 million over five years to improve the pay and training of child care workers. He also said he would propose legislation to make it easier for parents to run background checks on potential day care providers. And he said he would instruct his AmeriCorps national service program to divert some of its young volunteers to look after latchkey kids — children who return to empty homes after school.

Mr. Clinton also ordered Treasury Secretary Robert E. Rubin to jawbone private employers about providing on-site child care for their workers.

Although Mr. Clinton provided the day's policy proposals, the spotlight shone on the First Lady. The child care conference was her return to the domestic policy stage after three years of relative obscurity as controversy over her role in the Administration's failed health care initiative and questions about her involvement in the complex of scandals known as Whitewater swirled around her.

But those dark days are past and Mrs. Clinton is riding a wave of popularity to draw notice to issues of concern to women and families that have animated her. Foremost among those issues is the plight of 13 million American children who spend all or some of their day in the care of

A First Lady returns to favor and domestic policy.

someone other than a parent. She said today that the quality of many of the facilities ranges from mediocre to poor and that the pay of child care workers is "abysmal."

Today was her day, as she put it, to inaugurate a national "conversation" about the vast disparity between the demand for affordable, high-quality child care and the paucity of supply. The day of discussion in the White House East Room was a testament to the Clintons' continuing belief in the healing power of talk.

"We hope that this conference will spur the conversations around kitchen tables and water coolers and standing in supermarket aisles or at soccer games, or while going to or from work in the car pool," Mrs. Clinton said in calling the daylong conference to order. "Whatever it takes to engage more Americans in this discussion, to make it clear that we want American parents to succeed at the most important task they have, caring for the next generation."

But despite hours of testimony about the crying need for more and better day care, the Administration's proposed response was quite restrained, in deference to political and fiscal realities.

Both the President and the First Lady have adopted an incremental approach to social progress, using

the White House pulpit to lay issues before the public and urging others to find solutions — and, for the most part, to pay for them.

Mrs. Clinton emphasized that while the Federal Government can contribute to improving the quality of the nation's child care network, through tax credits and other incentives, the bulk of the task lies with employers and unions, churches and charitable organizations, schools and local Governments, and, especially, parents.

Thus the Clintons set out to address a problem identified by millions of working parents as their gravest concern: who is looking after their kids while they are out earning wages.

Mr. Clinton called child care "the single, most important question about social policy today" — although he spoke in similar terms about the issue of race in America, about which he has also launched a national conversation.

The conference, like other such affairs at the White House, was heavily laden with statistics ("between 58 percent and 75 percent of parents feel they have zero choices" of day care arrangements) and scripted questions and answers.

But the President also noted that such conferences pose a danger of substituting talk for real action and real resources from communities. What is needed, he said, are partnerships that "add up to a system that serves everybody instead of just makes nice, touching stories they can all tell each other at seminars till kingdom come."

Mr. Clinton said that he was preparing a package of child care meas-

ures that will be announced in his State of the Union address in January. But as a down payment, he offered today's low-cost proposals.

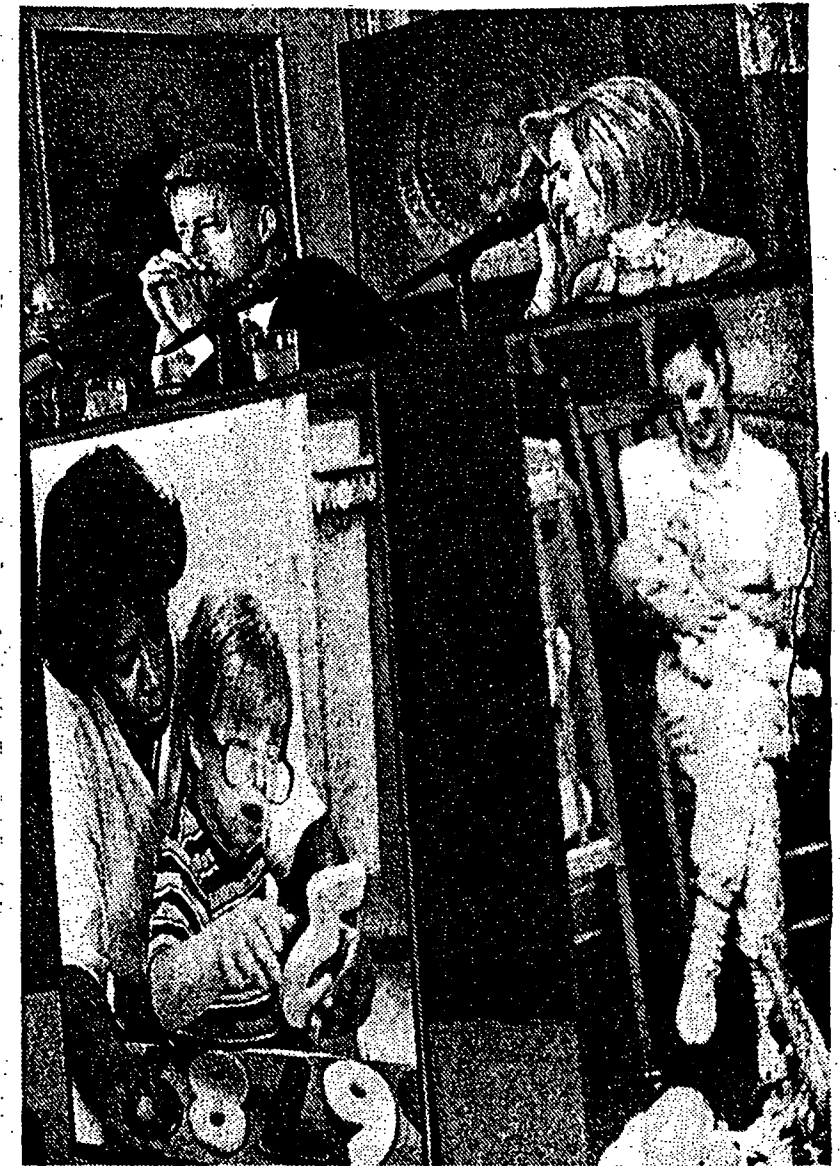
The most ambitious is a scholarship program for caregivers. The \$300 million proposal would provide funds to train 50,000 day care providers who promise to stay in the field at least a year. White House officials said the plan is designed to address the twin problems of low pay and high turnover.

The President is also urging businesses to provide their workers more day care options, perhaps as part of a "cafeteria-style" benefits menu. And he wants to open more after-school programs, staffed by volunteers from AmeriCorps.

But the libertarian Cato Institute today released a study contradicting the premises of the White House parley. The report, by the institute's domestic policy analyst Darcy Olsen, found that the supply of day care workers has kept up with the demand. The report also asserted that employers, unions and communities have responded to the need for day care with creative, low-cost programs. And it said that most families are satisfied with their child care arrangements.

Ms. Olsen's report said that the Clinton Administration would replace the flexibility shown by families and employers "with a set of rigid standards, which would run roughshod over the individual needs of parents and children."

She concluded: "Congress should resist any attempt to increase funding for child care and to impose Federal standards on providers and parents."



Stephen Crowley/The New York Times

President Clinton and the First Lady yesterday at Mrs. Clinton's White House conference concerning the quality of child care.

The New York Times

FRIDAY, OCTOBER 24, 1997

President Announces Child-Care Initiatives

Scholarship, Wage Plan Proposed at Conference

By Barbara Vobejda
Washington Post Staff Writer

President Clinton yesterday proposed a \$300 million program of scholarships to improve the training and raise the wages of day-care workers and promised to unveil early next year a broader plan to improve child care across the country.

The proposal was among several offered by the president at a day-long White House conference on child care, where numerous experts described a system suffering from poor quality, high costs and a lack of accessible care, particularly for infants and school-age children.

"Too often, child care is unaffordable, inaccessible and sometimes even unsafe," Clinton said. "Even for those who can afford it, sometimes good care is hard to find."

The conference, which brought together state and federal officials, business leaders and child-care advocates, is the first high-profile effort to find solutions to a problem affecting millions of American families.

Several national studies have documented that most of the care provided in centers and in providers' homes is mediocre or even poor quality. Experts attribute that to several factors, including lack of training and low pay among workers, which leads to high turnover rates.

At the same time, the cost of child care presents an enormous financial burden to many families and federal-state subsidies are reaching only about one-tenth of those who are eligible.

Advocates have argued that only a major investment by government or the private sector can address the fundamental problem—parents simply cannot afford to pay the cost of high-quality care.

But the president and First Lady Hillary Rodham Clinton, who has played a leading role in the administration's efforts to focus on child care, suggested that a large-scale federal program was not the answer. Instead, they explored solutions that relied more on public-private partnerships and efforts by businesses to help make child care more available to their workers.

In addition to the scholarship program, the president proposed legislation that would make it easier to conduct background checks on child-care providers, announced the formation of a group of business leaders to spur private investment in child care and said volunteers in the Corporation for National Service would help improve after-school care programs.

Clinton said he would unveil in his State of the Union speech in January a more comprehensive plan to improve access, affordability and safety of child care.

Aides said the administration would consider increasing federal funding to states to help low-income parents pay for care. Also, the White House will look at expanding the dependent care tax credit, which allows some families to claim a credit on their income tax for child-care expenses up to a certain level.

Bruce Reed, the president's domestic policy adviser, also cited the possibility of creating a tax benefit to encourage businesses to help provide child care.

The scholarship proposal, which will be included in the president's budget package next year, would provide at least \$250 million in federal funds over five years.

State, local or private sources would contribute one dollar for every four federal dollars they received, bringing the total to about \$300 million. The money would be used by states to design programs to help providers earn credits toward an early-childhood education credential, certificate or college degree. A portion of the scholarship fund would go to increase wages or pay a bonus when workers complete their course work.

The proposal is modeled on a North Carolina program known as TEACH, which was designed not only to improve the training of providers but to reduce turnover, which runs as high as 50 percent among day-care workers nationally each year.

In North Carolina, where the statewide turnover rate is 42 percent, the figure among those who have participated in the program dropped to about 10 percent, child-care experts said, in large part because of wage increases the workers earned after completing training.

Child-care advocates said they welcomed the proposal because it included funds for both training and higher wages.

"What was really good about today was that everybody seemed to understand that if we want quality child care we have to improve child-care jobs and the people have to get adequately compensated," said Marcy Whitebook, co-director of the National Center for the Early Childhood Work Force.

But while they expressed relief that the administration had focused on the issue, advocates also cautioned that the proposals were relatively modest.

"Obviously these are all small things and we need more pieces," said

Helen Blank, who specializes in child care for the Children's Defense Fund.

Among the other proposals announced yesterday was legislation creating a compact among states agreeing to release criminal history information for background checks on day-care workers. Currently, laws in many states prohibit the release of such information except for certain criminal investigations, making it impossible for child-care agencies to conduct nationwide checks on prospective employees.



BY FRANK JOHNSON—THE WASHINGTON POST

The president with first lady Hillary Rodham Clinton at child-care conference.

The Washington Post
FRIDAY, OCTOBER 24, 1997

Clinton Announces New Mammogram Rules

By John Mintz
Washington Post Staff Writer

President Clinton yesterday unveiled final regulations that require breast-cancer detection clinics to use up-to-date mammogram machinery, improve the training of their personnel and keep proper records.

The president and first lady Hillary Rodham Clinton used his Saturday radio address to urge women to seek the cancer screening tests because, in his words, "mammograms are available, effective and safe."

In the past, some doctors have questioned mammography's utility for women under 50, saying the X-ray equipment used was often so imprecise, and the technicians' knowledge so spotty, that tests frequently yielded false positives for women who had not reached menopause.

Last January, a panel of the National Cancer Institute (NCI) concluded the medical evidence was in such conflict that each woman in her forties "should decide for herself" whether to seek the test. The report caused a firestorm of criticism from Con-

gress and many medical groups, and soon another NCI panel said women in their forties should seek the tests "every one to two years."

Doctors are unanimous in saying women over 65 should have mammograms. Each year, breast cancer kills 44,000 American women, and 180,000 new cases are found. But 93 percent of breast cancer cases are successfully treated if caught early.

Congress passed a law in 1992 requiring federal certification for equipment and personnel performing mammograms. Temporary regulations have enforced that law for more than a year, but the rules announced by Clinton yesterday tighten those regulations by establishing Food and Drug Administration inspection schedules and training requirements for the X-ray technicians and readers.

In 1995, more than one-third of mammography facilities seeking accreditation failed on their first attempt, federal officials said.

"When women do go for a mammogram, we must make sure they receive the highest-quality care," Clinton said. "High-quality

mammograms can detect the vast majority of breast tumors, and when followed by prompt treatment can reduce the risk of death by as much as 30 percent."

Hillary Clinton, who has frequently spoken out on the need for regular mammograms, praised a federal program that seeks to persuade older Hispanic and African American women to have the tests.

"Mammography can mean the difference between life and death for millions of women," said the first lady, who rarely has spoken during her husband's radio time. "We must work even harder to reach women who, because of income, language or cultural barriers, are the least likely to get mammograms."

She also spoke of a new series of public service announcements on mammography featuring actress Candice Bergen and the Baldwin brothers. The four actors, Alec, William, Daniel and Stephen appear in the spots with their mother, Carol Baldwin, a double mastectomy survivor and activist on behalf of mammography.

The Washington Post

SUNDAY, OCTOBER 26, 1997

By JOHN M. BRODER

WASHINGTON, Oct. 25 — There was a certain unintended twist in the setting for Hillary Rodham Clinton's meeting with journalists and child care experts this week. She gathered the group in the White House Map Room, a locale immortalized in the recently discovered videotapes of her husband's glad-handing coffees with big-money Democratic donors.

But if she was aware of it, she did not let on. Wasting no time on formalities, she plunged into her subject, Thursday's conference on child care policy, another of the Clintons' continuing earnest forums on national needs. Sitting beneath a World War II map of the "Estimated German Situation, 1 May 1945," Mrs. Clinton opened a thick black briefing book and dived right into what she called "a frontier issue." In the ensuing hour she stayed strictly on task, not letting the fact-filled discussion stray to other subjects.

So this is the "reborn" Hillary Clinton, famously turning 50 on Sunday, a policy diva in a baby-blue tailored suit and a frosted-blond pageboy. She is very much the same Hillary Clinton who has been the object of public affection, fascination and fury over the past five years: enigmatic, clever, frustrating and remarkably composed.

But her return to the spotlight marks a carefully plotted repositioning, after a period of low visibility that began with the unprecedented appearance of a First Lady before a Federal criminal grand jury.

The White House years have left her a bit chastened, perhaps, and her tactics have changed — she will no longer direct a gigantic policy-making enterprise like the failed health

care task force of the first term. But her starring role in the child care conference this week demonstrated that she will continue to be a central policy voice in the Administration.

It is no coincidence that the child care symposium came the same week as Mrs. Clinton's birthday, which is being treated as an unofficial coming-out party for the second-term First Lady.

And it is no accident that the birthday is being celebrated with a policy-making forum. This was how Mrs. Clinton wanted it, despite her friends' efforts to mark the occasion with a nostalgic trip down Hillary Lane. Friends and staff members have been presenting her with a gift a day for the 50 days leading to her birthday. More than a hundred pals are preparing a commemorative book of letters and reminiscences that will be presented to her on Sunday. On Monday, the City of Chicago will put on a day and night of festivities that will include visits to many of her childhood haunts, an occasion one friend described as "all the stations of the cross." And on Tuesday, she does "Oprah."

Although reaching the half-century mark is a traumatic passage for many people, Mrs. Clinton is little given to introspection or self-doubt, her friends say. She is obsessed not with her identity, but with her calling. Her mission, as she sees it, is to advance the status of women and the fortunes of her husband.

"This is a person, as long as I've known her, that has this strong sense of responsibility, a very moral sense that you should do whatever you can do," said Ann F. Lewis, a longtime friend of Mrs. Clinton's and now the White House director of communica-

tions. "She has always felt that way and she thinks of that as her role in the White House, too."

Mrs. Clinton is struck by how little time she has remaining on the global stage as First Lady and has begun to think about how she can carry on her good works after leaving the White House 39 months from now, said close friends who have spoken with her recently.

Her thoughts have turned to the best platform from which to address her lifelong concerns, whether a political office, a foundation or a university chair, friends say. But she is

A 'reborn' First Lady returns to the spotlight, with a changed image.

also consumed by such mundane matters as finding and furnishing a home, after having spent almost all of her married life in public housing.

"The really fun thing about thinking about her future is that nobody knows," said Mary Steenburgen, an actress and longtime Arkansas friend of the Clintons. "This is a time when both of them have literally the world open to them at a relatively young age. It's exciting to them, and scary, too."

For today, however, Mrs. Clinton seems energized by her husband's re-election, freed for now of the crippling scrutiny that preoccupied her during much of the first term and liberated by her daughter's departure for college. Mrs. Clinton has assumed again an ambitious and visible role in promoting her husband's agenda, and her own.

She is enjoying record approval ratings and hopes to translate her current public esteem into concrete accomplishments across a canvas of policy interests, from improving the state of the nation's child care to fostering women-run business ventures around the world.

In just the past 10 days, Mrs. Clinton has given a major speech on domestic violence and family planning in Argentina, appeared in a public service television spot urging women to get mammograms, presided over the child care conference and unveiled a painting by Georgia O'Keeffe that will hang at the White House.

Surprise: Chelsea Clinton Pays Visit

WASHINGTON, Oct. 25 (AP) — Chelsea Clinton crept into the White House early this morning — a surprise treat for her mom, Hillary, who is celebrating her 50th birthday on Sunday.

It was her first trip home since leaving for college at Stanford University in California last month.

Secret Service agents said Chelsea, a Stanford freshman, arrived from the airport at around 2 A.M., with more than enough time for private celebrations of Mrs. Clinton's birthday.

"It was a huge surprise for the first lady," said a White House spokeswoman, Marsha Berry.

While President Clinton normally spends a few hours in the Oval Office on weekends, it was shuttered today as the family spent a quiet day in the White House residence.

Two days of public festivities surrounding Mrs. Clinton's birthday are scheduled to begin Monday in her home town of Park Ridge, Ill., near Chicago. She is also to appear on the Oprah Winfrey television show.

The New York Times

Sunday, October 26, 1997

Later this month she will travel to England and Ireland; November will take her for 10 days to Siberia, Ukraine, Kazakhstan, Kyrgyzstan and Uzbekistan.

Her busy schedule and narrowed agenda represent a public reanimation of Mrs. Clinton. They come after 18 months of near-invisibility that began at one of the lowest points of the first Clinton term — her appearance before a Federal criminal grand jury in January 1996, when she strode into a Federal courthouse in a military-style greatcoat to answer questions about the mysterious loss and rediscovery of her law firm billing records.

Since then, Mrs. Clinton's tight-knit circle of aides has painstakingly plotted her return to the spotlight.

"This has been a disciplined and focused comeback, the result of a series of very careful choices," said a senior White House aide who spoke on the condition of anonymity. "Instead of doing 50 things, she's chosen a few high-profile projects and foreign trips with children and women's issues as the central theme. They have picked their spots carefully. And it's worked. They have done a really good job of repositioning her."

This official said the public persona of the second-term Mrs. Clinton is very different from that of the first. "No longer is she the co-President and the co-Vice President of 1993," this official said. "But she's not Barbara Bush, tea and cookies, either."

Mrs. Clinton has traveled widely in her years in the post-health care wilderness, visiting Africa, China, the Indian subcontinent and Latin America. On all her trips, she concentrates on promoting the health, welfare and economic advancement of women and children. She took on the Chinese Communist Government in Beijing over child labor and women's rights and the Roman Catholic Church in Argentina over birth control and violence against women.

She is more outspoken, it seems, abroad than at home. But the rapturous reception she has received around the globe appears to have emboldened her to take a more visible role at home.

"She has taken more interest in international policy since Beijing, the agenda of educating girls, small business loans for women," Ms. Lewis said. "She will be doing more foreign travel. She can really make a difference when she goes into a country; she puts those issues higher on the agenda."

Although Mrs. Clinton has been subjected to some ridicule over her advocacy of a "politics of meaning"



Carol T. Powers for The New York Times

Hillary Rodham Clinton, during a presentation of a Georgia O'Keeffe painting on Friday in the East Room of the White House.

and her consultation with personal-growth gurus, she continues to believe that public and private life must be grounded in spiritual principles. She has broadened her thinking to embrace the concept of a "civil society" based on shared faith and mutual respect.

The Czech writer and President, Vaclav Havel, has been an inspiration and an adviser for that concept, Mrs. Clinton's associates say, and his influence can begin to be seen in her speeches. Mrs. Clinton and a small circle of aides are beginning to plan a yearlong global celebration of the arrival of the millennium, one that

will center on more closely knitting together the human family.

"We cannot leave the raising of our children, the inculcating of values to the mass media and the consumer culture," Mrs. Clinton said in a speech in Buenos Aires 10 days ago. "We have to do a better job through our churches, our families, our civic associations. We have to build up civil society to reach out to all young people to help them understand why so many of you have fought so long and so hard for the values, the rights and the privileges that now in my country can be too easily taken for granted."

The New York Times

Sunday, October 26, 1997

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Clintons Focus on Importance of Mammograms

WASHINGTON, Oct. 25 (AP) — President Clinton was joined by his wife, Hillary, today on his weekly radio broadcast to prod women to have regular mammograms as they announced new rules to improve the quality of the lifesaving breast X-rays.

Mr. Clinton, whose mother died of breast cancer three years ago, said the recent discovery of two breast cancer genes holds great promise for finding a cure.

"Until that day, we know that early detection is the most potent weapon we possess in our battle against breast cancer," the President said.

"And we know that mammography is the best way to detect breast cancer so that it can be treated before it's too late."

Mrs. Clinton lauded the work of the National Mammography Campaign, an effort begun three years ago to increase awareness through public service announcements and other measures.

The new regulations by the Food and Drug Administration are aimed at elevating quality-control standards for mammography facilities. The rules clarify requirements for hiring capable technicians and using equipment that produces clear and accurate images.

In the weekly G.O.P. radio address, Representative Nancy Johnson, Republican of Connecticut, extolled a proposed restructuring of the Internal Revenue Service as "the beginning of a tax system that's more consumer-friendly."

The New York Times

Sunday, October 26, 1997

By Annie Groer and Ann Gerhart

50 Ways to Say Happy Birthday

There are two ways to turn 50: quietly, for those in chronological denial, or raucously, for those who recognize there's no stopping the clock.

Hillary Rodham Clinton is doing the latter. Having her cake. Eating it, too. Laughing a lot.

The HRC extravaganza started Friday afternoon at the White House, when she was lured into a packed East Room and greeted by staffers, each holding up a mask made from her recent cover of Time. Then, because the Four Tops had entertained her husband on his 50th, the first lady got the Four Bottoms—four guys singing so badly they interrupted their own rendition of "Happy Birthday." They were replaced by Sheryl Crow, who started the song over. Crow, who opened for Mick Jagger et al. last week, said, "The Stones wanted to come, but I told them this was my gig."

Early Saturday, Chelsea came home from Stanford and surprised her mother. The president knocked off work and the three spent a day at home. Saturday night, the first lady got a cake at the National Italian American Foundation dinner at the Washington Hilton, then another at the Hotel Formerly Known as the Ritz, at a party Ann Jordan and Buffy Caffritz threw for about 75 guests.

The first couple and daughter stayed for four hours; the Birthday Woman and her Chief Consort danced to "My Girl" and "Can't Help Falling in Love With You."

Yesterday, under a tent set up for the upcoming state dinner for China's President Jiang Zemin, Mrs. Clinton's staff surprised



At the Washington Hilton, banquet manager George Pulles surprises Clinton with a cake. BY SUSAN WALSH—ASSOCIATED PRESS

her again, this time creating an elaborate state fair of her life, with a different booth for each decade.

"People came from all over the place," said spokeswoman Marsha Berry. She was surprised by all these folks. On hand, said Berry, were her mother, Dorothy Rodham; brothers Hugh and Tony; childhood chums Betsy Ebeling and Ernest Ricketts; friends from Wellesley and Yale law school; former labor secretary Robert Reich; and

Arkansas friends Linda and Harry Thomason and Mary Steenburgen, who brought along husband Ted Danson.

Today, the Clinton birthday cavalcade moves to Chicago, where the first lady revisits her elementary school, her first church and the hall where she heard Martin Luther King Jr. speak. Tonight, there's a huge party at a cultural center, where the president will join her. Tomorrow, it's Oprah. Wednesday, we want her to rest.

NOW YOU KNOW

■ The Queen of Soul went culture shopping Saturday. Aretha Franklin in town for last night's Thelonious Monk Institute of Jazz concert at the Kennedy Center, stopped in to see Gordon Parks' photographs at the Corcoran Gallery. Then she just had to pay homage to the Hope Diamond in its new spot in the Harry Winston Gallery at the Smithsonian's Museum of Natural History.

■ Doctors said Kevin McCarthy would

never walk again after he was wounded in the 1993 Long Island Rail Road massacre that claimed his father, Dennis. Friday he walked down the aisle, marrying Leslie Nolan of Bowie. The couple met when Nolan volunteered to work on the groom's mother's congressional campaign.

Rep. Carolyn McCarthy (D-N.Y.) had her eye out for a nice woman for her son and gently nudged them together.

6 You're not gonna believe what just happened. Al D'Amato just hugged me!

—Geraldine Ferraro, the former Democratic veep candidate who might try to unseat the New York Republican senator, at a dinner Friday night at Cafe Milano for the National Italian American Foundation

The Gore Corps Score

■ He's a marathon man by day, a werewolf by night. No wonder Tipper loves him so.

Vice President Gore, 49, raced in his first marathon yesterday, flanked by his daughters Karennia, 24, and Kristin, 20. The trio finished the annual Marine Corps calf-cramper in a respectable 4 hours 58 minutes 25 seconds.

After crossing the finish line, the veep looked much like every other mid-pack

finisher—cold, pale and exhausted.

"I slowed down the last few miles," Gore admitted to Post special correspondent Jim Hage. "Karennia and Kristin could have gone faster without me." Karennia, a first-year law student at Columbia University, and Kristin, a junior at Harvard, wanted to enter the race and persuaded their dad to join them. They began serious training in August.

Mom snapped photos at the finish line, and then the pack headed home, where face-painted Tipper and Al stood for two hours posing for pictures at their traditional Halloween party. Then, looking fully oxygenated, the veep surfaced in the Presidential Box at the Kennedy Center for an all-star jazz performance. Amazingly, Gore's legs kept him up 23 days.



Karennia, left, and Kristin Gore flank an exhausted Al after the race. BY PAUL APPLETON—UPI

FINAL

Hailing the hall and chief

WASHINGTON — They rattled the rafters when Kathleen Battle sang with the Morgan State University Choir and cheered lustily after Leonard Slatkin conducted *An American in Paris*.

But the biggest ovation at Friday's gala reopening of the renovated Kennedy Center Concert Hall came when President Clinton led the National Symphony Orchestra in *The Stars and Stripes Forever*.

Clinton "was a bit of a ham" in his surprise NSO debut, said concertgoer Ken Crognale, "but he sure was a good sport." The rest of the audience clearly thought so, too, clapping along as the conductor in chief beat a sturdy two-four and cheering when he cued the piccolos right on time.

More cheers when roses were delivered to the podium by the first lady, who left the presidential box, where she and her husband had entertained Federal Reserve chief Alan Greenspan and wife Andrea Mitchell of NBC.

And yes, that was Van Cliburn who slipped from the wings to watch while the president led the band. The pianist returned to play Tchaikovsky's first piano concerto Saturday.

Music critics klatched at intermission to debate the hall's new acoustics. The consensus: not quite enough resonance, plus a hard, constrained quality when the orchestra played



By Greg Gibson, AP

Conductor in chief: President Clinton directs the National Symphony Orchestra in "Stars and Stripes Forever" at the Kennedy Center.

all-out. Fair points, acoustician Christopher Jaffe said afterward, and they're being addressed as final tweaks are made to resonating chambers and the new acoustical "cloud" above the stage.

Quibbles aside, the \$14 million face lift leaves the hall with a vastly improved sound and a warmer, richer feel, with rose and wood tones replacing the old egg-white paint scheme. Said Slatkin from the stage: "We're one happy bunch of musicians up here."

The hall measures up to his expectations, he said jubilantly at the post-concert party. "I

think longtime followers of the NSO are hearing their orchestra for the first time." Not everything went perfectly, though: "The toilets all overflowed tonight."

By Trey Graham

Versace, Al Pacino honored

By Ann Oldenburg
USA TODAY

WASHINGTON — "I can lose it at any moment," says Donatella Versace. "I know that."

But the sister of slain designer Gianni Versace kept her composure as she sat in a corner of a VIP reception room before Saturday's National Italian American Foundation dinner here. Model Naomi Campbell ("part of my family") stayed at her side, and husband Paul Beck was nearby.

Wearing a tight Versace gown from Gianni's last collection, Donatella — here to accept an award honoring her brother — chatted briefly, one of the few times she has done so since he was killed in July.

"Gianni left a lot of responsibility to me — a will that is not written down, but in my head, to keep the company alive. It has been hard."

Work, she said, has helped in the last few months. As for Gianni's real will, which left much of the designer's estate to niece Allegra, Donatella's 11-year-old daughter, she said, "That's not important." She added, "Gianni was very close to my daughter, and she's in big shock."

Donatella says the future of the company lies in "new strategies." She and Gianni "had talked about investing more in the young market." Clothes for working women are another goal.

The public outpouring that Donatella has seen since Gianni's death has "shown a great amount of love," she says. "The only thing that makes me upset is that Gianni didn't know how important he was, how loved he was."



By Tim Sloan, Agence France-Presse

Honoring Italians: Hillary Rodham Clinton mingles with Al Pacino Saturday in Washington.

The one who loved most at this dinner was honoree Al Pacino, who sat next to Versace at one end of the first head table, while actress Beverly D'Angelo sat at the other end. D'Angelo, spotted out with Pacino recently, spoke in Italian with fans, but when asked about dating the actor turned away, saying, "Oh, come on!"

Other party tidbits:

► Connie Francis sang *Happy Birthday* to Hillary Rodham Clinton.

► Lawyer Daniel Petrocelli, who won the civil trial against O.J. Simpson, said of Marv Albert escaping jail time: "I thought the judge didn't cave into public pressure. A lot of people thought he'd do jail time because he was a celebrity."

USA TODAY • MONDAY, OCTOBER 27, 1997

First lady goes home for birthday bash

Chicago visit also is meant to polish image

By Mimi Hall
USA TODAY

PARK RIDGE, Ill. — Hillary Rodham Clinton, 50 years old but giddy as a schoolgirl, returned Monday to the Leave it to Beaver-style neighborhood of her childhood to reminisce and reintroduce herself as a hometown-girl-made-good.

It was a day to exhaust any baby-boomer superwoman: She left Washington just after sunup, was serenaded by high school bands on arrival in Chicago, visited her elementary school and the house where she grew up, toured the hall where she met the Rev. Martin Luther King Jr. in 1962, and was interviewed by a historian before an audience of hundreds — all before being feted at the fourth gala in a row to mark her birthday, which was Sunday.

"I am just thrilled," she said, holding her hand over heart after being saluted in a military band at O'Hare Airport. "This is the best pre-I could ever ask for."

The celebration was capped by a lavish birthday at the city's Cultural Center. It followed three parades over the weekend in Washington and a surprise trip home by daughter-Chelsea from Stanford University in Palo Alto, Calif.

The celebration here went beyond cake. Chicago's Chamber of Commerce put a 20-page brochure on her 7 years. Mayors Richard Daley of Chicago and Ron Wietecha of Park Ridge proclaimed "Hillary Rodham Clinton Day." Chicago dedicated a new park to her. Schoolkids sang. Wietecha unveiled a "Rodham Corner" street sign at the intersection in front of her old house.

White House aides say publicly that she is only doing what she has always done: working on issues affecting women and children.

But privately, they acknowledge that the day was also part of a careful plan to remake the image of a woman who clearly wants to be remembered for something other than testifying before a Whitewater grand jury, who a legacy that will overshadow the failed effort in her husband's first term to



Birthday party: First lady Hillary Rodham Clinton gets help blowing out candles on her cake from students at Field Elementary School, which she attended as a child, in Park Ridge, Ill., on Monday.

overhaul the nation's health insurance system.

Her latest foray into policy, starting with last week's White House Conference on Child Care, is a new beginning of sorts for a first lady who has largely avoided a lead role lately.

With her husband re-elected and her only child off to college, she is re-emphasizing public life. In the past couple of weeks, the woman known for a prickly relationship with the media has appeared on the cover of Time and on all the network morning shows. On Monday, she invited a sizable contingent of reporters to follow her down memory lane. Today, she's on Oprah.

Conservatives, anticipating an expensive "big government" approach to child-care solutions, are wary.

"If she does for child care what she tried to do for health care, it'll be disastrous for her," warns Bradley Keena of the Free Congress Foundation, a lobbying group.

"We're not nervous," says Rahm Emanuel, adviser to President Clinton. "She said it best herself: He decides the policies."

But she can draw attention to the need for safe, affordable child care, White House aides say.

On Monday, talk of childhood was more personal.

At Field Elementary School, she got together, with TV cameras rolling, with a

dozen classmates and teachers for a lively, free-floating talk about a time 40 years or so ago when kids didn't use locks on their bikes.

During a round of introductions, Clinton's second-grade teacher, Caroline O'Laughlin, identified herself, then

turned to her and joked, "And who are you?"

The first lady threw her head back and roared with laughter. "Oh, yes! This is the question we're all trying to answer," she responded.

The answer kept coming throughout the day: a smart

Midwestern girl from a middle-class, hard-working family who developed a social conscience in the 1960s and did right by her community and her country.

Her friends recalled an outspoken girl who once organized a petition to try to persuade the parents of a classmate to allow their daughter to wear nylons to sixth-grade graduation. The girl wore socks.

Clinton recalled how football players in her high school public speaking class tormented her with insults whenever she had to deliver a speech.

After that, she joked, "Washington's nothing."

An hour later, outside the two-story Georgian brick house where she grew up, the first lady told about 200 onlookers that some of her most cherished memories were made at the corner of Wisner and Elm streets.

"I have such a sense of appreciation and gratitude for what I was given," she said.

And she shrugged off questions about whether she's trying to craft a new image.

"I don't think so," she said. "I think I'm working on the same things I've always worked on. ... I'm so energetic about what I want to do. I feel that the next three years are a great opportunity."

CAPITAL ROUNDUP

Clinton signs 2 spending bills worth \$108.5B; could veto parts

President Clinton signed two more spending bills Monday, and he has until Saturday to use his line-item veto power to strike specific items. One bill provides \$40.1 billion for transportation agencies. The other provides \$68.4 billion for environmental, veterans, housing, community development, space and science programs. Clinton wanted more money for toxic waste cleanup and to tackle climate change and ozone depletion. The president has signed seven of the 13 annual appropriations bills. Two are awaiting final congressional passage and four are bogged down in partisan disputes.

CLINTON STUMBLE: President Clinton stumbled while climbing the steps to the helicopter that ferried him from the White House to Andrews Air Force Base in suburban Maryland. Clinton caught himself by grabbing a railing. A White House physician checked the president to make sure he hadn't reinjured a ruptured tendon in his right knee. Clinton continued with his trip to Chicago for the continuation of his wife's 50th birthday celebration.

FOREIGN MONEY: An Indonesian couple who gave \$450,000 to the Democratic Party at the direction of fund-raiser John Huang got the money overseas while Huang still was an official at the Commerce Department, Senate aides said. Arief Wiradinata and his wife, Soraya, told investigators they got the money from Indonesia in November 1995 to make donations because Huang told them it would help their businesses, aides said.

BORDER PATROLS: House and Senate negotiators agreed to remove from the pending Defense Department bill a provision to deploy 10,000 troops along the Mexican border to help catch illegal immigrants and drug smugglers. Border-state lawmakers said such action is a job for the U.S. Border Patrol, not the military.

ALSO . . . The Treasury's redesigned \$50 bills were sent to banks and will begin circulating to consumers. The new bills, harder to counterfeit, still feature former president Ulysses S. Grant. . . . The Senate confirmed former House speaker Tom Foley, D-Wash., as ambassador to Japan and former senator Wyche Fowler, D-Ga., as ambassador to Saudi Arabia. Air Force Lt. Gen. John Gordon was confirmed as deputy director of the CIA.

USA TODAY • TUESDAY, OCTOBER 28, 1997

White House Welcomer

The Clintons' New Social Secretary Debuts With a Doozy of a Dinner

By Roxanne Roberts
Washington Post Staff Writer

Capricia Marshall, the new White House social secretary, should be developing her first ulcer right about now.

With less than a month on the job, Marshall is organizing the most important state occasion in years: Wednesday's formal dinner honoring Chinese President Jiang Zemin. She must contend with the most scrutinized (and vetted) guest list in a decade, the glare of international press coverage, and a crowd of protesters shouting at arriving guests.

After five years behind the scenes as Hillary Clinton's personal assistant, Marshall, just 33 years old, is now the unofficial hostess and greeter of the White House. "It's a thankless job," says Neel Lattimore, outgoing press secretary to the first lady.

The social secretary is responsible for every event

inside the executive mansion and on the grounds—breakfasts, receptions, dinners and those infamous donor coffees. Marshall's office issues every invitation to the White House, she greets every person who walks up the marble stairs for a social event and smiles until the last person walks out.

It is her job to keep them all happy, but to keep the president and first lady happiest of all. She has signed up for 18-hour workdays, endless meetings, and juggling competing egos and agendas inside and out of the White House. And there is always the

See MARSHALL, E2, Col. 1

MARSHALL, From E1

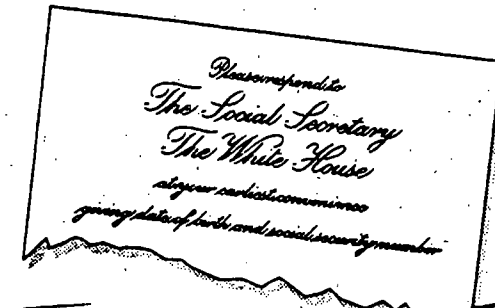
chance—indeed the likelihood—that despite all her checks and double-checks, something will go wrong.

If that's not enough to give Marshall gastric distress, consider this: This is only the second real job of her life.

Marshall's résumé is short and sweet: college, law school and a job working for Hillary Rodham Clinton.

Shortly after she graduated from law school in 1991, Marshall signed up to work on Bill Clinton's primary campaign in her home state of Ohio. Her organizational skills impressed the folks in Little Rock and, in early 1992, she found herself campaigning with the governor's wife. Marshall was instantly impressed, star-struck even, and more than five years together have only increased her admiration for the first lady.

"She is my mentor," Marshall says. "She offers so much. Each day is always a lesson with her. She's like rays of light."



Marshall arrived in Washington in 1993 as a \$50,000 special assistant to the first lady and quickly established herself as the go-between for Hillary Clinton and the rest of the executive staff. "She's had one of the lowest-profile, highest-pressure jobs in the White House," former Clinton adviser George Stephanopoulos says.

She shows no obvious wear and tear, but then Marshall is a glass-half-full kind of person. She is well-liked inside the White House. Colleagues call her very smart, playful, professional, calm and cool under pressure, and very funny, almost goofy sometimes. Stephanopoulos calls Marshall "hyper-competent."

"You can't underestimate what she did for the first lady," says a member of the first lady's staff. "She basically took care of anything and everything."

Her duties ranged from serving as a gatekeeper for Hillary Clinton to such seemingly menial tasks as coordinating the first lady's wardrobe and makeup to make sure she was "appropriately" attired. "I take great pride in that," she says. "I think it's necessary."

But her greatest role was behind the scenes: protecting Chelsea Clinton from the pressures of the White House and the press. The two are very close; Marshall is a confidante, practically an older sister to the first daughter.

"I was another person that Chelsea could trust, another person that she could call if she was in a bind," she says. "I would have been very lucky to have me when I was Chelsea's age." Marshall helped Chelsea get settled in at Stanford and has sent a few care packages out to California.

Her access to the first family made Marshall one of the White House aides subpoenaed to testify before a grand jury last year about Rose Law Firm billing records discovered in the executive residence. She accompanied the first lady on most international trips, including Princess Diana's funeral last month. She is famous for pulling out a video camera on those trips, although no one has seen her home movies yet. Forget the coffee tapes, says Stephanopoulos with a laugh. "What I want to see are Capricia's Hillaryland tapes."

Now she has moved to the \$70,000 job of social secretary with an intimate knowledge of first family's likes and dislikes.

"There is no one who knows the Clintons better than she does," says Lisa Caputo, former press secretary to the first lady. "She knows them so well that she can execute blindfolded. That is an enormous asset. She also has a wonderful relationship with executive mansion staff. She's stepping into this role with a huge leg up over an outsider."

Marshall organized Hillary Clinton's 50th birthday celebration last weekend, as well as surprise birthday parties in past years: a costume party with the first lady as Dolley Madison; a '50s sock hop with everyone in poodle skirts; a western hoedown.

But she has no formal background in party or event planning—and what she calls the "headset mentality" that accompanies it—and she sees that as a plus.

"Sometimes that can draw away from the fact that this is a house," she says. "This is not the Capital Hilton."

The White House, of course, is unlike anyone else's home. And the job of social secretary requires a wide array of skills: political savvy, an understanding of Washington, an appreciation for the traditional role of the executive mansion, and an ability to reflect the Clintons' style. It demands serious organization, management and event planning talents.

"The position is so important it deserves a better, more serious title," the late Gretchen Poston, social secretary to Rosalynn Carter, said in a 1989 interview. "Social secretary" today sounds like someone who addresses envelopes. I think it should be called 'special events officer.' Today the job has to go to a real professional who knows parties and protocol."

(One of Marshall's first acts as social secretary was posing in Vogue in a clinging, backless Donna Karan gown, which raised more than one Washington eyebrow.)

Each social secretary puts her own stamp on the position (the job has traditionally been held by a woman), including Ann Stock, who just left the White House after 4½ years to become vice president for institutional relations at the Kennedy Center.

Stock had worked in national politics, but her real expertise came from years as an executive with Bloomingdale's, where she was in charge of special events, press and image for the retailing giant. She brought a corporate mind-set to the White House, treating the office of social secretary like a service and events agency.

"I always thought of it in terms of running a business," she says. "Everyone will always say, 'Oh, they throw the parties.' To me, that is one small aspect of what gets done."

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During Stock's tenure, she planned and presided over 2,000 events with 500,000 invited guests: state dinners, Christmas parties, receptions, and yes, those troublesome coffees. Her office was responsible for invitations, programs, music, food, logistics and the press. Her day started at the 7:45 a.m. or staff meeting and frequently ended at midnight or later.

But the social secretary doesn't control all aspects of White House events. She must coordinate and cooperate with a dozen other White House offices just to put on a simple reception.

"There's a huge organization component," Stock says. "On any given week, we were doing three to 10 events." And they all have to be scheduled so as not to conflict with the daily public tours of the White House.

There's usually a political component as well, especially since the allegations of improper use of the White House for fund-raising.

It is the social secretary's responsibility to designate events as "political" or "nonpolitical." Nonpartisan government events, such as state dinners, are paid for by the taxpayers. "Political events" are attended by members of one political party and are paid for by the Democratic or Republican Party; "nonpolitical events," such as the annual Kennedy Center Honors reception, for example, are paid for by the sponsoring groups.

Vetting of all White House guest lists did not begin until last year, Stock says. Before that, the social office simply compiled party lists submitted by offices throughout the executive mansion.

"I absolutely have a responsibility to look over every guest list," Marshall says. "Just to make sure, I seek people out and say, 'This seems a little odd. Can you give me an explanation as to why this person should be added or why they should not be added?' Then you have background."

Marshall believes that if she talks with enough of the White House staff, she'll establish a safety net to avoid potential social disasters.

"It's not only important to know what you know," says Carolyn Peachey, an event planner who has worked with several social secretaries. "You need to know what you don't know and get help. And she's very good at that."

Capricia Penavic Marshall is a first-generation American born to a Mexican mother and Croatian father. (Marshall speaks a tiny bit of Croatian, and is fluent in Spanish.) "My house—growing up—was like the U.N.," she says, laughing.

Born and raised on the east side of Cleveland, she attended Catholic grade school and an all-girls high school. The nuns, she said, taught her a crucial lesson for success in Washington: "Biting my tongue ... just smiling and gritting my teeth."

She went to Purdue University, where she double-majored in political science and civil engineering, and spent one year studying in Spain. After a year of travel, she started law school at Case Western Reserve University in Cleveland. She graduated in 1991 and married medical student Robert James Marshall, now a fellow at Georgetown University's postgraduate program in cardiology.

Marshall has few hobbies: working out, reading, movies, "but everything else she does is work," her husband says. She works seven days a week as part of the tight-knit family that is the first lady's staff, while waiting to move into their new home near Georgetown

Hospital, the Marshalls lived with Patti Solis Doyle, the first lady's scheduler, and her husband.

With Chelsea at Stanford, one of Marshall's major roles became obsolete just as the position of social secretary became available. "She initially thought there was no way she would be considered because of her age," Marshall's husband says. She sought advice from a friend at the White House, Doug Sosnick, counselor to the president.

"I told her I thought it was a great deal for the president and first lady, and a pretty good deal for her," Sosnick says. "She's the type of person you turn something over to and you don't have to worry about it again."

Marshall and the first lady still talk on a daily basis, and since she already was acting as a liaison to the social office, the Clintons didn't have to break in someone brand-new.

Marshall says she brings "creative energy" to the position. There will be more focus on cultural events in the second administration, she says, in concert with the White House celebration of millennium.

She already knows all the friends of the Clintons; those close to her expect Marshall to cultivate Washington's establishment figures. "She knows Washington," Lattimore says. "Washington may not know her. She's certainly not part of that salon crowd."

But the real test of success for a social secretary is silence: She won't get personal credit for staging a great party, but nobody is complaining about her.

And if someone does? "Remember who her strongest ally is," one staffer says with a laugh. "I don't think a lot of people are going to screw with her."



White House social secretary Capricia Marshall: "This is not the Capital Hilton. This is someone's home."

BY CRAIG HERRIDON—THE WASHINGTON POST

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Art of the State Dinner

By Roxanne Roberts
Washington Post Staff Writer

The White House is trying awfully hard to convince people that Wednesday's state dinner for China is just, oh, like any other state dinner. But the guest list is heavy with the biggest Washington names—and egos.

Former president Jimmy Carter and former first lady Lady Bird Johnson top the list of 200. The White House has also invited Secretary of State Madeleine Albright and four former secretaries of state—Henry Kissinger, George Shultz, James Baker and Alexander Haig—although the prospect of all five egos in the same room is daunting, even by Washington standards.

The black-tie dinner will be held in the spacious East Room, and even then the tables might be a tad close for comfort. The White House originally hoped to seat guests in a large heated tent on the South Lawn, which would have allowed more than 350 to attend. But Chinese officials reportedly nixed the plan because Deng Xiaoping was feted in the East Room during his state visit almost two decades ago.

The White House will not release the guest list until hours before the dinner, but the names that have leaked out indicate an evening with a heavy emphasis on diplomacy and business. Your garden-variety state dinner includes more celebrities, members of Congress and Democratic donors.

Carter will attend with his son, Chip. Johnson will likely be escorted by her son-in-law Sen. Chuck Robb (D-Va.). President George Bush, who visited China in 1989, will not be at the dinner but is scheduled to meet with Chinese President Jiang Zemin for breakfast Friday.

Congressional leaders on hand will include House Speaker Newt Gingrich, Senate Majority Leader Trent Lott, and Sen. Jesse Helms (R-N.C.), chairman of the Senate Foreign Relations Committee. Helms is a vocal critic of China, but will attend out of courtesy to the president, according to his office.

The White House has reported-

ly invited representatives from companies with heavy investments in China, such as Boeing, Motorola, United Technologies and General Motors. There are also expected to be executives from businesses on the West Coast—oil, high-tech and entertainment. And there should be a CEO or two from the companies Jiang is touring during his visit in the United States: IBM, At&T, Lucent Technologies and Hughes Satellite.

Robert Kapp, president of the U.S.-China Business Council, an organization that promotes relations between the two countries, has been invited, as has Katharine Graham, chairman of the executive committee of The Washington Post Co.

There will be a few uninvited folks hanging outside the executive mansion: human rights protesters. But that doesn't bother White House Social Secretary Capricia Marshall.

"I think that's what's wonderful about our country," Marshall says. "Inside we have a celebration of a head of state. Outside, we have our general public who have the opportunity to voice their opinion."

The only movie star scheduled to be near the White House tomorrow is Richard Gere, who will be speaking at the "Stateless Dinner," a reception for 300 at the Hotel Washington sponsored by the International Campaign for Tibet.

"The people who will be at our dinner *should* be in the state dinner," said John Ackery, director of the campaign. "The state dinner reflects Clinton's overall policy of putting human rights folks on the back step to eat the leftovers."

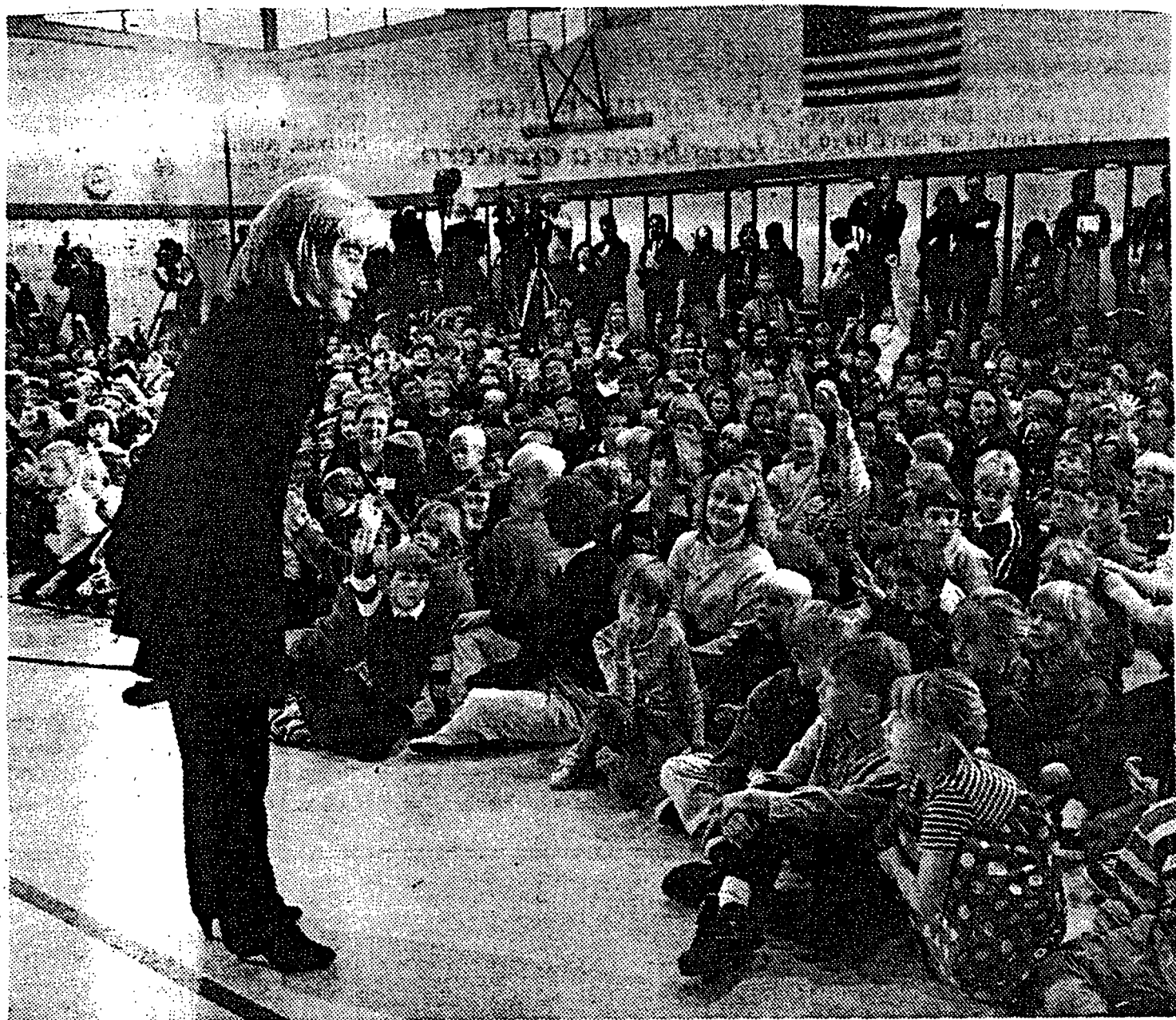
The White House said the dinner menu will feature an American menu designed from Jiang's favorite foods.

The evening will end with a grand flourish. Guests will be escorted to a large tent on the South Lawn, where the National Symphony Orchestra led by Music Director Leonard Slatkin will perform a 30-minute program of music by American composers.

"That really says America," Marshall says.

The Washington Post

TUESDAY, OCTOBER 28, 1997



Todd Buchanan for The New York Times

Showered by praise, Hillary Rodham Clinton visited her elementary school in suburban Chicago yesterday to mark her 50th birthday, which was on Sunday. The First Lady also visited her old home in Park Ridge.

The New York Times

TUESDAY, OCTOBER 28, 1997

Hometown Is Where the Heart Is for First Lady at 50

By DIRK JOHNSON

PARK RIDGE, Ill., Oct. 27 — Back in her hometown to celebrate her 50th birthday, Hillary Rodham Clinton sat in her old grammar school today, surrounded by old chums and teachers, reminiscing about the innocence of their childhoods.

Mrs. Clinton recalled walking to school as a kindergartner. Another friend noted that bikes never had locks. Somebody else remembered the freedom "to go everywhere, trick-or-treating at every single house — except maybe for the one place, where some real old lady lived."

"Yeah," chimed in a fellow Baby Boomer, "she was probably 50."

While most people in their 40's are not particularly eager to turn 50, it must help to come home as a globe-trotting celebrity greeted adoringly by foreign crowds, and to then be able to show off the gold necklace given to her by her husband, the President.

In what seemed as much like a day on the campaign trail as a birthday celebration, Mrs. Clinton arrived at O'Hare International Airport to high school bands playing "Sweet Home Chicago," and then whisked around her hometown, sharing hugs and handshakes with old neighbors and going to a new park in Chicago being named the "Hillary Rodham Clinton Women's Park."

After that was a big party at the Cultural Center on Michigan Avenue, with Mayor Richard M. Daley and other dignitaries, celebrities and movers and shakers on hand to toast the First Lady.

There were a few anti-abortion pickets in Park Ridge, where one sign denounced her as the anti-life co-President. And inside the Happy House coffee shop here, a man grumbled into his soup about Mrs. Clinton's being feted so extravagantly.

"Why should we be proud of her?" he asked. "And who's footing the bill for all this?"

But no sooner had the elderly man spoken, muttering something about women "belonging in the kitchen," than the restaurant's owner, Soula Tsapralis, the mother of three daughters, dispatched with that customer-is-always-right business.

"Women are equal," she told him.

In general, Mrs. Clinton, whose birthday was on Sunday, was showered by praise all day. And she returned the favor at every turn, paying homage to Park Ridge for teaching her lasting values.

Park Ridge, a prosperous, uniformly white, conservative-to-the-bone Chicago suburb, did not, however, succeed in keeping her within the

Republican fold. There are still people here who regard the bright, well-behaved Rodham kid from Wisner and Elm as something of a wayward daughter, abandoning the good sense of her childhood years — she belonged to Youth for Goldwater as a teen-ager and played Carrie Nation in a high school play — and straying into the clutches of the Democrats.

Standing in front of her childhood home, a brick colonial with arching windows and tall shade trees, Mrs. Clinton recalled the day she brought "this Arkansas boy" to meet her father, a "gruff, strict" man, especially when it came to young suitors.

"He didn't know what to make of Bill Clinton," she said.

But within three days, she added, her father was "completely charmed" by the future President, and even traveled to Arkansas to do some campaign work for him.

"And this was a man," she said of her father, "who never had anything good to say about a Democrat in his entire life."

Her mother, Dorothy, and her brothers, Tony and Hugh, also came home for the celebration.

While young Hillary was irresistibly drawn to academics — a freshman teacher recalled her handing in a 75-page typed term paper — her brothers had more luck as wrestlers and football players, and succeeded in ruffling a few feathers at school.

Mrs. Clinton waited until a bit later to ruffle feathers. A lightning rod for conservatives and a hero to liberals, Mrs. Clinton's politics have long been a point of discussion around Park Ridge. A few years ago, the suggestion that the library hang a portrait honoring the local-girl-made-good sparked fierce letters to the editor, on both sides. In the end, no portrait went up on the library wall. A painting of Mrs. Clinton ultimately was put up in her high school.

Mrs. Clinton made a trip to Orchestra Hall in Chicago this afternoon, the place where her youth pastor took her to listen to a speech by the Rev. Dr. Martin Luther King Jr., on a day in 1962 that Mrs. Clinton says made a lasting impression.

Even as a child, Mrs. Clinton seemed to be trying to change the world, one parent at a time. When a friend was forbidden by her father to wear nylons to the sixth-grade dance, young Hillary circulated a petition among the students asking the strict parent to reconsider. He did not.

Besides the academics, Mrs. Clinton recalled, there were other things in Park Ridge that prepared her for the world of politics.

In speech class as a freshman, Mrs. Clinton recalled, some of the senior boys in the front row, most of them football players, "would sit there and insult me, say mean things," to try to get her rattled.

"So," she said, with an easy smile, "Washington's nothing."

The New York Times

TUESDAY, OCTOBER 28, 1997

Hillary Clinton, in Her Element

By Peter Baker
Washington Post Staff Writer

PARK RIDGE, Ill., Oct. 27

They sat around tables in the Eugene Field Elementary School library, taller, thicker and grayer than they had been during their allotted time here four decades ago. One at a time, the friends and teachers of Hillary Rodham Clinton introduced themselves. Finally, it came around to Clinton herself. "And who are you?" her lifelong friend Betsy Johnson Ebeling asked mischievously.

Clinton laughed. "This is the question we're trying to answer today," she said.

Like so many others who turn 50, the first lady is using the occasion for a little introspection. For answers, she returned today to her hometown for a nostalgic.

See CLINTON, E8, Col. 1

CLINTON, From E1

this-is-your-life tour of the landmarks of her early

The Hillary Clinton who roamed the elm-shaded avenues of this middle-class Chicago suburb today bore little resemblance to the guarded, distant and occasionally bitter figure the nation come to know in the past five years. This was a person rarely revealed to the public, a warm and woman whose eyes pop wide open at a favorite memory. This was the Hillary who once was thrown out of history class for laughing too

Who loved to play softball with the boys in the intersection, with manholes serving as the And who was predicted in sixth grade to be the future dean of women at Northwestern University, yet in a high school newspaper article expressed her ambition to "marry a senator and live in Georgetown."

"I sort of missed," she noted dryly today. "I don't live in Georgetown."

Her trip took her—and buses of aides, friends reporters—to the old neighborhood haunts.

Eugene Field Elementary School, which she attended through sixth grade, to the nearby brown-brick Georgian house where she lived from age 4 to 18, to the First United Methodist Church, where the conservative "Goldwater Girl" got her first tiny taste of social activism.

Relaxed and engaging, Clinton joshed with her brothers, Tony and Hugh, about their childhood high jinks, lamented her difficulties learning to drive and earning her Girl Scout sewing badge recalled giving speeches before classes filled with boys from the football team.

"They'd sit there and insult me and say mean things all during my speech, just to rattle me," she remembered. "Washington's nothing!"

This, friends said, is the true Hillary, or at least the one they knew growing up. "Hillary has always been a very warm person—she's been very maligned in that respect," said Marcia Boemi Buchanan, a friend from first grade who was on hand today. "We always say, 'Hillary, this is what

you need to project to the public because this is what you really are."

Even after all the years of hearing Park Ridge stories, her chief of staff, Melanne Verveer, said she understands the first lady a little better after visiting the school with her. "This is very revealing," Verveer said. "Our formative years really tell us a lot about who we are and where we come from."

Although the first lady's birthday was actually Sunday, the locals missed no opportunity to help her celebrate. She was serenaded with "Happy Birthday" at least four times before noon—including a cha-cha version by Field School's current student body. The city unveiled signposts outside her childhood home naming the intersection Rodham Corner. A local park was rededicated in her honor. The refurbished Chicago Orchestra Hall invited her to stop by to look at the place where she met Martin Luther King Jr. in 1962. President Clinton was scheduled to fly into town to join her at a gala party for 1,000 at the Chicago Cultural Center.

Outside the old Rodham residence, she recalled bringing a young Bill Clinton home to meet her gruff, tobacco-chewing, Democrat-hating father. "My father didn't know what to make of him," she recalled. "My father... was very strict and very hard on other people, particularly boys that I went out with. And I have to tell you, my father was totally charmed within about three days by Bill Clinton."

To commemorate the first lady's 50th, a colorful 24-page booklet was published, filled with pictures of her favorite area locales and old black-and-white snapshots of her childhood, including a sixth-grade picture in which the resemblance to daughter Chelsea is striking. In the back were birthday wishes from everyone from Michael Jordan to Studs Terkel to Siskel and Ebert.

Because it was Hillary Clinton, this trip through the time warp had to start with a round-table discussion, the first lady's favorite means of communication. It is a technique she has employed everywhere from Tanzania to Panama, usually as scintillating as a seminar on inflation.

Yet her session with onetime classmates and instructors turned into an unusually spontaneous series of reminiscences about pot pie lunches, square dancing with boys and Yahtzee games in the basement.

On her first day of elementary school, they recalled, their parents allowed them to walk on their own. "But they followed us!" Clinton said. "I learned years later." Dorothy Rodham, it turns out, skulked behind her, slipping from tree to tree.

As they talked today, there seemed to be a wistfulness not only for lost youth but for a sense of lost innocence. "It was really a simpler time because... kids could walk to school... and not feel threatened," Buchanan said as her classmates nodded. "We could go trick-or-treating at every house except there was one house we didn't go to—not because it was dangerous but because an old woman lived there."

She was "probably 50," Caroline O'Laughlin, the first lady's second-grade teacher, offered wryly.

It was clear from today's recollections that Hillary Clinton was always an overachiever—one teacher said she turned in a 75-page typewritten term paper in high school—and always a political organizer. Even in the sixth grade, when her friend Sukkie Askew Stanley was forbidden to wear nylons to the school graduation ceremony, young Hillary helped put together an unsuccessful petition drive that was intended to change her mother's mind.

The feminist first lady also recalled a gender gap in school council elections. "The boys would always vote for the boy," she said. "He didn't even really need to be able to stand up and talk. The girls would always make these very considered decisions. And so the boys always won."

She said this in a tone more amused than resentful. This was not a day for grievances but for happy memories and coming home. "I can't go back and pretend that I can erase time and turn the clock back," she mused, "but I can come back as I've done today... with such a sense of appreciation and gratitude for what I was given. It seems like it just was yesterday I was walking to school. And I think when people get to be my age and even older it's hard to believe you've lived so many years."



The first lady holds a 1959 class photo during a visit yesterday to Eugene Field Elementary School in Illinois.

The Washington Post

TUESDAY, OCTOBER 28, 1997



Agence France-Press

The President Promotes His Formula

President Clinton visited Chicago yesterday and, at Oscar Mayer Elementary School, advanced his proposal for national testing of fourth and eighth graders. He also praised the Chicago district's policy of upholding academic standards by refusing to promote students who do not meet them.

The New York Times
WEDNESDAY, OCTOBER 29, 1997

Clinton Praises Revived Chicago Schools as Examples for Nation

By Peter Baker

Washington Post Staff Writer

CHICAGO, Oct. 28—President Clinton called on the nation's schools today to abolish "the destructive practice" of promoting students who have not learned enough and issued a directive intended to help districts improve failing schools or shut them down.

Visiting a local school, Clinton held up the revival of the long-troubled Chicago school system as a model for the nation, saying the keys to such a turnaround are high standards and accountability.

"Ending social promotion does not put children down," he told parents, teachers and students at Oscar Mayer Elementary School. "It gives us a chance to lift all children up. We are not

punishing children by making sure they know what they need to know and that when they move from grade to grade it means something."

Passing students simply to make them feel good, Clinton added, is shortsighted. "I care a lot about the self esteem of the American people," he said. "But ... there is nothing more damaging to self esteem than wanting a job and not being able to get one."

Clinton was in Chicago after flying in the night before to help Hillary Rodham Clinton celebrate her 50th birthday in her hometown. Before heading back to Washington, he thanked Mayor Richard M. Daley (D) for the first lady's daylong festivities by drawing a spotlight to Chicago school reform efforts.

The event also served as another prod to Congress to approve his plan to

set up voluntary national education standards that would test all fourth-graders in reading and all eighth-graders in mathematics. House Republicans want to ban such tests on grounds they are redundant and a federal intrusion on local education authority. The issue is in the hands of a joint congressional conference committee that will meet Wednesday. Even if Clinton persuades Congress to go along, he still must win over skeptical state and local leaders who largely have been uninterested in signing up for the program. Just seven states and 15 major cities, including Chicago, have agreed to adopt the Clinton standards.

The directive Clinton signed today orders the Education Department to produce within 90 days new guidelines on effective strategies for fixing low-per-

forming schools and inform cities and states how to tap federal resources for help. Such a move could be interpreted by conservatives as another attempt to insert the federal government where it does not belong, into the decision-making of troubled school districts. White House officials said the guidelines would resemble similar documents the administration has prepared offering help to local districts in setting policies on school uniforms, truancy prevention and school prayer.

"The Education Department can provide a valuable service to districts in showing what models are working," said Bruce Reed, the president's chief domestic policy adviser. "These are not federal regulations. These are suggested reforms." A fact sheet distributed by the White House suggested that one

such reform would be to "close down failing schools" but did not elaborate on when or how that should be done. Several districts across the nation have resorted to closing bad schools, building new staffs and curricula and reopening them.

"The point is not to shut them down and throw away the key," Reed said. "The point is to force failing schools to turn themselves around. ... We want to encourage school districts to take drastic action."

FOR MORE INFORMATION

To read details about the politics and policy behind Clinton's national education testing plan, click on the above symbol on the front page of The Post's Web site at www.washingtonpost.com

The Washington Post

WEDNESDAY, OCTOBER 29, 1997

The TV Column

By John Carmody
Washington Post Staff Writer

Former CBS News anchor and series host Connie Chung has been talking to cable and broadcast networks over the past months and is now talking seriously to ABC News...

Yesterday neither she nor ABC News would comment on any phase of their talks, although, a network source confirmed, "We've been talking on and off for about four months—well, actually we've been interested in Connie for the last six years"...

Network sources, none of whom wanted to be identified, indicated that if she signs, Chung would be available for all major ABC News broadcasts, rather than focusing on a single broadcast, at least in the early stages of her return to network television...

"She wants to ease her way back," said one insider...

Chung, who was fired from CBS News in May 1995 after an unhappy time spent as Dan Rather's mismatched co-anchor, most recently has enjoyed a half year on a fellowship at the Joan Shorenstein Barone Center on the Press, Politics and Public Policy at Harvard, which resulted in a 40-page report on "the business of the 'get,'" the increasingly competitive job of landing good guests for an increasing number of competing news shows...

After leaving CBS Chung, along with her husband, longtime talk show host Maury Povich, made a deal with DreamWorks to co-host a syndicated show with a hard news gloss that was supposed to take off a year from now...

However, the popular Povich was prevailed upon to continue his current show, although under his new deal he will switch studios from Paramount to Universal next year...

Chung said yesterday that as word circulated this summer that the DreamWorks deal was a bust, "my phone started ringing" and "I've been exploring work opportunities for quite some time"...

She refused to discuss her talks with ABC or identify other networks she's talked to (though it's very unlikely that CBS is one of them)...

ABC News sources, who would not speak on the record, emphasized that the current talks with Chung are unconnected to a recent report that "PrimeTime Live" co-anchor Diane Sawyer had agreed to an extension of her contract through mid-2000 in exchange for letting her reduce her "PTL" anchor load to spend more time pursuing investigative pieces and other long-term projects for the Wednesday night newsmagazine...

Constance Yu-Hua Chung, 51, a Washington native, broke into television in 1969 at Channel 5 here. Two years later she was a correspondent at the influential CBS News Washington bureau. In 1986 she defected to NBC News but returned in 1989 to the CBS fold, where she anchored various news programs, including "Eye to Eye." Her choice as Rather's co-anchor was doomed almost from the start by his (for the most part private) denial that the show needed a co-anchor in the first place, despite sinking ratings...

In Other News

Washington Post correspondent Peter Baker, who accompanied the first lady to Chicago, reports:

With Oprah Winfrey serving as her confessor, Hillary Rodham Clinton admitted yesterday that there are some positive benefits to daughter Chelsea's departure for college. "I have a confession to make," the first lady said during a 20-minute interview on the "Oprah" show marking her 50th birthday. "I certainly miss her desperately but it is a different experience that makes it kind of fun to have all this time to yourself."

The empty nest, she said, has allowed her and President Clinton to spend more time together and go out at night more frequently. "You know what Harry Truman said about the White House—it's the crown jewel of the American penal system," she said. "If you don't get out, you feel like you're imprisoned."

Still, she said, they find themselves wistfully wandering by Chelsea's room almost as if she were still around. One day, she and the president caught each other visiting the empty room when they walked in through separate doors.

Mrs. Clinton said she exercises a lot and feels

good at 50. Winfrey told her she looks "better than ever" and approved of her latest feathered hairdo. "So we finally found a haircut?" the first lady beamed.

As a birthday present, Winfrey gave her a box of leather-bound volumes from her book club. Clinton asked if she had wrapped it. "Well, no I didn't," Winfrey admitted. "I have people who do that"...

CBS Entertainment has ordered nine more episodes—for a total of 22 for the year—of "Step by Step," which moved from last year's ABC Friday night lineup to become the highest-rated sitcom on this fall's CBS Friday lineup...

The network also ordered two additional episodes of Monday night's "Everybody Loves Raymond," boosting the season's total to 24...

The networks bulletined the ups and downs on the stock market yesterday but the cable financial networks stayed with the story all day...

After all the hand-wringing, bat-tossing and whining (from NBC executive Don Ohlmeyer), the World Series wasn't the least-watched Series after all. It was the second least-watched...

Final Nielsen Media Research numbers show the seven-game series (all night games) averaged a 16.9/29, which is only slightly better than the 16.4 compiled by Oakland and San Francisco in the 1989 four-night-game series interrupted by an earthquake...

Six night games between Toronto and Philadelphia in 1993 averaged a 17.3/30. The fourth-least-watched series was the five games between Baltimore and Cincinnati, which were all day games (19.4/53)...

ABC won Monday night this week, as the two "Monday Night Football" games (Green Bay-New England and Miami-Chicago) averaged a 16.8/32. The Peter Jennings special on the Wall Street sell-off averaged only a 4.8/8 before the games began...

CBS was second, followed by NBC and Fox...

Locally, the games did a 15.9/29 on WJLA, the stock market special a 5.2/8. Each local ratings point represents 19,283 TV homes...

TV Ratingzzzz

Following are the top 20 network prime-time shows last week, ranked according to the percentage of the nation's 98 million TV households that watched, as measured by Nielsen Media Research. A share represents the percentage of actual sets-in-use tuned to a particular program when it aired.

Rating	Share	Network
1 24.5	39	NBC
2 17.2	30	NBC
3 15.6	27	NBC
4 15.5	28	NBC
5 15.5	26	NBC
6 14.9	22	CBS
7 14.3	20	CBS
8 13.8	21	CBS
9 12.8	22	ABC
10 12.7	19	ABC
11 12.3	20	NBC
12 12.0	18	ABC
13 11.9	21	NBC
14 11.7	20	NBC
15 11.6	22	ABC
16 11.4	19	ABC
17 11.3	17	CBS
18 11.2	16	FOX
19 11.1	19	ABC
20 11.1	17	ABC

NBC didn't miss the Thursday night blockbuster schedule a bit last week, riding the World Series to a robust 14.9 rating and 25 share, up 55 percent from the same week a year ago...

CBS did a 9.6/16 (+9 percent), ABC an 8.4/14 (-3 percent) and Fox produced a 7.0/11 (off 56 percent from the same week a year ago)...

CBS even managed to have its best Thursday and Sunday night ratings of the season, despite the Series competition on NBC...

Even "CBS Evening News With Dan Rather" had its best week of the early season, averaging a 7.5/16, compared with an 8.1/17 for rare first-place finisher "ABC World News Tonight With Peter Jennings" and a two-day average of 7.9/17 for "NBC Nightly News With Tom Brokaw," who missed a lot of West Coast coverage on account of the Series...

Other than the Series, there wasn't much churn on the networks. Robert Morton's new ABC sitcom, "Over the Top," finished with an 8.8/14 last Tuesday to rank 41st in last week's standings...

CBS's "Public Eye With Bryant Gumbel" was 61st for the week, finishing behind the rest of the network's Wednesday night lineup of "Dellaventura" (tied for 47th) and "Michael Hayes" (50th)...

The Washington Post

WEDNESDAY, OCTOBER 29, 1997

Hillary does 'Oprah'

First lady talks about the big 5-0

Hillary Rodham Clinton misses college freshman Chelsea "desperately," she says, but admits that it's "kind of fun to have a little time to yourself."

Tuesday on Oprah Winfrey's TV show, the first lady, 50 on Sunday, chatted with Winfrey, 43, about aging. "One day you're reading along and then the next day you can't see what you could see before," Clinton said. "You think about a lot of that."

She added, "a lot of women who are my friends really feel this burst of energy in their late 40s and early 50s. I've had more women come up to me kind of in a confidential way



By George Burns, Reuters

College contribution: First lady Hillary Rodham Clinton, left, presents Oprah Winfrey with a piggy bank full of change from the White House for Oprah's Angel Network, which sends one child from each state to college.

and say, 'It's really great. You're going to love being 50.'

"Don't you think you look better than ever?" Winfrey enthused. "Well," Clinton said carefully, "some

days I look OK."

"Really, I think you've found your place," Winfrey insisted, to audience applause. "I think the hair, it's there. It's there."

Criticism of China could apply to U.S. death penalty

We should listen when Chinese President Jiang Zemin speaks of deepening understanding between our countries.

It is a simple matter to criticize the policies of another country. Far more difficult is the challenge of understanding them.

In international relations, the terms that are used reflect the political purpose behind statements. When we hear the term "human-rights violation" applied to China, we must acknowledge that capital punishment in the United States easily could be framed in the same terms.

It is a far better policy to express concern and seek understanding than to coerce change through economic or military pressure. Change that is pursued cooperatively is certain to be more acceptable to both parties, although the process may be longer and more frustrating than simply issuing ultimatums.

We also must ask ourselves questions such as these: If faced with the same population and economic problems as China, how might our own system fare? If another

nation disapproved of one of our domestic practices, such as capital punishment, and attempted to end it through external pressure and ultimatums, how might we feel about that nation?

Let us hope Jiang's visit builds bridges of understanding between both the governments and people of our two nations.

Dan Tinianow, asst. professor
Austin College, Sherman, Texas

Can't trust Tiananmen killers

The question I would like to pose is whether we should trust China's leaders after we watched them slaughter their children in their front yard.

The logical answer is no. However, it seems the senior leadership in this country treats the 1989 Tiananmen Square massacre as an event so distant as to be irrelevant, when in reality the individuals responsible for the "killing of innocents" remain in power.

I'm not alone in feeling that to embrace China's leaders is to embrace the bedfel-

lows of Hitler and Stalin. They have repeatedly and continuously demonstrated that they place a very low value on human life, a trait shared by their aforementioned soul mates. The brutality of their actions can be neither ignored nor forgotten, and it is wise to doubt the credibility of any government that would kill its own citizens.

To those few who compare the shooting of student demonstrators at Kent State and what happened in Beijing's Tiananmen Square, remember, Kent State was unintentional; Tiananmen was premeditated.

I agree we shouldn't allow fears to dictate actions. China may prove to be as trustworthy as other allies, but I wonder if we will hand over Taiwan to placate China's growing power, or whether China fears the mass casualties of a minor nuclear war if it decides to grab its neighbors' land.

With the value it places on life, casualties would be a secondary concern.

Harlan Swyers
Orlando, Fla.

Child care important beyond family, business; it's also public safety issue

USA TODAY's editorial on child care makes some important points but ultimately misses the mark ("Parents need quality care, want choices for children," Our View, Debate, Oct. 17).

Child care is more than a parents' issue or a business issue. It is a crucial public safety issue. Quality early-childhood and after-school programs are among our most powerful weapons in the war on crime.

Study after study shows that quality early-childhood care and after-school programs dramatically reduce crime and that failing to provide these services, especially to our most vulnerable children, can multiply the risk that they will become juvenile delinquents or adult criminals.

Yet early-childhood programs like Head Start and Early Head Start get so little funding that they can serve only a small fraction of the at-risk kids who need them. Millions of poor working families cannot afford the care that can give their kids the right start, help them succeed later, and turn them away from crime. In the end, it is all of us who pay the price — in higher crime costs, in lives and in fear.

In the hour after the school dismissal bell turns millions of kids out on the streets without constructive activities or adult supervision, violent juvenile crime suddenly triples. By dinner time, nearly half of each school day's violent juvenile crimes have been committed.

That's why dozens of us on the front lines of the war on crime — including police, prosecutors and victims — have formed Fight Crime: Invest in Kids (www.fightcrime.org) to tell our neighbors and leaders that when America doesn't invest in kids, we're forced to fight crime with one hand tied behind our backs.

Everyone knows that the delivery of child care must take place not in our capitals but in our communities, through partnerships of schools, parents, businesses and community groups.

But there is no government responsibility more fundamental than protecting public safety. That means standing in the gap, doing what it takes to see that every kid gets the right start. State and federal governments can't meet that obligation without committing to major new initiatives and investing public funds in the early-childhood and after-school programs that are among our most powerful crime-prevention weapons.

John J. Millner, chief of police
Elmhurst, Ill.

Working parents in Catch-22

As a working mother of two toddlers with a few nightmare nanny stories of my own, I was pleased to hear that the White House as represented by Hillary Rodham Clinton is focusing on the child-care issue in the United States.

Hillary Clinton's position on behalf of underrepresented populations is needed, and I hail her willingness to act as a voice for those who do not have one. American families, which we consider to be the primary social and economic building blocks of society, are in crisis.

We are possibly into a second generation of family development where the economic independence of a household requires both parents to work to provide for basic medical, educational and domestic needs. There is a Catch-22 here that says responsible parents must work, but affordable child care is not available.



Child care: Acknowledging that quality care for children often is unaffordable and inaccessible to working parents, President Clinton and Hillary Rodham Clinton last week proposed federal programs to improve training and wages of day-care workers. At a conference Thursday for child-care advocates and business, state and federal officials, the administration pledged to push for a comprehensive program to provide safer, more affordable and accessible day care for children of working parents. Right, Louise Woodward, 19-year-old au pair from Chester, England, after testifying in Cambridge, Mass., court where she was charged with shaking to death an 8-month-old baby, one of two children in her care as a live-in baby sitter.



American women have become part of the economic and social foundation of the family life and the future of America. With the loss of this primary caregiver, the family is no longer self-sufficient.

The traditional domestic support person is now a necessary part of the American workforce. There must be support services upon which the family can rely to provide care for children. The cohesive strength of this basic unit of society is necessary to the future security of our nation.

Lauren Kingsmore-Lutz
Washington, D.C.

Au pairs are not nannies

As a participant in the White House Conference on Child Care, I am most distressed that the media are still referring to au pairs as nannies.

Au pairs are foreign cultural exchange visitors ages 18 to 26, of all backgrounds, who wish to spend a year in the United States enjoying American culture. In exchange for room and board with a family, they agree to work 45 hours a week looking after the family's children.

While in England recently, I discussed the situation of Louise Woodward — the British au pair accused of shaking an 8-month-old Massachusetts baby to death — with nanny educators, nannies and parents ("Nanny trial raises lifestyle issue," News, Friday). All concurred that with only a few hours' experience baby sitting, Woodward

was ill-equipped to assume unsupervised, full-time care of an infant and toddler.

Working parents should not be faulted for leaving their children with a caregiver. However, they should be faulted if they don't thoroughly investigate the credentials of the caregiver.

To be a nanny, one must be qualified to accept the responsibility for a child's physical, emotional, cognitive and intellectual development in a safe and healthy environment. Au pairs are not required to meet these demanding standards.

Without knowledge of the serious consequences, a frustrated, impatient caregiver or parent could, with only a good shake, cause shaken baby syndrome with resulting anguish to many.

Sheilagh Roth, executive director
English Nanny & Governess School Inc.
Chagrin Falls, Ohio

To comment...

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BETWEEN THE LINES

MAKING CHILD CARE MACHO

As she turns 50, Hillary Clinton seizes the chance to take her pet issue to the big time

BY JONATHAN ALTER

FORGET THE PRESIDENT'S GENITALS. I'M more interested in the genitals of an issue. I'm wondering if child care can develop some *cojones* and move out of the ladies' department into the macho world of big-time, bone-crunching legislation, where the real nuts get cracked. Offended? I hope so, because I'm offended, too. I'm offended by men so out of touch with the needs of children (including their own) that they think of "child care" as just another feminist whine imported from Denmark or someplace. I'm offended by women who claim to recognize that the poor quality of much of the care is a national scandal, but are so badly organized that for a decade many states have actually had to return federal child-care money to Washington because no one persuaded lame legislatures to match it. And I'm doubly offended by communities all over the country where kids get out of school at 3 p.m. and spend the rest of the day totally unsupervised. Then we wonder why they get into drugs and knock each other up.

Hillary Clinton is offended, too, though she is working hard to control the thermostat of her outrage. With her popularity soaring, she found the perfect way to spend the week before her 50th birthday. After five years in Washington, she is finally immersed in the issue that has been closest to her heart for the last 20. But to what end? The question that hung in the East Room chandeliers last week was whether the White House Conference on Child Care, chaired by the First Lady, was the beginning of a big 1998 idea—a bid to finally catch up to every other industrialized country in the world on this front—or just another gabfest for the faithful.

The statistics are horrifying. Average pay for child-care workers: \$12,000, with turnover greater than every occupation except gas-station attendants. Average training: none. Average portion of a low-income worker's wage that goes for this often inadequate care: 25 percent. According to one study, only one in seven child-care facilities meets minimal standards for quality. Hillary says she wants to "start a national conversation" on all of this, with an eye toward what her husband promises will be a major child-care plan in his State of the Union speech next January. The president asked for public advice on what the specifics should be. Expansion of Head Start to reflect new research on the critical importance of the ages zero to 3? Expanded tax credits for child care? Help for after-school programs (many of which have been canceled in recent years) for



Children's hour: At the conference, the First Lady focused on an issue that has long been close to her heart

older kids? All of the above? Because the much-touted "conversation" on race relations isn't likely to lead to new lawmaking, child care might be the last signature legislation of the Clinton era.

But first "Billary" (remember that?) must prove they learned something from their health-care fiasco. There are two big lessons that seem to have been drawn from that sorry episode—one right, one wrong. The right lesson is that a Washington-designed Rube Goldberg contraption—even if it's good enough for the U.S. military—will fail; 1970s-style federalized child care is DOA. The wrong lesson is that any kind of big-new spending program on a so-called liberal issue is doomed. Quite the contrary. Flexible, hardheaded, locally run liberal ideas that relate to women are booming, and almost untouchable by Republicans staring into the abyss of a 17-point gender gap.

The politics of what were once known as woman's issues are rapidly changing. Remember the "Violence Against Women" bill? A few years ago, it was laughed off Capitol Hill; this year it sailed through virtually unopposed, thanks to the gender gap. Meanwhile, welfare reform (a macho issue) has now melded with child care. Any politician who's for forcing welfare mothers to work without providing help with child care now looks like an idiot.

The Christian Coalition notwithstanding, child care can be redefined as apple pie—under two conditions. The first is that the Democrats aim high. If they propose Dick Morris-style incremental change, without serious money, they'll end up with virtually nothing. The second condition is that the issue be framed so as not to offend stay-at-home mothers. Hillary already

seems sensitive to that, stressing that she rejects "one size fits all" ideas about child care. She even points to a North Carolina program that offers new mothers stipends for diapers and baby food if they stay home with their newborns instead of rushing back to work.

Even so, child care is a perfect example of a common conundrum in the Clinton era: how do you replicate what's working in places like North Carolina (the Smart Start early-childhood program). It's not as easy as it sounds. According to market principles, the good ideas should naturally spread, but they don't. "Why is the market dysfunctional in cases like this?" the president asked Treasury Secretary Bob Rubin at the conference last week. Rubin paused, then said, "Are you asking me?" The crowd laughed, but the president was earnest: "I think it's the single most important question about social policy today." Rubin, whose success with the economy allows him some cheekiness, replied, "You're the president of the United States. You're supposed to know the answer to these things."

But of course he doesn't. Even with their bully pulpits and gender gaps, the president and First Lady seem small when arrayed against our longstanding neglect of children. Now we'll see if they're serious about growing larger.

A first for the first lady

Hillary Clinton plans official one-on-one visit with British P.M.

In an unprecedented official trip for a first lady, **Hillary Rodham Clinton** will meet with British Prime Minister **Blair** in London November 1 to discuss ways to strengthen what U.S. officials call "the trans-Atlantic connection" between the White House and 10 Downing Street. Administration officials say it will be the first time a first lady has met one-on-one with a British prime minister for substantive discussions without the president. The topics will include health care, child care, and ideas about connecting schools to the Internet. "They'll discuss large social and political issues," says a senior White House aide, and try to build on President Clinton's already close relationship with Blair. During her five-day trip, which starts October 30, Mrs. Clinton will also visit Dublin and Ulster for a series of public appearances to promote children's rights and equal opportunity for women. It's all part of Mrs. Clinton's rising prominence on policy issues in her husband's second term.

The Burma Road

Pro-democracy activists focusing on Burma are nervous about a recent trip to Rangoon made by three retired senior U.S. officials. They worry that the October trip is part of an attempt to repeal U.S. sanctions on the Burmese junta, which has one of the world's worst human rights records. The visit has also left some State Department officials uneasy. The delegation included **Michael Armacost**, former U.S. ambassador to Japan; **Morton Abramowitz**, former envoy to Thailand; and **Richard Armitage**, a former assistant secretary of defense. In

addition to meeting junta officials, the trio talked with Nobel Prize winner **Aung San Suu Kyi** and other dissidents. A seven-year face-off between the brutal junta and its opponents has left Burma a virtual pariah state, sharply limiting diplomatic and trade contacts. Critics are bothered by the trip's

says the trip was only an attempt to bring diplomatic expertise to a "complicated situation." The former officials, meanwhile, expressed surprise at the controversy. "We weren't going with anybody's agenda," says Armacost, adding he was unaware of UNOCAL's backing of the forum.



sponsor, the Burma/Myanmar Forum, a Washington group with major funding from oil giant UNOCAL. While such companies as PepsiCo and Eastman Kodak pulled out of Burma, UNOCAL maintains the largest U.S. presence, with a \$1 billion joint-venture natural gas development. The company has pressed President Clinton to end the U.S. ban on new investments that he imposed in April. A forum spokeswoman

Behind the green door

Although many environmentalists are upset over the administration's plan to fight global warming (story, Page 40), White House insiders say it was ecology buff **Al Gore** who persuaded President Clinton to adopt the final version. So how do White House insiders assess Gore's commitment to fighting global warming, his signature issue? They see Gore

as more pragmatic than many of his critics suspected and certainly not the extremist that former President Bush derided as "Ozone Man." Here is how the president's plan evolved: On October 4, a week before Clinton was to leave for South America, he received a lengthy memo outlining options. The president spent several days considering the alternatives, but—at Gore's urging—ordered his staff to prepare "greener" options to make the plan more appealing to environmentalists. On the weekend of October 18, he got those proposals while visiting Bariloche, Argentina. Two nights later, the president met with his key advisers back in Washington—including Gore, Treasury Secretary **Robert Rubin**, senior White House adviser **Rahm Emanuel**, and White House economic counselor **Gene Sperling**—to make a final decision. They were deeply divided over setting a target date for rolling back U.S. emissions of atmospheric pollutants to 1990 levels. Rubin led the faction pushing for a target date beyond 2020. A middle group led by Sperling favored a date between 2015 and 2020. Gore led the group that wanted the earliest date, on or before 2010. In the end, the president set the benchmark between 2008 and 2012.

Easy does it

Though a freewheeling Q&A period with students was not deemed threatening to Mrs. Clinton and **Yasser Arafat** when they spoke at Harvard University, Chinese President **Jiang Zemin** will have an easier time this weekend. Before his session, a four-member faculty panel will screen all questions

COMMENTARY

By Keith H. Hammonds

CLINTON'S CHILD-CARE CONFERENCE: JUST CHATTER?

In March, acting on a tip, county inspectors visited the Milwaukee home of Dana Jones. As an unlicensed child-care provider, Jones was allowed by state law to look after three kids under age 7. Yet the inspectors that day found at least 34 children, some playing outside, some in sleeping bags, and four babies unsupervised. One child was lying beneath a sink, apparently for punishment. Remarkably, though, Jones's operation, first exposed in the *Milwaukee Journal Sentinel*, wasn't shut down. In fact, she regained county certification within four months.

So it goes in the underfunded, barely regulated system that looks after 12 million children under age 6. By some accounts, a majority of American kids in day care spend hours in settings that lack appropriate educational stimulation, safety, and security. This when recent studies indicate intellectual and emotional capacities are shaped most in the first three years of life. "People basically are ignoring kids," says Anne Arneson, director of the Wisconsin Council on Children & Families.

SUPPLY SIDE. What to do in the face of such need? If you're in the White House, you host a conference. On Oct. 23, Bill and Hillary Rodham Clinton were set to host 130 legislators, care providers, and child-development experts, all of them ready to agree on why good child care matters and how to get people to pay for it.

Ah, good, another conference. When the Clintons host a confab, chances are that (a) the topic will compel, (b) the discussion will be sober, and (c) not much will come of it. This is social policy, Clinton style:

Pick an issue beyond reproach, re-babble the obvious, and hope people forget about campaign finance for a while. Hard choices or financial commitments? Not likely.

There are two straightforward ways to fix the child-care mess, and both require a lot of money. We can reduce demand, limiting the damage that reckless caregivers cause to kids. Or we can expand and improve supply—putting 10 more child-care workers on Jones's block, training

child-care and early-education funding to \$255 million, from \$37 million four years ago. Indiana has brought together county-based teams of businesses, educators, providers, and community groups to fund provider training.

But such programs, though growing, don't nearly meet the need. Some 20 states, for example, allow infant-to-caregiver ratios above the 4-to-1 recommended by the National Association for the Education of Young Children, an accrediting

group; Wisconsin, in fact, recently loosened its standard. Lowering the ratios would raise costs, as would mandating teacher training beyond the 8 to 15 hours common in many centers.

FIXING IT. Researchers estimate that meeting the Association's standards would cost up to \$8,500 annually per child. Currently parents pay an average of \$3,700 per child; through subsidies, tax credits, and the like, government chips in

\$1,000 on average. The funding gap—and overall need for day care—both likely will grow in the next five years as low-income mothers move off the welfare rolls. In all, the tab to right child care easily could top \$10 billion a year.

To be fair, the Administration has some ideas about increasing federal subsidies to parents and businesses as well as creating scholarships for child-care researchers. "It doesn't take much to improve quality, and we don't need to invent a new system," Hillary Clinton told reporters on Oct. 22. But the First Lady was sugarcoating the problem: It will take a lot to improve the quality of the nation's child care and access to it. Most likely, she knows that Washington—like business and parents—hasn't the stomach for the big spending that true solutions require.

Hammonds covers social issues.



BUILDING THE FUTURE

It'll take more than talk. The national bill for more caregivers, better training, and higher pay could top \$10 billion yearly

them thoroughly, paying them better, and holding them to strict child-to-caregiver ratios.

Of the two, cutting demand is the more politically tenuous. Heritage Foundation analyst Patrick Fagan advocates extending subsidies and tax credits to families when a parent chooses to look after kids

at home. "It's bad policy to tilt things toward child care only for working mothers," he says. Such a plan could make a difference for some low-income couples, but payments would have to be massive to keep single parents at home.

As for fixing child-care supply, there are many models. Among the states, Florida has allocated \$4 million to a pool that will match employers' subsidies to workers. Georgia has used lottery revenues to increase

The first lady at

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By TRUDE B. FELDMAN

On Sunday, America's first lady will celebrate her 50th birthday. Hillary Rodham Clinton, whose youthful zeal for life belies her age, says she lives each day to its fullest, and as if it could be her last.

"My goal has always been to do something worthwhile with my life," she says, "and I view any achievement as the fulfillment of my responsibilities to and for society."

In an exclusive interview for her birthday, Mrs. Clinton also says she feels happy, content and optimistic about life.

"Over time, I have become more patient, humbler and less anxious to push the proverbial rock up the hill. I'm more conscious of the rhythms of life, and those of its simple pleasures that are available to all of us."

"I just love life and I'm blessed with a great one," she says. "Ever since I heard it seven years ago from Dr. Estelle Ramey (professor at Georgetown Medical School), the slogan for my life has been, 'I have loved and been loved, and all the rest is background music.'"

"You know, everyone has problems and faces challenges, and I'm no exception. But when you strip it all away, Dr. Ramey's slogan has had a powerful influence on me."

So how does Mrs. Clinton feel about turning 50?

"Well, age never bothered me before... until now. But I have to confess to you... being a half-century old is a little daunting... Just saying it... 'I am one-half century old,' she muses in mock astonishment. "But I hope to live to a century old."

During the 50-minute interview in the Map Room of the White House, Mrs. Clinton also talks about her childhood, her parents and her husband; what she might have done differently; and about her legacy.

If she could relive her 50 years, she says, she would not change her personal life but might change aspects of her professional life.

Please see CLINTON 3D



Times file photo

Hillary Rodham Clinton has borrowed a slogan for her life: "I have loved and been loved, and all the rest is background music."



Mrs. Clinton and daughter Chelsea on safari in Tanzania in March. Chelsea would leave in the fall for Stanford University. "I wish I could stop so bereft about Chelsea's being away at college," Mrs. Clinton says. "I wish I would feel positive that everything is fine... and I could quit worrying about her."

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"I'm not sure I would have been a lawyer," she says. "I might have studied something else. Maybe I'd have aimed for a career as a teacher, either at the high school level or college."

"Also, I would have studied a musical instrument more diligently and persevered longer so that I might have some of the joy comes from playing."

"And I would have worked harder to overcome my incapacity to speak another language. I have no ear for languages. I tried French and I took Latin for four years in high school, and I lost it. Perhaps if I had not become discouraged, eventually I'd have achieved some fluency. I still remember my professor saying, 'This is hopeless. Stick to English.'"

Hillary Rodham Clinton was born Oct. 26, 1947, in Chicago and grew up in suburban Park Ridge, Ill., the eldest of three children of Dorothy Howell and Hugh E. Rodham. At the time of her birth, her father operated a hat screen-printed and sold drapery fabrics. Her favorite pastime (and her brothers', Hugh Jr., now 47, and Tony, now 43) was listening to their father tell stories of his life "before you children were born."

She recalls that her father used to tell them, "When you work, work hard; when you play, play hard, and do not confuse the two."

In her book, *It Takes A Village*, the narration of which won her a Grammy Award, Mrs. Clinton writes that her parents dedicated time, energy and money to their children and made sacrifices to "give us a better life."

It is on that "better life" for all people that she is focusing her efforts. "My church," she says in the interview, "gave me concrete experiences that forced me to confront reality, inequity and injustice."

She notes that her mother and father had different approaches to character-building but that both tried to give their children the confidence to negotiate life's sharper edges without compromising our integrity.

When Mrs. Clinton would be confronted with a tough situation, her mother would ask whether she wanted to be the "lead actor" in her life or a "minor player who simply reacts to what others think," she should say or do.

"Keeping that in mind has been very helpful to me over the past 50 years," she says. "It was excellent advice and has helped me not to get upset by criticism or worry about the latest fads or fashions prevalent at any given time."

Her father would ask her, "How will you dig yourself out of this problem?"

"That would remind me of a shovel," she recalls, "and that image remains with me. I still reach for emotional, mental and spiritual

In fact, she has a small gold shovel, a reminder that she can deal with "what life has sent my way and, when necessary, to shovel it."

Mrs. Clinton also remembers her mother saying, "Your father and I will always love you even when we do not approve of what you do. We just hope you will share our values and want to live up to our expectations of you."

She says her parents were high and she live up to them. "I still ask myself, 'Am I doing what I believe in? Am I living up to my expectations? Am I others the way I would want to be treated?'"

"I've been fortunate," she says. "I feel very loved and have a strong faith that has helped me through a lot. At times, I do let off steam, and I will yell and scream when it is necessary, just to vent. Most of the time, however, I'm able to deal calmly with whatever comes my way because, as a child, I was given the tools to do so."

Mrs. Clinton adds, "You know, we make choices daily. We can choose to be overwhelmed by problems or we can choose to try to deal with them, ignore them or rise above them. We choose the way we cope."

"I like to laugh. Laughter and humor saved many a day for me ... looking at the brighter

living. I try to live single day to the fullest and make a useful contribution. That's important to my definition of myself. I also take time to enjoy myself and do what I like doing. For instance, I like working to help others. When I get through the day and feel I made meaningful contributions and also enjoyed myself, it is satisfying."

Raised a Methodist, she spent a good portion of her youth in church and societal concerns. Asked how spirituality manifests itself in her life, she replies, "That's a very important part of my life, and I feel good about the choices I have made and what I have been able to do. I'm a big believer in prayer and meditation, and I'm fortunate I was given a good foundation in a religious tradition and that, over time, I was able to make that part of my adult life."

During an interview with President Clinton last year on his 50th birthday, I asked what was his most significant accomplishment.

"Convincing Hillary to marry me," he quickly responded. "That changed everything."

When reminded last week of her husband's response, Mrs. Clinton tells me, "That's good ... because the most significant decision in my 50 years was being convinced to marry Bill Clinton."

She met William Jefferson Clinton in the winter of 1971 outside the Yale Law School Library.

"After we noticed each other in several places, I finally introduced myself," she recalls. "He then took the initiative, and on our first date, we started talking — and we have never stopped."

On Oct. 11, they celebrated their 22nd wedding anniversary with a romantic dinner for two at the White House. The next day they left for a week's visit — their first — to Venezuela, Brazil and Argentina.

"I am lucky to be married to a man I love and who loves me," Mrs. Clinton says. "He is so handsome, smart, optimistic, wonderful and so loving to other people as he tries to help them."

"Also, we have the same attitude about life, and we lift up each other. I would have to go a long way to find someone with all those qualities."

Mrs. Clinton says she has not taken stock of how living in the White House has changed her.

"But I'm sure I have changed," she says. "I learn something every day in this position and in this extraordinary place in history. For me, it is a constant learning experience. I feel like I've been in graduate school for five years, in a multidisciplinary course in human development and nature, in politics and economics, in arts and culture. I feel immersed in what goes on in the world, not just in the United States."

"I'm still excited about being here in the White House. I get up every day and think about what I can do to help my husband, to work on issues about which I care deeply — like health, education and other related issues that affect the well-being of children and families — and to make my contribution to America. That gets me going every single day."

She does not dwell on regrets, and when asked what irritates her, she laughs one of her contagious, hearty laughs. "Oh, we don't have enough time to answer that. Seriously, in my position, I cannot allow to be irritated by minor matters. If I



Times file photos

On *Larry King Live* in May 1996, Mrs. Clinton defends her husband against Whitewater allegations before the trial in Little Rock, Ark.

did, I'd spend all my time being upset. So I really don't."

"Yet really irritating to me are people who are malicious and mean-spirited toward others for their own personal, political, ideological or commercial reasons."

What would she like to be remembered for?

"Every issue I've worked on has been meaningful to me and is close to my heart," she says. "The health care reform effort is a very important turning point in America's consideration of this crucial issue. I am gratified by the changes that have been taking place, especially in the bill to balance the budget, and the \$24-billion for children's health is a great step forward for Americans. I am also proud of our work in advocating a better adoption and foster care system; improving child care and promoting higher education standards."

Three birthday wishes

If she were granted three wishes for her 50th birthday, what would they be?

"The first would be world peace," she says. "Seriously, I wish that between my birthday and, say, the end of this year we could see a breakthrough in Northern Ireland, further reconciliation in Bosnia and a renewal of meaningful peace talks in the Mideast."

"The president has been working so carefully and for so long on these and other trouble spots. If we could bring people together on common ground, that would be a wonderful gift, not only for me but for the entire world."

"My second wish is that families the world over could be healthy and in a wonderful frame of mind ... and that love, kindness and civility would prevail."

"My third is more personal. I wish I could stop feeling so bereft about Chelsea's being away at college. She is such a joy to us and I know how capable she is. Still, I wish I would feel positive that everything is fine ... and I could quit worrying about her. Perhaps then I could more wholeheartedly enjoy her new adventure."

Though her 50th birthday is a milestone in her life, Mrs. Clinton remembers other turning points:

"When I decided to leave home and go far away to college; when I decided to go to law school at a time not many young women were doing that; when I met my husband and followed my heart to Arkansas, a place I'd never been; when I decided to marry and commit myself to living in Arkansas and working with my husband; when he decided to run for public office and I decided to actively support him; when I had my daughter; when my husband decided to vigorously campaign for the presidency and when we moved into the White House."

"Each time I have been challenged to meet the change of circumstances and the demands of all these different situations in which I have found myself."

Trade B. Feldman, an internationally syndicated feature writer, has covered the White House for 30 years.



Chelsea Clinton graduates from Sidwell Friends School in Washington in June, ready to set her sights on California.

side of things and looking at the absurd ... parts of human nature have to keep you balanced and going."

Mrs. Clinton offers this advice to women who look to her as a role model:

"Take stock of your life and value what you have. Where you can change something to make you happier, do it. Otherwise, try to get the most out of who you are. Don't spend time on regrets, recriminations, bitterness and all the sadness that everyone, at times, confronts."

"No one lives a life free of disappointment, regret and distress. You may not be able to change the circumstances confronting you, but you can change the way you look at or react to them."

She adds, "I recognize the importance of good nutrition and exercise in maintaining good mental and physical health." She eats healthy foods, loves to take long walks, which she finds relaxing, and rides her bicycle for exercise.

A serious baseball fan, she went to Chicago Cubs games at Wrigley Field with her father and brothers as a girl. For the Cubs' 1994 season, she was invited to throw out the first ball.

Contributions, faith and Bill

How is the first lady making the most of her life?

"I take each day as it comes and draw it into it. For me, that is a positive way of

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Clintons to tackle child-care issues

Aides won't give specifics about Thursday conference

By Mimi Hall
USA TODAY

WASHINGTON — As if on cue to illustrate the problem Hillary Rodham Clinton was describing, secretary and single mom Paula Broglio stood up and presented herself to the first lady as a living example of a working woman who can't make it on her own.

On a \$25,000 salary and with no child support from her ex-husband, Broglio lives with her 4-year-old son in the guest bedroom of her parents' house so she can afford \$200-a-month subsidized child care at a Catholic school while she's at work.

"If I did not have that, and I didn't have my parents, I would probably have to quit my job and go on welfare, because who would watch my child during the day and how could I afford to live in an apartment?" Broglio asked earlier this month at the University of Maryland, where the first lady was speaking about her latest effort to influence public policy.

"That is the problem," Clinton answered. "I could not more vividly describe it."

But Clinton couldn't say how the White House Conference on Child Care, which she and President Clinton will host Thursday, might help the 38-year-old Adelphi, Md., secretary and her little boy, Vincent.

"Your child will be in school before we probably get much of the changes that I would like to see happen," she said.

White House aides are being deliberately vague about what the Clintons have in mind to address the problems of affordability, availability and safety in the nation's child-care industry.

During the 1993-94 health-care debates, they learned that large-scale proposals can bring protest from those who see big government taking over a responsibility that should be left to families and private businesses.

"If you're having a White House conference, I suspect you think there's a government solution," says Gary Bauer of the conservative Family Research Council.

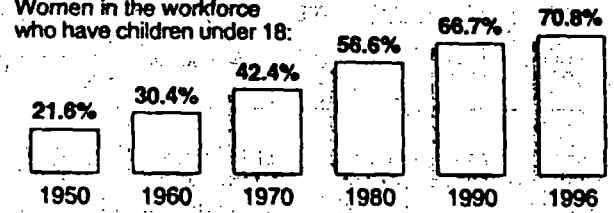
In an interview with USA



Clinton: Passionate on children's issues

Growing need for child care

Women in the workforce who have children under 18:



Source of child care

Child-care arrangements of working mothers who have children under 5 or children 5 to 14:

	Under 5	5-14
Another home	32%	4%
Organized child-care facility	31%	79%
Parental care	22%	9%
Child's home ¹	15%	5%
Child cares for self	0%	3%

Weekly cost of child care

(in constant 1993 dollars)

1986	\$64
1990	\$72
1993	\$79

¹ - Care provided by baby-sitter or someone other than parent.
Sources: Bureau of Labor Statistics; U.S. Census Bureau; The 1996 Green Book. Statistics are the most recent available.

By Genevieve Lynn, USA TODAY

TODAY on Tuesday, Hillary Clinton wouldn't say what the administration will propose.

"What I'm interested in is putting the spotlight on this issue and using the White House to... ignite a national conversation," she said.

The goal, she said, is to "call national attention to an issue that political leaders and policymakers should focus on but which has often been ignored."

She wouldn't talk specifics,

and her aides said she is not necessarily backing ideas she has mentioned recently: creating a national registry of child-care workers who have been convicted of crimes, for example, or offering protection for caretakers who fear being sued over minor accidents.

In her book *It Takes a Village*, Clinton said child care "is an issue that brings out all of our conflicted feelings about what parenthood should be and

about who should care for children when parents are working or otherwise unable to."

Children's issues have been a passion for Clinton since the early 1970s, when she worked as a lawyer at the Children's Defense Fund, a liberal advocacy group. Now she is wading back in to help tackle what the president calls "the next great frontier" in his effort to help working families.

In a recent speech at a Newark church, he ticked off a list of large and small initiatives he already has promoted: a new TV rating system to alert parents about violent or sexual content, a tobacco settlement that aims to stop smoking among children, a \$500-per-child tax credit for working families and a balanced federal budget that increases funding for health care for low-income children.

"But we still have to make sure that our parents have access to quality, affordable child care," he said. "That's the great, big hurdle left."

Richard Stolley, president of the Child Care Action Campaign, hopes Thursday's conference can help convince businesses that helping employees find child care helps productivity. "Business needs to be convinced there is a bottom-line benefit," he says.

But the nation's child-care system is in such bad shape, he says, that "we're deluding ourselves if we think this is going to make an enormous difference."

President, first lady call lack of affordable child care a "silent crisis" By Jan Crawford Greenburg Chicago Tribune (KRT)

WASHINGTON The first day Judith Hawley left her baby at day care, she couldn't stop crying. Her distress all but convinced her colleagues she wouldn't be back to work the next day or ever.

"I spent the first morning in tears," recalled Hawley, a legal secretary. "They said, 'Don't go home.' They thought I wouldn't come back."

Today, three months and a few more emotional mornings later, Hawley is more comfortable leaving her 7-month-old son, Dylan, at his day-care center with its cheery atmosphere and attentive, experienced staff. Her office is nearby, so she can spend lunchtime with her son.

Out of millions of working parents, Hawley, who works part-time, considers herself among the fortunate. Although the overwhelming priority of parents work, a recent national study found that child care at most centers is "poor to mediocre."

The lack of good-quality, affordable child care is a "silent crisis," first lady Hillary Rodham Clinton, who joined the president Thursday in convening a daylong White House Conference on Child

"We want American parents to succeed at the most important task they have: caring for the next generation and being good workers," Mrs. Clinton said.

Those two goals often conflict for working parents struggling to find quality care they can afford. Many spend much of their workdays "worried about the snuffle their daughter had or how their son is faring," Mrs. Clinton said, "murmuring into the telephone instructions their children need."

The conflict between work and child care was in particularly sharp relief Thursday. As the conference was under way at the White House, CNN was broadcasting live coverage of the trial of a teenage English au who is charged with murdering a baby in her care.

In Boston and across the country, the trial has stirred the debate about the role of working mothers and sent shivers through those who turn to others to help care for their children.

Today the number of children cared for by someone other than their parents is staggering: more than 12 million children under age 6. That amounts to 60 percent of all preschoolers and half of all infants under 1 year old. That number could almost double in the next few years, as some 4 million parents now on welfare are forced to get jobs.

The odds those children will get quality care aren't good, and recent studies have brought into focus the ramifications of poor child care. Among other things, it can compromise children's social and intellectual development, hinder their ability to form emotional attachments and prevent them from having trusting relationships later in life.

"I know it sounds very melodramatic, but the reality is that unless we put the kind of resources and attention on this group ... we do so at our peril," said Matthew Melmed, executive director of Zero to Three, a non-profit organization that studies infant and child development.

Even when parents manage to afford it, quality care still can be hard to come by. Hawley, for example, was on a waiting list for months to get a spot at her son's center, which costs \$900 a month. This month alone, the center had to turn away five infants on a waiting list, said owner Marjorie Schwartzberg.

At the conference, President Clinton said he hopes to draw up a plan by next year that would make quality day care more available and more affordable by combining government initiatives with business and community programs.

He and Mrs. Clinton stressed the bottom line: Poor day care results in lower productivity today, as workers worry about their children. Tomorrow it could create a generation that never achieves its promise.

"It's America's next great frontier: strengthening our families and our future," Clinton said.

Conservative Republicans eyed the conference warily, concerned it would lead to plans to increase government spending or regulation. But both Clintons emphasized private solutions, rather than sweeping federal initiatives.

The president noted that "no government can love a child," but said, "There is much we can do."

He said he will propose a number of initiatives that would tap corporations for day-care solutions. He also said he will ask Congress to approve legislation that would give scholarships to child care workers, in an effort to attract quality providers.

And he will push for a program that would make background checks on child care workers easier by removing state barriers to sharing

criminal histories. "We have to weed out the people who have no business taking care of our children," he said.

Child development experts said Thursday the conference was a promising start toward solving a rapidly developing problem but said the true challenges were ahead.

"We need to improve the quality of care. To do that, we need to have much greater government subsidies and individual subsidies," said Stanley Greenspan, clinical professor of psychiatry and pediatrics at George Washington University Medical School and author of "The Growth of the Mind: The Endangered Origins of Intelligence."

"Basically, we've been giving lip service to the fact the quality of care is often inadequate."

Greenspan said most day care doesn't give infants and toddlers the intimate connections they need for social and intellectual development.

"A lot is at stake here, because if we continue a course where we undermine the growth of healthy minds, we challenge the future generation's ability to govern themselves and become future leaders," Greenspan said. "We don't realize how fragile these factors that nurture healthy minds are."

Even recent studies that have a positive spin, that seem to reassure working parents day care isn't harmful, aren't all good news, he said. For example, a study by the National Institute of Child Health and Human Development found that quality day care for infants didn't necessarily compromise the social and intellectual development of children but only if the children had very sensitive care at home.

"When we have looked at even the best day-care centers, the less than 20 percent deemed adequate which is a very small percentage to begin with even there, we find (day care) can't take over family functions," he said. "Babies require ongoing intimacy."

Melmed said that, as a result of the studies, people are beginning to understand that questions about day care no longer should be considered philosophical or political.

"Science is telling us what we do from the very earliest moments of life with babies will have a profound impact on how they develop, how as they grow older they'll do in school, how they'll be in terms of moral development, how they'll be as workers," Melmed said.

"All that is very clearly rooted in the types and quality of relationships they have as babies and toddlers."

**Clinton Unveils \$300 Million Child Care Prop.
(Washn) By Elizabeth Shogren (c) 1997, Los Ang
Times**

WASHINGTON Addressing a White House conference on child care, President Clinton announced Thursday a \$300 million proposal to provide training scholarships for day care providers and boost their wages when they return to work.

In addition, the president unveiled three initiatives aimed at improving the affordability, safety and quality of child care, including a measure that would make it easier for states to conduct criminal background checks on prospective child care workers.

"No government can love a child, and no policy can substitute for a family's care," Clinton told participants in the White House conference. "But there is much that we can do to help parents do their duty to their children."

The high-profile conference was convened to draw attention to the problems plaguing the country's patchwork child care system and launch a national conversation on how to fix it. The burgeoning child care industry suffers from low wages, uneven quality and spotty safety. The president plans to announce a new strategy for addressing parents' child care worries during his State of the Union address early next year.

Child care has become an increasingly acute issue for American families: 12 million children under 6 representing half of all infants and 60 percent of all preschoolers are in the care of someone other than their parents. And with welfare reform pushing more single parents into the work force, the demand for child care is expected to grow significantly.

The modest initiatives the president announced Thursday are part of an ongoing effort by the Clinton administration to bolster the country's child care industry without resorting to a big government solution, which the GOP-controlled Congress would surely reject.

"We're not interested in some big federal program directed from Washington that sets one-size-fits-all rules," said Bruce Reed, a domestic policy adviser to the president. Clinton's goal is "to help more states and communities succeed at this" and to encourage "companies that don't do much in the way of child care to follow the lead of successful companies that do," Reed said.

The president's \$300 million, five-year scholarship plan is designed to improve the qualifications of child care workers while cutting down on the rapid turnover of care givers, as many as half of whom leave their jobs every year. Annual stipends of up to \$1,500 would be provided to as many as 50,000 current and future child care providers who agree to stay in the field for at least a year after receiving the training. The beneficiaries would receive a bonus when they complete their course work.

The initiative, which will be included in the president's 1999 budget and must be approved by Congress, is modeled after the successful North Carolina T.E.A.C.H. program, which gives participating child care providers wage increases of 10 percent for taking an average of 18 credit hours of classes per year. The program is being replicated in Illinois, Georgia, Florida, New York and Colorado; Pennsylvania will soon follow.

In an effort to make child care safer, Clinton is asking Congress to pass a law that, in the case of applicants for child care jobs, would waive the prohibition on the sharing of criminal records between states.

To beef up staffing and improve the quality of after-school programs for older children, Clinton announced that his Corporation for National Service would train volunteers so the programs could provide better care to more children.

Child Care Talks Return First Lady to Spotlight

G.O.P. Right Is Wary of Conference Today

By ROBERT PEAR

WASHINGTON, Oct. 22 — Hillary Rodham Clinton convenes a White House conference on Thursday to highlight what she and the President see as an urgent need for safe, affordable child care. But conservative Republicans say they fear that the conference will lay the groundwork for plans to increase Government spending or regulation.

Hoping to overcome such skepticism, Administration officials have been trying to enlist moderate Republicans and business executives in their campaign, arguing that improved child care would not only produce healthier, happier children, but would eventually increase the nation's economic output as well.

Mrs. Clinton today described the conference and the Administration's approach to child care in purposefully reassuring terms. The most successful day care programs result from "public-private partnerships," not Government mandates, she said at a briefing for reporters.

The White House conference will probably generate several new policy initiatives, she indicated, but they will not require enormous amounts of public money or a broadly expanded state regulatory role.

And Mrs. Clinton delivered a preemptive answer to critics who say that the focus on child care sends an implicit message to women that it is better for them to work outside the home than to stay at home caring for their own children.

"Despite our rhetoric about family values, we don't do very much to help the parents who want to stay home," Mrs. Clinton said. "We don't want one stereotypical, one-size-fits-all approach to child care."

In their handling of this issue, the Clintons are clearly drawing on lessons learned from the health care debacle of the President's first term. Their proposals to overhaul the health care system were rejected in part because critics painted them as an inflexible Government-decreed solution to major social needs.

In announcing the day care conference on July 23, President Clinton said affordable, high-quality care was "critical to the strength of our families and to healthy child development." Moreover, he said, "it is good for the economy and central to a productive American work force."

Mrs. Clinton's work on the child care conference is her most visible effort at policy making since the failure of the health care project. The conference follows months of White House planning, aides said. It centers on an issue of long interest to Mrs. Clinton and was scheduled to capitalize on favorable publicity surrounding her 50th birthday on Sunday.

Although Mrs. Clinton is the event's chief organizer, she took pains today to emphasize that any policy proposals would come from her husband, not from her. "The President will make recommendations," she said.

Senator James M. Jeffords, a Vermont Republican who recently introduced a comprehensive bill to increase the supply of day care, said, "Having affordable, convenient child care is tied directly to a family's ability to produce income."

Most child care, Mr. Jeffords said, is mediocre, and some threatens the health and safety of children.

Marian Wright Edelman, president of the Children's Defense Fund, said she hoped that the conference would be "a launching pad for significant new investments" in child care, by Federal and state governments and by employers across the country. "The quality of infant and toddler care is shockingly low," said Mrs. Edelman, a longtime mentor to Mrs. Clinton.

Ten million children under the age of 5 have working mothers and need child care. The Census Bureau says that 30 percent of the children are in day care centers or nursery schools, while the others receive care from relatives or neighbors.

The debate over child care is filled with paradoxes. Parents cite the cost of care as one of their biggest concerns. Families with incomes under \$14,500 a year spend one-fourth of their income on child care, the Census Bureau reports.

But many child care experts are seeking higher pay for child care workers, higher quality care and stricter regulation, which — in the absence of new investments by government or business — could lead to increased costs for working parents.

Helen Blank, a policy analyst at the Children's Defense Fund, said that child care workers, on the average, earned less than bus drivers, garbage collectors and bartenders.

Marcy Whitebook, co-director of the National Center for the Early Childhood Work Force, in Berkeley, Calif., said nearly one-third of child care teachers earned the minimum wage, now \$5.15 an hour. The low wages, Ms. Whitebook said, lead to high turnover among child care workers, who come and go so fast that they cannot develop stable relationships with the children for whom they are responsible.

The White House learned a lesson from the health care debacle.

Congress is considering many bills to increase Federal spending and tax breaks for child care. Democratic authors of such measures have worked closely with moderate Re-

publicans like Mr. Jeffords, Senator Olympia J. Snowe of Maine and Representative Nancy L. Johnson of Connecticut. A few conservatives have also endorsed the proposals.

Republican Governors in Illinois, Ohio, Rhode Island and Wisconsin have joined Democratic governors in efforts to increase spending for child care.

But the White House conference has drawn a cool reception from many conservatives, who note that Congress approved a major increase in child care spending as part of the 1996 welfare law.

Gary L. Bauer, a former Reagan Administration official who is president of the Family Research Council, said: "When I see conferences in Washington, the bottom line almost always seems to be something that makes Government grow. There are deep suspicions on the right that the purpose of this conference is to soften up the ground for proposals involving an entitlement program or new subsidies for institutional child care."

For their part, Administration officials said they wanted to raise the prominence of child care as an issue on the national political agenda, without proposing specific new legislation at this time.

The White House conference will focus on three questions: how to increase access to child care, how to make it more affordable and how to guarantee the quality of care, so children will be safe.

In a report on the nation's child care needs, prepared for the conference, the Department of Health and Human Services makes these points:

¶Forty-five percent of children under the age of 1 are in child care on a regular basis.

¶States with stronger licensing requirements have larger numbers of high-quality child care centers. But the quality of care varies immensely.

¶"Nearly five million school-age children spend time as latchkey kids without adult supervision during a typical week." Juvenile crime is most likely to occur after school hours, when children are unsupervised.

David M. Blau, a professor of economics at the University of North Carolina at Chapel Hill, said the availability of "family day care," in which one person typically supervises several children, had a major effect on the entire market for child care.

"Many women are willing to take care of other people's children for relatively low remuneration," said Mr. Blau, who has studied the industry. "They are able to take care of their own kids at the same time, and that provides them with nonmonetary benefits. This tends to hold down wages, so the cost of informal child care is very low. The effects spill over to larger day care centers because the two types of child care providers compete with each other."

In the 1996 welfare law, Congress created a new program of Federal grants to the states, designating \$13.9 billion over six years to help finance child care. The Congressional Budget Office said this sum was an increase of more than \$4 billion, or nearly 50 percent, over what would have been spent under prior law.

The New York Times

THURSDAY, OCTOBER 23, 1997



Ecumenical Patriarch Bartholomew I, spiritual leader of 250 million, meets with President Clinton in the Oval Office.

BY ROBERT A. REEDER—THE WASHINGTON POST

Clinton Welcomes Orthodox Christian Leader

Discussion Includes Issues of Religious Freedom, Environment, Cyprus

By Peter Baker

Washington Post Staff Writer

With all the pomp reserved for heads of state, President Clinton welcomed the spiritual leader of the Orthodox Christian Church to the White House yesterday for a private meeting and a gala reception, in part to demonstrate U.S. commitment to religious freedom throughout the world.

Ecumenical Patriarch Bartholomew I met with Clinton in the Oval Office and later with first lady Hillary Rodham Clinton before attending a wine-and-pastry affair in the East Room and State Dining Room. Afterward, he headed over to the State Department for a dinner hosted by Secretary of State Madeleine K. Albright.

"For the patriarch, it was very important," said the Rev. Alex Karloutsos, the vicar for public affairs for the Greek Orthodox Archdiocese of America. "He came asking what anyone would ask from the United States, which is respect for religious freedom and human rights." Even before the patriarch could raise the issue, Karloutsos added, Clinton volunteered his concern about religious persecution abroad and emphasized his solidarity with the patriarch.

The meeting was "symbolic of both religious freedom and religious tolerance," said John D. Podesta, Clinton's deputy chief of staff and one of several Greek Americans

in high-ranking positions in the White House.

The White House visit was the high point so far during the patriarch's month-long journey through the United States, which began Sunday and has also included a ceremony in his honor at the Capitol and encounters with Jewish, Roman Catholic and Muslim communities.

The trip is Bartholomew's first to the United States since his ascension in 1991 to the spiritual leadership of Orthodox Christianity and its 250 million faithful throughout the world, including 5 million in this country. Unlike Roman Catholicism, Eastern Orthodoxy does not bestow upon the ecumenical patriarch the primacy of a pope, but as the archbishop of Constantinople, Bartholomew is revered as the "first among equals" of the church's various patriarchs.

Bartholomew started his day with elaborate morning services at St. Sophia Greek Orthodox Cathedral in Northwest Washington, where hundreds of worshippers packed the pews under the ornate Byzantine dome for a more ritualistic chanting liturgy than typically performed in Greek American churches.

His meeting with the president focused not just on religious tolerance but also on Greek-Turkish relations, including Clinton's recent initiative to resolve long-standing tensions over Cyprus. The two also talked about the environment, with

Clinton briefing the patriarch about his new global warming plan and Bartholomew discussing his efforts to clean up the Black Sea and the Danube River.

In fact, Clinton quoted Bartholomew earlier in the day when he announced his proposal to cut back on greenhouse gases. "He reminds us that the first part of the word 'ecology' derives from the Greek word for house," Clinton said, adding that "it is our solemn obligation" to pass along a clean home to the next generation.

Later in his trip, Bartholomew will participate in a symposium on religion and the environment with Interior Secretary Bruce Babbitt in California.

At the end of his session with the president, Bartholomew brought out snapshot pictures of Hillary and Chelsea Clinton from their trip to his home in Istanbul in March 1996. During the later reception, he recalled their visit warmly, singling out Chelsea for a prayer.

"We always remember her and pray for her that she may progress in her educational endeavors and spiritual growth," he said.

The first lady noted that yesterday's return visit coincided with the sixth anniversary of Bartholomew's uncontested election as patriarch. "This house where our president resides doesn't know anything about unanimous elections," she added in a sly tone, "so we are in awe ... of such a miracle."

The Washington Post

THURSDAY, OCTOBER 23, 1997

Panel Outlines Protections For Health Care Consumers

Commission Would Guarantee Patient Choices

By Amy Goldstein
Washington Post Staff Writer

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A presidential commission yesterday outlined a broad set of protections for consumers frustrated by a changing health care system, proposing that patients be guaranteed a choice of medical plans, more information to make smart decisions and new ways to protest when they become dissatisfied with their care.

Under the proposal, intended to protect all Americans with insurance, health plans would be forbidden from imposing "gag rules" that restrict the kind of treatment options physicians can mention to their patients. The confidentiality of medical records would be guarded more closely. And patients who are pregnant or chronically ill would be able to keep their own doctor for a guaranteed period of time, even if forced to switch health plans.

The proposed "bill of rights" is the first concrete plan to emerge from a diverse panel—including representatives of insurance companies, consumers, physicians and employers—that for months has been debating what safeguards Americans need to ensure good medical care. As a result of a quiet, ongoing revolution in health care, most patients now are covered through health maintenance organizations and other forms of "managed care," which try to constrain costs by limiting how much and what kind of care people may receive.

See CARE, A14, Col. 1

CARE, From A1

Even as its members found broad areas of consensus yesterday, the commission remained splintered over several important questions—whether health plans should be able to exclude people who are sick, for example, and whether the government should create a nationwide "ombudsman" system to help patients navigate the often-bewildering ways that their health care has changed. However, only those initiatives that won unanimous approval were included in the proposals agreed to yesterday.

Health and Human Services Secretary Donna E. Shalala, one of two Cabinet members leading the commission, said the group had taken

"remarkable steps" to expand patients' rights. But some commissioners disagreed. "It falls short of what the president asked us for. It excludes too much," said Ron Pollack, executive director of Families USA, a consumer-advocacy group.

The panel plans to adopt its "bill of rights" in final form next month and to submit it to President Clinton, who will have to decide whether it should become the basis for legislation, regulation or exhortations for the insurance industry to police itself. The administration has given no indication which path it prefers.

The Advisory Commission on Consumer Protection and Quality in the Health Care System is an attempt to look comprehensively at how to help protect patients in dealing with health

insurers. Its work coincides with a flurry of largely piecemeal attempts to rein in managed care that have emerged in Congress, state legislatures, and various factions of the insurance industry.

The panel also is the latest in a series of administration strategies, since the demise of its massive health reform plan three years ago, to tackle the issue in more finite ways. Last year, it backed the Kennedy-Kassebaum law that was designed to make it easier for people to get insurance after they become sick or change jobs. As part of the balanced-budget agreement, the White House gave its support to a \$24 billion program to expand health insurance for children.

"We aren't redoing the Clinton health plan," Shalala said yesterday,

noting that the panel is not addressing the kinds of benefits insurance companies should provide or how to help the 41 million Americans who have no insurance.

Even in its more targeted debate on the rights of insured patients, the diverse, 37-member commission has become a miniature version of the deep cleavages in opinion over what changes are needed in health care, and what role government should play.

On issue after issue, representatives of consumers and health professionals argued for greater patient protections, while employers and insurance executives opposed them for fear they would cost too much.

As a result, the draft excludes a proposal to guarantee patients the

right to take part in medical research to test the effectiveness of new treatments. The panel deferred until next month its decisions over ombudsmen and whether to prohibit health plans from discriminating against certain high-cost or low-income patients in their marketing and enrollment practices.

At the end of the two-day debate that ended yesterday, several commission members said they remained uncertain whether the final version will go far enough in protecting patients for them to support it. Some have talked of turning in a minority report.

Nevertheless, the panel agreed on several important protections that would exceed those currently available to most patients.

It recommended new restrictions to ensure the confidentiality of medical records, largely echoing a proposal that Shalala made to Congress last

month—with one significant difference. Shalala urged that law enforcement investigators be granted broad access to patient records, without their knowledge and with their names attached. The commission recommended such access only for investigations of health care fraud.

The commission also proposed a major expansion of the information that doctors and health plans must give patients. If patients need surgery, for example, their doctors would have to disclose how many times they had performed that type of operation.

For the first time, employers also would have to offer their workers a choice of health plans. And if consumers believed that their health plan had failed to provide or pay for the treatment they deserved, they would be able to appeal to an impartial, outside review panel—a protection available now only in seven states.

The Washington Post
THURSDAY, OCTOBER 23, 1997



By Lizette Jaschewski, AP

Child-care: More than half of kids under 6 need day care.

Child care: Parents need more choices; USA needs more resources, new ideas

If we, as adults and as nations, can be judged by the way we care for our children, we cannot wait a moment longer to address child care.

As the nation's largest civilian provider of that care, the YMCAs applaud the Clinton administration for focusing attention on the evolving child-care system with a conference held in the White House today. But as USA TODAY says, "Government must devise ways to enhance quality without compromising a family's child-care choices" ("Parents need quality care, want choices for children," Our View, Debate, Friday).

Indeed, parents need more choices. Child care needs new resources and new ideas. We must enhance quality. We must make child care more accessible and more affordable.

What 36 million American children urgently require is not a place to be warehoused while parents work, but a safe and nurturing place with high-quality programs that challenge and excite them and throw in added measures of character development and love.

Economic and social changes during past decades and an influx of single parents into the workforce have added chilling immediacy to this problem. At the same time, new research has linked the benefits of learning experience for preschoolers, and after-school programs for school-agers, to school achievement and lifetime success.

Experience with millions of kids in YMCA programs has convinced us that:

► Federal, state and local governments must join with the private sector to provide better funding so working-poor families can find high-quality, affordable child care.

► Before- and after-school programs should be available and affordable.

► Concerned Americans — not only those with children but all of us who hope to live in a nation strong and competitive — must join in the dialogue that the White House is entering.

If we do not take action now, making child care more accessible and more affordable, if we do not aspire to put every child in the high-quality programs that we know determine their future, then we will surely fail them — and ourselves.

David R. Mercer
National executive director
YMCA of the USA
Chicago, Ill.

Disabled need child care, too

We agree with USA TODAY that "innovative experiments" are happening across the country and that "information, incentives and resources that give parents, communities and state and local leaders a chance to create child-care solutions" are urgently needed.

The National Easter Seal Society commends President Clinton and Hillary Rodham Clinton for convening the White House Conference on Child Care.

By examining the strengths and shortcomings of the existing child-care system, this conference can provide leaders at all levels with the tools they need to improve dramatically the availability of safe, affordable, quality child-care services.

Child care that includes children with disabilities is one critical issue that must be examined.

While the lack of safe, affordable, quality child care for all children continues to plague the nation, families with children with disabilities face additional burdens in securing child care. Children with disabilities are barred from far too many child-care programs because of myths, fears and stereotypes.

Moreover, child-care providers too often lack the information and supports necessary to effectively meet the child-care needs of children with disabilities and their families.

Easter Seals directly services more than 100,000 children in early-education and care programs across the country. In many communities, Easter Seals is partnering with public and private organizations to expand the supply of high-quality child care.

Child-care initiatives that follow the White House conference must address the needs of working families with children with disabilities.

Child-care providers need training and technical assistance on how to meet their responsibilities under the Americans with Disabilities Act and on how to collaborate with programs targeted at children with disabilities and their parents.

These efforts will increase the availability of quality care for all the nation's children.

James E. Williams Jr., pres. CEO
National Easter Seal Society
Chicago, Ill.

Children Under the Law

HILLARY RODHAM

Children's Defense Fund

*The author examines the changing status of children under the law. Traditionally, the law has reflected a social consensus that children's best interests are synonymous with those of their parents, except under the few circumstances where the state is authorized to intervene in family life under the doctrine of *parens patriae*. Little consideration has been given to the substantive and procedural rights of children as a discrete interest group. At present, law reform is moving to change children's legal status in two ways: by extending more adult rights to children and by recognizing certain unique needs and interests of children as legally enforceable rights. Ms. Rodham summarizes recent Supreme Court decisions which will influence changes of both kinds, and suggests specific directions reform might take.*

The phrase "children's rights" is a slogan in search of definition. Invoked to support such disparate causes as world peace, constitutional guarantees for delinquents, affection for infants, and lowering the voting age, it does not yet reflect any coherent doctrine regarding the status of children as political beings. Asserting that children are entitled to rights and enumerating their needs does not clarify the difficult issues surrounding children's legal status. These issues of family autonomy and privacy, state responsibility, and children's independence are complex, but they determine how children are treated by the nation's legislatures, courts, and administrative agencies.

This paper briefly sets out the legal conception of children's status underlying American public policy and case law, and suggests various ways in which this conception needs major revision. There are important new themes emerging in the

interpretation of children's status under the law, and several new directions which future litigation and legislation in the interest of children might take. Of particular interest is the trend toward recognizing children's needs and interests as rights under the law.

* Attributing a right to a person may involve describing an existing relationship or prescribing the formation of a new one. The prescriptive aspect of right represents a moral judgment about how particular interests should be ordered so that certain ones will be given priority over others. The recent literature on children's rights is filled with such prescriptions, based on arguments from political, legal, and moral philosophy. Rarely, however, do the writers mention the important differences between an existing legal right and other claims of right. A legal right is an enforceable claim to the possession of property or authority, or to the enjoyment of privileges or immunities.¹ Moral prescriptions and political demands, on the other hand, are not formally recognized by the law and have the status of needs or interests, not rights. Adult Americans enjoy the legal rights set forth in the Constitution, statutes, regulations, and the common law of the federal and state governments.² Child citizens, although their needs and interests may be greater than those of adults, have far fewer legal rights (and duties). Indeed, the special needs and interests which distinguish them from adults have served as the basis for not granting them rights and duties, and for entrusting enforcement of the few rights they have to institutional decision-makers.

Current Legal Status of Children

"Children" is sometimes a term of legal classification, but it is more common to find the legal categories of "infancy" or "minority" describing people under twenty-one, or under eighteen for some purposes. The status of infancy, or minority, large-

¹ Defining "right" apart from the general usage which the term enjoys is difficult. The best attempt to unravel the jurisprudence of rights and to elucidate the various meanings which it has acquired in the law is Wesley Newcomb Hohfeld's analysis in *Fundamental Legal Conceptions* (New Haven: Yale University Press, 1919). The definition used here is drawn from the Compact Edition of *Oxford English Dictionary*, v. II, pp. 2546-2547 (New York: Oxford University Press, 1971).

² As one commentator described adult rights: "... today liberty has been extended so far as the law alone may extend it to all adults, white or black, male or female, rich or poor, intelligent or stupid; subordinate relations to private persons must be consensual relations and probably cannot, under the Thirteenth Amendment and common law limitations on the freedom to contract, be total." Andrew Jay Kleinfeld, "The Balance of Power Among Infants, Their Parents and the State. Part II," *Family Law Quarterly*, 4 (December 1970), 409, 410.

ly determines the rights and duties of a child before the law regardless of his or her actual age or particular circumstances. Justifications for such a broad, chronologically determined classification rely on the physical and intellectual differences between adults and children.

There is obviously some sense to this rationale except that the dividing point at twenty-one or eighteen years is artificial and simplistic; it obscures the dramatic differences among children of different ages and the striking similarities between older children and adults. The capacities and the needs of a child of six months differ substantially from those of a child of six or sixteen years.

In eighteenth century English common law, the term children's rights would have been a nonsequitur. Children were regarded as chattels of the family and wards of the state, with no recognized political character or power and few legal rights. Blackstone wrote little about children's rights, instead stressing the duties owed by "prized possessions" to their fathers.³ Early American courts accepted this view.⁴ In this country children have long had certain rights resulting from their attainment of some other legal status, such as parties injured by tortfeasors, legatees under wills, or intestate successors. Even these rights, however, can be exercised only vicariously through adult representatives. Older children have a few additional legal rights, granted by statutes which reflect some legal recognition of their increased competence. Examples include the right to drive a motor vehicle, the right to drop out of school, the right to vote, the right to work, and the right to marry (although before a certain age marriage can be voided in the absence of parental consent). The doctrines of emancipation and implied emancipation release a child from parental control following his or her marriage, after entering military service, or after achieving economic independence or meeting another statutory definition of maturity. Finally, the Supreme Court has held on a few occasions, and with greater frequency in recent years, that the Constitution requires recognition of particular rights of children, among them the right to certain procedural protections in juvenile courts,⁵ the right to refuse to salute the flag in the

³ William Blackstone, *Commentaries on the Laws of England*, Vol. I, 12th ed. (London: A. Strahan and W. Wordfall for T. Caddell, 1700-1795).

⁴ See, e.g., James Kent, *Commentaries on American Law*, Vol. I, 14th ed. (Boston: Little Brown, O. W. Holmes ed., 1873).

⁵ *Haley v. Ohio*, 332 US 596 (1948) (protection of Fourteenth Amendment against coerced confession extended to fifteen year old boy in state criminal trial); *Kent v. US*, 383 US 541 (1966) (waiver from juvenile court to adult court has to meet minimum requirements of due process); *In re Gault*, 387 US 1 (1967) (adult procedural protections in criminal trial extended to delinquency proceedings); *In re Winship*, 397 US 358 (1970) (quantum of proof necessary for conviction in juvenile court raised to reasonable doubt standard).

public schools when doing so would violate religious beliefs,⁶ and the right to don a black armband to protest the Vietnam war.⁷

Beyond such instances, the law's concern with children has been confined to those occasions when the state may limit parental control in the interest of necessary protection or justifiable punishment of the child, or in the name of some overriding state interest. The theory of benevolent intrusion into families by the state seems to embody a contradiction. On the one hand, it operates within the context of a powerful social consensus that the proper relationship between parents and the state in their joint exercise of control over a child's life favors parental dominance. On the other hand, the doctrine of *parens patriae* has long justified state interference with parental prerogatives and even termination of all parental rights.

The social consensus that forms the first half of this apparent contradiction includes the following assumptions: a) America is a familial, child-centered society in which parents are responsible for their own children and have primary control over them; b) the community of adults, usually represented by the state, will not assume responsibility for the child unless the parents are unable to do so or will not do so, or until the child breaks a law; c) because ours is a child-loving society, non-parents and other adults representing the state want to and will do what is in the child's "best interests"; and d) children need not or should not be participants with the family and the state in making decisions which affect their lives. The tenets of this consensus, legitimized in the rules of law governing children's affairs, have represented outer limits beyond which child-oriented reforms cannot be effected. The other half of the apparent contradiction, however, involves regular challenges to family authority by state representatives. Certain social norms are enforced at the expense of family privacy, in the name of a child's best interests.

The most striking characteristic of children's law is the large degree of discretion permitted decision-makers in enforcing community norms. When intervention must occur, bureaucratic discretion replaces familial discretion. The statutes authorizing state intervention implicitly accept that the state's representative will know what children need and should not be straight-jacketed by legal technicalities. For example, laws against child neglect or abuse represent a community's decision to intervene in a parent-child relationship. Although the legislative decision favoring intervention may be widely supported, it proves difficult to specify the condi-

⁶ *Board of Education v. Barnette*, 319 US 624 (1943).

⁷ *Tinker v. Des Moines School District*, 393 US 503 (1969).

tions under which it should occur. Our pluralistic beliefs about child-rearing do not lead to a uniform interpretation of the best interests standard. The allowance of some degree of discretion is necessary for any legal system to operate, especially one presumed to deal with the specialized needs of its subjects. When few standards guide the exercise of discretion, however, and when there rarely are careful reviews of the judgments it produces, the legal system will not only be likely to treat individuals capriciously, but will also subject members of social minorities to the prejudices and beliefs of the dominant sector of the community.⁸ This is especially true in children's law, where reservations against state intervention are most easily overcome in cases involving poor, non-white, and unconventional families. Children of these families are perceived as bearers of the sins and disabilities of their fathers, and as burdens which an "enlightened" society must bear.⁹ This attitude is especially prominent in regard to the labelling of certain behavior as delinquent. In addition to acts which are criminal for adults (e.g. armed robbery), children may be accused of delinquency for misbehavior that is not criminal for adults. The so-called status offenses, incorrigibility, truancy, running away, sexual precociousness, represent a confused mixture of social control and preventive care that has resulted in the confinement of thousands of children for the crime of having trouble growing up.

In practice, therefore, powerlessness of a family, because of political, psychological, or economic reasons, renders it susceptible to benevolent intrusion. Unfortunately, the state has not proved an adequate substitute parent in many of the cases where intrusion has resulted in the removal of a child from his home. In many instances, states have been guilty of neglect according to their own statutory standards. Fears about arbitrary and harmful state intervention have led to increased rights of parents and custodians so that they are now entitled to certain procedural guarantees before the state may remove their children.¹⁰ Only recently, however, has attention focused on the rights of the children who are the subjects of state intervention, both against their parents and against the state when it assumes the parenting responsibility. This attention is struggling for legal recognition against the

⁸ The amount of discretion necessary in a legal system handling children's needs is very difficult to determine, especially because the options for the exercise of any discretion are so limited by inadequate resources. But the abuses of discretion are well documented. See, e.g. Sanford N. Katz, *When Parents Fail* (Boston: Beacon Press, 1971).

⁹ See, e.g., Ten Brock, "California's Dual System of Family Law: Its Origins, Development and Present State," *Stanford Law Review*, 16 (1964), 257; Anthony Platt, *The Child Savers* (Chicago: University of Chicago Press, 1961), pp. 176-181.

¹⁰ See, e.g., *Stanley v. Illinois*, 405 US 645 (1972).

prevailing assumption in children's law that a child's interests are identical to those of his parents. Even when a child cannot or will not recognize the identity of his interests with his parents', the law ordinarily does so, confident that children usually do not know what is best for themselves. Necessarily, the law must presume that parents or the state as parent do know what is best. The force of this position is weakened by the fact that adults consistently refuse to support programs designed to meet the needs and interests of children either when they are still in their homes or when they are in the state's charge. As a recent history of the White House Conference on Children points out, this country has a "cultural recalcitrance toward assuming public responsibility for children's needs."¹¹

Rewriting laws has not substantially altered the long dominant consensus or dissipated public recalcitrance. The thrust of most reforms, amply supported by demonstrations of children's needs has been to persuade adult society to treat children better, but has not changed the position of children within society or made them capable of securing such treatment for themselves.¹²

Claims of Right

The needs and interests of a powerless individual must be asserted as rights if they are to be considered and eventually accepted as enforceable claims against other persons or institutions. The advocacy of rights for children, coming as it does on the heels of adult rights movements, highlights the political nature of questions about children's status. That children's issues are political may seem obvious. Political theorists from Plato onward have sought to specify proper child-rearing practices and have discussed the proper position of children within society, often coming to conclusions inconsistent with the prevailing American ones.¹³ In the United States, the problems of children have usually been explained without any consideration of children's proper political status. Accordingly, the obstructionist role of the unstated consensus and the laws reflecting it has seldom been appreci-

¹¹ Shelley Kessler, unpublished paper on the past White House Conferences on Children (New Haven, Conn.: Carnegie Council on Children, 1972).

¹² For histories of various child-saving reforms, see Platt, *The Child Savers*; Robert M. Mennell, *Thorns and Thistles* (Hanover, N.H.: University Press of New England, 1973); Robert J. Pickett, *House of Refuge* (Syracuse: Syracuse University Press, 1969); Sanford Fox, "Juvenile Justice Reform: An Historical Perspective," *Stanford Law Review*, 22 (1970), 1187.

¹³ Plato, *The Republic*, 235-264 (New York: Oxford University Press, 1945); Aristotle, *Politics*, 32-33, 316 (Sherman ed.; New York: Oxford University Press, 1962); J. Locke, *Treatise on Civil Government*, 34-50 (Sherman ed.; New York and London: Appleton Century, 1937); J. S. Mill, *On Liberty* (Chicago: Henry Regnery, 1955).

ated. The pretense that children's issues are somehow above or beyond politics endures and is reinforced by the belief that families are private, non-political units whose interests subsume those of children.¹⁴ There is also an abiding belief that any official's failure to do what is best by a child is the exception, not the rule, and is due solely to occasional errors of judgment.¹⁵ Moreover, nothing countervails against this pattern, since children are almost powerless to articulate their own interests or to organize themselves into a self-interested constituency and adults allied with them have seldom exerted an appreciable influence within the political system.

The basic rationale for depriving people of rights in a dependency relationship is that certain individuals are incapable or undeserving of the right to take care of themselves and consequently need social institutions specifically designed to safeguard their position. It is presumed that under the circumstances society is doing what is best for the individuals. Along with the family, past and present examples of such arrangements include marriage, slavery, and the Indian reservation system. The relative powerlessness of children makes them uniquely vulnerable to this rationale. Except for the institutionalized, who live in a state of enforced childishness, no other group is so totally dependent for its well-being on choices made by others. Obviously this dependency can be explained to a significant degree by the physical, intellectual, and psychological incapacities of (some) children which render them weaker than (some) older persons. But the phenomenon must also be seen as part of the organization and ideology of the political system itself.¹⁶ Lacking even the basic power to vote, children are not able to exercise normal constituency powers, articulating self-interests to politicians and working toward specific goals. Young children in particular are probably not capable of organizing themselves into a political group; they must always be represented either by their parents or by established governmental or community groups organized to lobby, litigate, and exhort on their behalf. The causes of younger children have not fared well, partly because these representatives have loyalties diluted by conflicts between children's rights and their own institutional and professional goals. Older children have organized themselves politically with some success, especially on the issues of the eigh-

¹⁴ For a discussion of the reasons why the family, as one of society's private units, is not properly a subject for political analysis, see Sheldon Wolin, *Politics and Vision* (Boston: Little Brown, 1960).

¹⁵ For the argument that the exception is the rule, see Justine Wise Polier, "Problems Involving Family and Child," *Columbia Law Review*, 66 (1966), 305, 306.

¹⁶ Dean Roscoe Pound suggested in a 1916 article, "Individual Interests in the Domestic Relations," *Michigan Law Review*, 14 (1916), 177, 186-87, that the law deprived children of their bargaining power so as to promote social values, like family unity.

teen-year-old vote, civil liberties of school students, and anti-war activities, but they too have relied heavily on the support of adults. "Successful" reforms on behalf of children—the establishment of juvenile courts, the institution of public schooling, the passage of child labor laws—were effected only after vigorous political struggles.

While these legal reforms may now seem, in the light of revisionist histories,¹⁷ to have been catalyzed by questionable motives, they did give children certain legally enforceable rights not previously held. Moreover, these reforms signalled some change in general public attitudes about children.

Whenever reforms have been enacted, however, the rights they provide are those which the state decides are in the best interests of the public and the child. Age and ability differences have not been entirely ignored, but the use of chronological dividing lines to mark legal distinctions has continued. Nor has the child been given any choice in the exercise of his rights; they are compulsory, not susceptible to waiver. Thus all children below a certain age are forbidden to work, regardless of individual desire, aptitude, and need.¹⁸ Similarly, all children below a certain age are required to attend school.¹⁹ Finally, the institutions created to embody and enforce these rights are endowed with essentially unchecked discretion. Therefore, even though special juvenile proceedings, exemption from work, and compulsory attendance are all rights in the strict sense of legally enforceable claims against the state or third persons, neither their rationales nor their implementation provide models for the rights movement.

Present claims of right follow two general approaches: advocating the extension of adult rights to children, and seeking legally enforceable recognition of children's special needs and interests. The first approach is exemplified by proposals for extending all the rights of adult criminal defendants to accused delinquents, proposals for empowering children to request medical care without parental consent, and proposals for providing a child with legal representation in any situation where his interests are affected. Such rights may either be extended in the precise form exercised by adults, as in recent legislation lowering the voting age, or they

¹⁷ See footnote 12.

¹⁸ In *Prince v. Massachusetts*, 321 US 158 (1944), the Supreme Court held that the application to Jehovah's Witnesses of a state statute providing that no boy under twelve and girl under eighteen should sell periodicals on the street was constitutional. The child involved in the case, a nine-year-old girl, had been selling religious literature with her guardian; both were members of the sect; the child testified as to her religious beliefs; and the guardian was convicted of violating the state Child Labor Law.

¹⁹ When the United Nations General Assembly promulgated the right of every child to a compulsory education in its *Declaration of the Rights of the Child*, a delegate reportedly asked how a person could be given a right that he was compelled to exercise.

may be tailored to special characteristics of children. Tailoring is found in court decisions holding that children have rights of freedom of expression under the First Amendment while at the same time taking children's immaturity and dependent status into account in defining the scope of those rights. Tailored standards are used to regulate exposure to obscenity,²⁰ authorize medical treatment without parental consent,²¹ and determine circumstances under which a child's contract may be binding.²² Even rights which appear to be extended whole cloth to children, with the exception of the right to vote, do not seem to escape modification in practice.

Modification apparently occurs not only because of the actual physical and psychological differences between children and adults, but also because of the discretion in legal proceedings involving children and because adults finally determine what seems best. These practical constraints on extending adult rights to children are illustrated by the experience of the juvenile court system in guaranteeing the right to counsel, as granted by the Supreme Court in *In re Gault*. A study of the actual implementation of *Gault* revealed:

The views of lawyers about the rights of children differ quite fundamentally from those expressed by the Supreme Court and academics. Lawyers apply different standards to juvenile clients, because they are children, not necessarily because lawyers have been constrained by the courts' welfare orientation. A lawyer typically has conscientious reservations about helping a juvenile to 'beat a case,' and, if a case is won on a technicality, he feels obliged personally to warn his client against the danger of future misconduct.²³

Thus, even the child's own lawyer will likely go beyond the scope of his professional responsibility in determining for himself and for the child where the child's best interests lie.

The second approach to children's rights begins with the belief that even if all adult rights were granted to children and were strictly enforced, this would not

²⁰ See, e.g., *Ginsberg v. New York*, 390 US 629 (1968).

²¹ In many states children are allowed to seek treatment for venereal disease and drug addiction without parental permission or knowledge.

²² Although the general rule remains that a child is not liable for his contracts, it is riddled with exceptions; e.g., when the contract is for "necessaries."

²³ This quote is from the summary of two studies that Anthony Platt participated in as reported in his book, *The Child Savers*, p. 167; footnote 108 on page 166. See also, the discussion in *Handbook for New Juvenile Court Judges*, 23 (Winter 1972), pp. 14-15, as to whether or not a juvenile judge has to strictly follow the rulings of the Supreme Court. Even though disregard of Court rulings is not uncommon in adult proceedings, it is there accomplished informally and less visibly, rarely dignified by the professional journals, and confined mostly to critiques of the law, not invitations and rationales for ignoring it.

guarantee that certain critical needs unique to children would be met. This line of reasoning is reflected in the various bills of rights which have been proposed for children, each unveiling a blueprint for the child's fullest development.²⁴ These "need manifestos" proclaim the rights of children to adequate nutrition,²⁵ a healthy environment,²⁶ continuous loving care,²⁷ a sympathetic community,²⁸ intellectual and emotional stimulation,²⁹ and other prerequisites for healthy adulthood. Although a child may be entitled to such rights under theories of natural law or moral philosophy, most claims based on psychological and even physical needs are not yet considered legal rights by our system. Even though such rights are beginning to achieve some recognition, particularly in judicial decisions concerning education and psychological treatment, their scope and content raise troublesome questions.³⁰ Given the great difficulty of specifying psychological prerequisites and devising workable governmental responses for meeting them, a distinction should perhaps be made between claims focusing on psychological needs and those specifying physical ones, because the latter are more easily defined. Many of us might agree that a child should have the right to "grow up in a world free of war,"³¹ or to live in a "reconstituted society,"³² but who should the law hold responsible for seeing that those rights are enforced? Or, how should a "right to be wanted" be defined and enforced? Doubtless there are definitions of these socio-psychological rights,³³ but if the law attempted to incorporate them, the necessarily broad and vague enforcement guidelines could recreate the hazards of current laws, again requiring the state to make broad discretionary judgments about the quality of a child's life. Moreover, the limits of the legal process itself would tend to undermine the integrity and effectiveness of such laws. These limits are rarely appreciated.

* See generally, Mary Kohler, "The Rights of Children," *Social Policy*, 39 (March/April, 1971); Paul Adams et al., *Children's Rights: Toward the Liberation of the Child* (New York: Praeger, 1971); Henry H. Foster and Doris Jonas Freed, "A Bill of Rights for Children," *Family Law Quarterly*, 6 (1972), 343.

* *WHERE*, April 1971, publication of Advisory Centre for Education in Cambridge, England.

* Joint Commission on Mental Health of Children, *Crisis in Child Mental Health: Challenge for the 1970's* (New York: Harper & Row, 1969, 1970), pp. 3-4.

* *Crisis in Child Mental Health*.

* 1930 White House Conference on Child Health and Protection.

* *Crisis in Child Mental Health*, pp. 3-4.

* For examples of right to education and treatment cases, see: *Pennsylvania Association for Retarded Children v. Pennsylvania*, 343 F. Supp. 279 (E.D. Pa. 1972); *Mills v. Board of Education*, 348 F. Supp. 866 (D.D.C. 1972); *Wyatt v. Stickney*, 325 F. Supp. 781 (1971); 334 F. Supp. 1341 (1972).

* Adams, et al., *Children's Rights*, p. 41.

* See Joseph Goldstein, Anna Freud, Albert J. Solnit, *Beyond the Best Interests of the Child* (New York: The Free Press, 1973), for a thoughtful discussion of the concept of a "wanted" child and suggestions for incorporating it into the law.

* *Crisis in Child Mental Health*, pp. 3-4.

There is attributed to the law a magical power, a capacity to do what is far beyond its means. While the law may claim to establish relationships, it can, in fact, do little more than acknowledge them and give them recognition. It may be able to destroy human relationships, but it cannot compel them to develop.³⁴

It is important to recognize the limited ability of the legal system to prescribe and enforce the quality of social arrangements.

Although many special claims of rights are far from legal recognition, some perhaps fundamentally unsuited for it, this does not mean they should be dismissed as "meaningless exhortations."³⁵ The law is not unresponsive to societal values, and decisions are frequently influenced by notions of conventional morality, occasionally reflecting acceptance of changing morality. In recent years, courts have become somewhat more willing to ask whether children should have additional rights, and if so, how might they be secured. The concept of right is constantly in ferment and Constitutional theory may eventually be expanded to include at least some quality of life claims as citizenship rights. New statutes with enforcement and review mechanisms aimed at limiting state abuses of power may also create such guarantees.

Exemplary Supreme Court Decisions

Judicial decisions concerned with questions of children's rights provide one means for examining relevant legal opinions and conclusions. Because the Supreme Court has been active in this regard and because it remains the final arbiter of the Constitution, it is valuable to review a few of its recent decisions in the field of children's rights. These opinions, sometimes holding with the children's movement, sometimes against, reveal to what extent a more favorable judicial view of children's rights is emerging. Consideration of children's rights before the Supreme Court has primarily been in the areas of education, child welfare, and juvenile court procedures. The Court has avoided "taking the easy way" with a flat holding that all rights constitutionally assured for adults may be extended to children.³⁶ Instead, it has carefully tried to carve out an area between parental dominion and state prerogatives, where certain adult rights can be extended to children under specific circumstances. The Court has also tried to fashion modified versions of other rights.

³⁴ Joseph S. Goldstein, "Finding the Least Detrimental Alternative," *Psychoanalytic Study of the Child* 628, at 637 (1972).

³⁵ *Juvenile Justice Standards Project*, Final Report Planning Phase, 1971-72 (New York: Institute of Judicial Administration, 1972), 72.

³⁶ *McKeiver v. Pennsylvania*, 403 US 528, 545 (1971).

This delicate operation of inserting new elements into the control-of-children equation began during the compulsory schooling controversy. From the first confrontations between parents and the state, education has been the subject of continuous and often bitter struggles, primarily over the proper social role of education and the proper treatment of children within the schools. In enforcing state schooling laws, the Supreme Court took care to reinforce the parental right of supervision over their children's education.³⁷ The education cases reaching the Supreme Court, including the desegregation cases, reflect this emphasis. The significance of early education cases in regard to children's rights, however, rests more on what the Court did not consider than what it did consider in its deliberations: "These cases never mention rights or interests of children involved. Since they rest entirely on a doctrine of parental right, the question whether the parent may not be loyal to the interests of his child is not discussed."³⁸ Neither, the author might have added, was any question about the state's loyalty to the interests of the child raised.

But one of the first specific children's rights precedents, *Brown v. Board of Education*, occurred in the area of education.³⁹ In *Brown*, the Court held that the Constitutional rights of black school children were violated by segregated education and emphasized the critical importance of education both to children and to the general public:

Today education is perhaps the most important function of state and local government . . . it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust professionally to his environment. In these days it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all children.⁴⁰

Brown's regard for rights in education and its willingness to enforce those rights with affirmative action mark it as a significant precedent.

Like the public education legislation, laws governing juveniles charged with violations of the law have assumed the benevolence of state action. For a long time these statutes and the case law interpreting them provided no substantive or procedural guarantees for the child. Before the 1960's only a few courts held that the Constitution required recognition of a child's right to procedural protections in

³⁷ See, e.g., *Meyer v. Nebraska*, 262 US 390 (1923); *Pierce v. Society of Sisters*, 268 US 310 (1925).

³⁸ Kleinfeld, Part II, 418.

³⁹ *Brown v. Board of Education*, 347 US 483 (1954).

⁴⁰ *Brown*, 493.

⁴¹ *In re Gault*, 387 US 1 (1967).

any kind of case, civil or criminal. Most courts continued to follow the non-recognition rule implicitly sanctioned by the social consensus.

In 1967 the Supreme Court decided *In re Gault*,⁴¹ the landmark case on procedural rights in juvenile court and still the most famous children's rights case. *Gault* held that children in juvenile court were constitutionally entitled to certain due process guarantees previously granted only to adults in criminal court: a) notice (to both parent and child) adequate to afford reasonable opportunity to prepare a defense, including a sufficient statement of the charge; b) right to counsel, and if the child is indigent, provision for the appointment of counsel; c) privilege against self-incrimination; and d) right to confrontation and cross-examination of witnesses. The Court restricted its holding to precisely these procedural guarantees and not others. It also limited the guarantees to those juveniles facing possible commitment to a state institution. But *Gault* declared, generally, that "neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."⁴² This and similar language in the opinion suggested future grounds for arguing the constitutional rights of children. In the six years since *Gault*, the Court has continued to hear children's rights cases with mixed and at times incongruous results. The Court has decided that children are "persons" under the Constitution⁴³; it has removed some of the disabilities traditionally imposed upon illegitimate children⁴⁴; it has protected the exercise of some First Amendment rights of students in the public schools⁴⁵; and it has upheld the constitutionality of the eighteen-year-old vote.⁴⁶ On the other hand, during this same short span, the Court has denied that jury trials for alleged delinquents in juvenile court are Constitutionally required⁴⁷; it has declined to review a lower court decision upholding the right of school systems to use corporal punishment for disciplinary purposes⁴⁸; it has rejected the claim, *Brown* notwithstanding, that there is a fundamental, personal right to education under the Constitution⁴⁹; and it has generally revealed an unwillingness to pursue the broad promise of *Gault*.

The Court's present reluctant mood is reflected in Justice Blackmun's plurality

⁴¹ *Gault*, 13.

⁴² *Tinker v. Des Moines School District*, 393 US 503, 515 (1969).

⁴³ See, *Levy v. Louisiana*, 391 US 68 (1968); *Weber v. Aetna Casualty and Surety Company*, 406 US 164 (1972).

⁴⁴ *Tinker*.

⁴⁵ *Oregon v. Mitchell*, 400 US 112 (1970).

⁴⁶ *McKeiver v. Pennsylvania*, 403 US 528 (1971).

⁴⁷ *Ware v. Estes*, 328 F. Supp., 657 (N. I. Tex. 1971), cert. den. in 409 U.S. 1027.

⁴⁸ *San Antonio Independent School District v. Rodriguez*, 93 S. Ct. 1278 (1973).

opinion in *McKeiver v. Pennsylvania*,⁵⁰ in which the Court refused to hold that jury trials for juveniles are constitutionally required. Justice Blackmun acknowledged the many defects of the juvenile court system, but denied that they were of "constitutional dimension."⁵¹ He gave the Court's sanction to the juvenile court's rehabilitative goals:

The juvenile court concept held high promise. We are reluctant to say that, despite disappointments of grave dimensions, it still does not hold promise, and we are particularly reluctant to say, as do the Pennsylvania petitioners here, that the system cannot accomplish its rehabilitative goals.⁵²

The present inability of the system to realize its goals was attributed by the plurality to inadequate resources, rather than to any inherent unfairness in the juvenile court system. As one commentator noted:

To say that these shortcomings resulted from lack of resources rather than inherent unfairness seemed irrelevant to those who realized that until such shortcomings were rectified, regardless of their source or cause, there could be no justification for failing to afford juveniles facing incarceration and stigma the same procedural rights accorded adults accused of crime.⁵³

The plurality's answer to that criticism again indicates the Court's reluctance:

If the formalities of the criminal adjudicative process are to be superimposed upon the juvenile court system, there is little need for its separate existence. Perhaps *ultimate disillusionment* will come one day, but for the moment we are disinclined to give impetus to it.⁵⁴

Thus the present Supreme Court appears to have "limited efforts toward the 'constitutional domestication' of juvenile procedures begun during the Warren Court years."⁵⁵ This same post-*Gault* restraint can be found in the areas of welfare law and education.

In a 1972 Supreme Court case, *Jefferson v. Hackney*, Justice Rehnquist, writing for the majority, held it consistent with both the Constitution and the Social Security Act that the state of Texas could provide a lower standard of welfare benefits

⁵⁰ *McKeiver v. Pennsylvania*, 403 US 528 (1971).

⁵¹ *Id.*, 547-48.

⁵² *Id.*, 547.

⁵³ Note: "Parens Patriae and Statutory Vagueness in the Juvenile Court," *Yale Law Journal* 82 (1973), 745, 753.

⁵⁴ *McKeiver*, 550-551.

⁵⁵ Note, 82 *Yale L.J.*, 745, 746.

to recipients of AFDC than to eligible or disabled persons receiving welfare assistance under the Act.⁵⁶ The federal program for Aid to Families with Dependent Children is this country's most comprehensive child welfare legislation. Under the program, the care and protection of needy children has been entrusted to states and localities, who in turn have usually relied heavily on private voluntarism. The rights and duties of children under resulting programs have been adjudicated primarily by state courts, with patchwork results. Consequently, to evaluate the status of dependent children the laws and court decisions of fifty states must be examined. A less exhaustive but more manageable approach is to explore congressional and Supreme Court reactions to the problems of dependency, also complex but at least enabling certain generalizations. In passing AFDC legislation the Congress admitted that some children needed assistance because of their family's financial status. They have periodically qualified that admission, however, with a number of value judgments about reasons for a family's poverty. State governments have been given considerable discretion in screening potential welfare recipients and in policing their conduct. The Supreme Court has brought constitutional standards into the process. One result of the Court's decision has been to ensure that irrational state rules against parental behavior would not be allowed to interfere with the rights of dependent children to minimum financial security.

In *Jefferson v. Hackney* the Burger Court refused to "second guess" state officials charged with the difficult task of administering welfare and brushed aside the argument that children might suffer irreparable harm from insufficient welfare benefits.

Applying the traditional standard of review under that [14th] Amendment, we cannot say that Texas' decision to provide somewhat lower benefits for AFDC recipients is invidious or irrational. Since budgetary restraints do not allow the payment of the full standard of need for all welfare recipients, the state may have concluded that the aged and infirmed are the least able of the categorical grant recipients to bear the hardships of an inadequate standard of living. While different policy judgments are of course possible, it is not irrational for the state to believe that the young are more adaptable than the sick and elderly, especially because the latter have less hope of improving their situation in the years remaining to them. Whether or not one agrees with this state determination there is nothing in the Constitution which forbids it.⁵⁷

Setting aside issues of constitutional and statutory interpretation, Justice Rehn-

⁵⁶ *Jefferson v. Hackney*, 406 US 535 (1971).

⁵⁷ *Id.*, 549.

quist's view that the state's decision to provide needy and eligible children an inadequate standard of living was "not irrational" reveals a grim adherence to the convention that the authorities know what they are doing and will not harm the children whose needs they are charged with meeting. In this opinion there is also a heavy dose of the old-time belief that for the young, however poor, survival is only a bootstrap away. Justice Marshall, in a vigorous dissent, asserted that the Texas policy was inconsistent with a congressional finding in the legislative history of the AFDC Act: "Many of these children will be seriously handicapped as adults because as children they are not receiving proper and sufficient food, clothing, medical attention, and the other bare necessities of life."⁵⁸

The logic of *Jefferson v. Hackney* was extended in the recent education case, *San Antonio Independent School District v. Rodriguez*.⁵⁹ That case arose out of the claim that the Texas method of financing public education through the property tax, which resulted in widely varying per pupil expenditures, violated the constitutional rights of students in San Antonio's poorest, lowest tax base district to equal protection of the laws and to education itself. The Supreme Court denied the claim, reversing a three-judge Texas district court. Writing for the majority, Justice Powell held first that the students of the school district in question were not a suspect class under the Equal Protection Clause, and thus were not entitled to a strict judicial review of the Texas financing scheme, and second that the Constitution provides no explicit right to education, nor can education be construed as an implicit, fundamental right under the Constitution, "essential to the effective exercise of First Amendment freedoms and to the intelligent utilization of the right to vote."⁶⁰ Instead, the majority held that the importance of education for the effective exercise of rights is arguably less than the significance of adequate food, clothing, and housing, none of which are constitutionally protected rights.⁶¹ Thus the Court declined to invalidate the Texas scheme, leaving the matter of educational finance to the discretion of the state:

The very complexity of the problems of financing and managing a statewide public school system suggest that 'there will be more than one constitutionally permissible method of solving them,' and that, within the limits of rationality, 'the legislature's efforts to tackle the problems' should be entitled to respect.⁶²

⁵⁸ *Id.*, 581.

⁵⁹ *San Antonio Independent School District v. Rodriguez*, 93 S.Ct. 1278 (1973).

⁶⁰ *Id.*, 1298.

⁶¹ *Id.*, 1299.

Justices White, Brennan, Marshall, and Douglas dissented, asserting that invalidation of the Texas scheme was compelled. They each gave somewhat different reasons for disagreeing with the majority opinion, but four reasons predominated. First, some took direct issue with the argument that education is not a fundamental, Constitutionally recognized interest, "inextricably linked to the right to participate in the electoral process and the rights of free speech and free association guaranteed by the First Amendment." Instead, it was argued that "any classification affecting education must be subjected to strict judicial scrutiny,"⁶³ i.e., the state must prove that the financing system does *not* discriminate against poorer students and their parents. Second, the school children in poorer districts and their parents are indeed a suspect class under the Fourteenth Amendment because they are allocated school funds under the Texas law on the basis of wealth, and therefore the strict scrutiny standard applies.⁶⁴ Third, regardless of whether a fundamental right to education exists, there are rights in education, once the state has undertaken to provide it, which, under *Brown*, "must be made available to all on equal terms."⁶⁵ Finally, even if plaintiffs are not a suspect class, education not a fundamental right, and the *Brown* test not controlling on the issue of educational finance, the Texas law must meet the rationality test of the Fourteenth Amendment. While Texas's objective in preserving local control over the public schools is a constitutionally permissible one, the financing scheme is not rationally related to it because it accords "different treatment . . . to persons placed by a statute into different classes on the basis of criteria wholly unrelated to the objective of that statute."⁶⁶

In the *Rodriguez* case, the Court was unwilling to restrict the scope of the state's discretion by defining the educational needs and interests of children as rights. Even when the Court is prepared to limit state control, however, it often avoids formalizing the status of such needs and interests. Decisions are inclined to follow the traditional formula of balancing the state's interests with those of the parents, simply assuming that these reflect what is best for the child. This method was employed by the Court in *Wisconsin v. Yoder*,⁶⁷ even though in that case the children whose interests were at stake had the capacity to evaluate their interests for themselves. It was by no means evident that the interests of the children were identical

⁶³ *Id.*, 1301-2.

⁶⁴ *Id.*, 1312 (J. Brennan's dissent).

⁶⁵ *Id.*, 1336 (J. Marshall's dissent).

⁶⁶ *Id.*, 1339 (J. Marshall's dissent).

⁶⁷ *Id.*, 1314 (J. White's dissent).

⁶⁸ *Wisconsin v. Yoder*, 406 US 205 (1972).

to those of their parents. *Wisconsin v. Yoder* involved a challenge by several Old Order Amish parents to Wisconsin's statute which imposed an affirmative duty on parents to require their children to attend high school, and made violation of this duty a crime. Three parents, Mr. Yoder, Mr. Miller, and Mr. Yutzy, claimed that the compulsory school law violated their religious freedom and that of their children. Only one of the children, however, actually testified in court that she shared her parents' religious views and did not wish to continue to attend school. The other two children did not testify.

Chief Justice Burger, writing for the majority, upheld the right of the Amish parents to exemption from the statute. The opinion held that this exemption was necessary to promote free exercise of religion. The Chief Justice took pains to distinguish the genuine religious claims of the Amish from those of others who merely had unconventional life styles and might also be tempted to seek such a First Amendment exemption from compulsory schooling laws.⁶⁴ Having made this distinction, the majority opinion then reaffirmed the Amish parents' rights to control the upbringing of their children—to the point of depriving them of an advanced, worldly education.

Justice Douglas took a different and ground-breaking view of the case. He joined the Court's opinion only regarding the schooling of the child who had publicly subscribed to her parents' religious objections.⁶⁵ As to the children of the other two defendants, Justice Douglas dissented from the majority. He held that the majority opinion was inadequate because these defendants had raised their children's religious beliefs in defense but had not brought their children to testify. Reviewing various cases holding that "children themselves have constitutionally protectible interests,"⁷⁰ Douglas asserted first that the critical interests at stake were those of the children, not those of their parents, and second that the dispute could not be properly resolved until the children had represented their own interests in court.

I agree with the Court that the religious scruples of the Amish are opposed to the education of their children beyond the grade schools, yet I disagree with the Court's conclusion that the matter is within the dispensation of parents alone. The Court assumes that the only interests at stake in the case are those of the Amish parents on the one hand, and those of the State on the other. The difficulty with this approach is that, despite the Court's claim, the parents are seeking to vindicate not only their own free exercise claims, but also those of their high-school-age children. . . .

⁶⁴ *Id.*, 215-219.

⁶⁵ *Id.*, 243.

⁷⁰ *Id.*, 243.

⁷¹ *Id.*, 241-42, 44-46.

On this important and vital matter of education, I think the children should be entitled to be heard. While the parents, absent dissent, normally speak for the entire family, the education of the child is a matter on which the child will often have decided views. He may want to be a pianist or an astronaut or an oceanographer. To do so, he will have to break from the Amish tradition.

It is the future of the student, not the future of the parents, that is imperilled in today's decision. . . . It is the student's judgment, not his parent's, that is essential if we are to give full meaning to what we have said about the Bill of Rights and of the right of students to be masters of their own destiny. If he is harnessed to the Amish way of life by those in authority over him and if his education is truncated, his entire life may be stunted and deformed. The child, therefore, should be given an opportunity to be heard before the State gives the exemption which we honor today.⁷¹

Douglas based his opinion not only on available legal precedents, but on psychological and sociological findings that children of the relevant ages possess the moral and intellectual judgment necessary for making responsible decisions on matters of religion and education. To rebut the presumption that children lack sufficient maturity to make such decisions, Douglas relied on the works of Piaget, Kohlberg, Kay, Gesell, and Ilg. He also argued that "the maturity of Amish youth, who identify with and assume adult roles from early childhood . . . is certainly not less than that of children in the general population."⁷²

The majority opinion does not deal with the merits of Douglas' views; it only notes that the children are not parties to the litigation.⁷³ Only two justices, Brennan and Stewart, acknowledged in their concurring opinions that the issues raised by Douglas "are interesting and important."⁷⁴ They agreed with the majority, however, that these issues should not be before the Court because "there is no suggestion whatever in the record that the religious beliefs of the children here concerned differ in any way from those of their parents."⁷⁵ This statement reiterates the presumption of identity of interests between parent and child, and here the consequences of acting in accord with the family's religion may be quite different for children than for their parents.

Establishing the Rights of Children

These opinions illustrate two persistent, general problems of legal theory which children's rights advocates seek to overcome. First, legal policy is ambivalent about

⁷¹ *Id.*, 245-246, footnote 3.

⁷² *Id.*, 250-31.

⁷³ *Id.*, 257 (Justices Brennan and Stewart concurring).

⁷⁴ *Id.*, 257.

the limitation of parental control and the assertion of state control over children. There is an absence of fair, workable, and realistic standards for limiting parental discretion and guiding state intervention. Second, the state generally fails to evaluate a child's independent interests, giving a competent child the chance to articulate his interests for himself.

Ascribing rights to children will not immediately solve these problems, or undermine the consensus which perpetuates them. It will, however, force from the judiciary and the legislature institutional support for the child's point of view. As was once said, in another context: "rights to have any meaning must adhere to particular institutions: the rights of Englishmen are indeed, necessarily more secure than the 'Rights of Man.'"⁷⁶ Children's rights cannot be secured until some particular institution has recognized them and assumed responsibility for enforcing them. In the past, adult institutions have not performed this function, partly, as we have seen, because it was thought children had few rights to secure. Unfortunately, the institutions designed specifically for children also have failed to accomplish this aim, largely because they were established to safeguard interests, not to enforce rights, on the assumption that the former could be done without the latter.

Securing children's rights through the legislatures and the courts will include generating new lines of legal theory, grounded in past-precedent but building on it to more reasonable laws and legal interpretations for the future. Certain interesting legal theories have been introduced already, which are being utilized by children's rights advocates in pressing further claims, and which, if accepted, could resolve the theoretical problems outlined above. While the resolution of theoretical problems may not eliminate the main obstacles to the enforcement of children's legal rights or to the creation of services to meet their needs, it will at least strip away the legalistic camouflage surrounding the continuing problems of unchecked discretion, inadequate resources, and widespread public indifference.

As stated earlier, claims of rights for children fall into two broad categories: claims that the rights which adults enjoy be granted to children, and claims that the special needs and interests of children be recognized as rights. Legislation granting rights in either category probably is preferable to judicial opinions decreeing them, but both governmental branches should be pressed to reexamine and revise children's status under the law. Legal positions will contribute to a new social attitude toward children's rights.

Turning to the first strategy for obtaining new rights, the following three posi-

⁷⁶ Bernard Crick, *In Defense of Politics* (London: Penguin Books, 1962), p. 48.

tions focus attention on the independent status of children: a) the legal status of infancy, or minority, should be abolished and the presumption of incompetency reversed; b) all procedural rights guaranteed to adults under the Constitution should be granted to children whenever the state or a third party moves against them, judicially or administratively; and c) the presumption of identity of interests between parents and their children should be rejected whenever the child has interests demonstrably independent of those of his parents (as determined by the consequences to both of the action in question), and a competent child should be permitted to assert his or her own interests.

Devising acceptable arguments to support recognition of special rights based on physical and psychological needs is more difficult. Rather than specifying particular needs that the legal system could meet, the following suggestions concern a methodology for constitutionalizing such rights and a procedural device for overseeing the needs of children for whom the state assumes primary responsibility. The strictures of the new equal protection theory should apply to children, i. e., classifications of children *qua* children, or of certain classes of children, should be considered suspect, and needs which from a developmental standpoint are fundamental should be protected as fundamental interests under the Constitution. Also, in areas where decision makers will necessarily continue to exercise discretion they should no longer just be guided by the best interests of the child standard, but should be subjected to a review process which focuses not only on the child but also on the state's responsibility as a substitute parent.

These arguments will now be discussed more fully.

Abolition of minority status

Age may be a valid criterion for determining the distribution of legal benefits and burdens, but before it is used its application should be subjected to a test of rationality. Assessing the rationality of age classifications could be expedited by legislative abolition of the general status of minority and adoption of an area-by-area approach (as has already been done to a degree, for example, in the motor vehicle statutes). It could also be accomplished by judicial declaration that the present classification scheme is over-inclusive, after which the state would bear the burden of justifying its restrictions on infants. As Foster and Freed point out, "... the arguments for and against perpetuation of minority status have a familiar ring. In good measure they are the same arguments that were advanced over the issues of slavery and the emancipation of married women."⁷⁷ The abolition of slavery and the emancipation

⁷⁷ Foster and Freed, p. 343.

of married women did not automatically invest previously "inferior" persons with full adult citizenship rights, but the state at least had to begin to rationalize its treatment of those groups. The abolition of minority, more justifiably, need not mean that children become full-fledged miniature adults before the law. Their substantive and procedural rights could still be limited or modified on the basis of supportable findings about needs and capacities at various ages.

If the law were to abolish the status of minority and to reverse its underlying presumption of children's incompetency, the result would be an implicit presumption that children, like other persons, are capable of exercising rights and assuming responsibilities until it is proven otherwise. Empirical differences among children would then serve as the grounds for making exceptions to this presumption and for justifying rational state restrictions. For example, in his dissent in *Wisconsin v. Yoder*,⁷⁸ Justice Douglas presumed that the children involved in the case were intelligent and mature enough to express opinion when their interests were affected. In essence, Douglas reversed the presumption of incompetency. He then looked for evidence to contradict the presumption of competency and when he found none, he argued that the children should be given full rights as parties to a lawsuit. If the children involved had been younger, Douglas might have concluded that the presumption of competency should have been suspended. However, young children are known to possess strong opinions on some issues, and many such opinions may have a rational basis. In custody suits, for example, many states now require that the opinions of children over twelve be followed and that the opinions of younger children be accepted as evidence in a case. Feelings of the young should at least be recorded and weighed. This argument is reinforced by the fact that very young children have at times been found competent to give evidence in trials where adult interests are at stake.

The difference between a rebuttable presumption of incompetency and a presumption of competency is that the former places the burden of proof on children and their allies, while the latter shifts it to the opponents of changing children's status. Many legislatures now regard the presumption of incompetency as rebuttable and are legislatively removing some of children's legal disabilities. When Congress and the states extended the right to vote to eighteen-year-olds through the Voting Rights Act of 1970 and the Twenty-Sixth Amendment to the Constitution, they went through the process of reversing the presumption of incompetency regarding enfranchisement. Through hearings and other fact finding procedures, a

⁷⁸ See pp. 504-505 in text; *Wisconsin v. Yoder*, 406 US 205, 240-246.

majority of Congressmen and state legislators were persuaded by available evidence that the presumption should be rebutted, and voting rights granted in the same form enjoyed by adults.

Granting all procedural rights

The argument for this position is simple. A child is now considered a person under the Constitution. When the State moves against persons and threatens to take away their liberties or otherwise affect their interests adversely, they are entitled to the protective procedures of the Bill of Rights, as applied to the states through the Fourteenth Amendment. As the late Mr. Justice Black said, concurring in *In re Gault*:

When a person, infant or adult, can be seized by the State, charged, and convicted for violating a state criminal law, and then ordered by the State to be confined for six years, I think the Constitution requires that he be tried in accordance with the guarantees of all the provisions of the Bill of Rights made applicable to the States by the Fourteenth Amendment. . . . Appellants are entitled to these rights not because 'fairness, impartiality, and orderliness—in short, the essentials of due process'—require them and not because they are 'the procedural rules which have been fashioned from the generality of due process,' but because they are specifically and unequivocally granted by provisions of the Fifth and Sixth Amendments which the Fourteenth Amendment makes applicable to the States.

Undoubtedly this (entitlement to Constitutional guarantees) would be true of an adult defendant, and it would be a plain denial of equal protection of the laws—an invidious discrimination—to hold that others subject to heavier punishments could, *because they are children*, be denied these same constitutional safeguards.⁷⁹

The only effective means for securing these Bill of Rights guarantees in our current legal system is by the provision of legal counsel. Although the introduction of the adversarial system into juvenile court proceedings is deplored by many, lawyers representing children should ensure three critical prerequisites for fairness. First, they can articulate and argue the child's position, even though filtered through their own adult and professional perspectives. Second, they can require that the law be strictly followed. And third, they can make new law in the area by appealing cases and lobbying for statutory changes. Independent counsel for children should not be restricted to children accused of delinquency, but should be required in any case where a child's interests are being adjudicated. The courts must become more

⁷⁹ *In re Gault*, 387 US 1, 61 (1967). Cf., also, J. Douglas's dissent joined by J. Black and J. Marshall in *McKeiver v. Pennsylvania* arguing the same point.

sensitive to such cases, recognizing that children in neglect or custody proceedings may have interests independent of their parents or the state.

Substitution of an evaluation of consequences for the implied identity of interests between parents and children

This point was treated clearly and at length by Justice Douglas in his opinion in *Wisconsin v. Yoder*.⁸⁰ Only one aspect of the arguments requires further stress. Justice Douglas chided the majority for subsuming the rights of school children under their parents' rights, and for not giving the children the opportunity to be heard. Justice Douglas might have added that the majority presumed an identity of religious opinions was the same as an identity of interests. In general, it is not clear whether the implied identity of interests operates as a legal presumption or only a permissible assumption in the absence of contrary evidence. Regardless, the values it represents should be treated only as an assumption, and in cases of potential conflict between parent and child the consequences to the child of parental action or inaction should be considered. Where the consequences appear irreversible, the assumption should be discarded in favor of an extrafamilial decision that takes into account the opinions of all interested parties. If the consequences seem reversible or insubstantial, the assumption that the parent knows best should probably continue to govern.

Application of the new equal protection theory

The Equal Protection Clause of the Fourteenth Amendment guarantees that all people similarly situated will be treated alike by the state. The Supreme Court and lower federal courts use two standards of judicial review for assessing the constitutionality of state action under this clause. Under traditional equal protection analysis, a state has broad discretion to classify persons, so long as the classification bears a reasonable relationship to a permissible state objective. The measure of reasonableness is "the degree of its success in treating similarly those similarly situated."⁸¹ A classification, under this standard, is unreasonable if it is over- or under-inclusive or in some other way not rationally related to the achievement of a legitimate state objective. Under the so-called new equal protection analysis, the state bears the burden of justifying its classification on grounds of a "compelling state interest" whenever that classification is suspect because of its effects on the group of persons in the class or whenever it seems to be in conflict with a funda-

⁸⁰ See, pp. 504-505 in text.

⁸¹ Tussman and Ten Brock, *The Equal Protection of the Laws, Selected Essays 1938-62*, 789 (1963).

mental personal interest. The Supreme Court has been restrained in its use of this strict form of judicial review.

The argument for defining various developmental needs of children as fundamental interests is well-stated, with respect to education and AFDC benefits, in the opinions of Justices Marshall and Brennan, quoted above.⁸² Under their test of fundamentality, a child's need or interest only has to be shown to relate to "the effectuation of those rights which are in fact constitutionally guaranteed."⁸³ Thus, "... as the nexus between the specific constitutional guarantee and the non-constitutional interest draws closer, the non-constitutional interest becomes more fundamental and the degree of judicial scrutiny applied when the interest is infringed on a discriminatory basis must be adjusted accordingly."⁸⁴ The argument that certain types of children form suspect classifications is also made in the dissenting opinion of Justice Marshall in the *Rodriguez* case, with respect to poor children living in low tax base school districts.⁸⁵ The courts already recognize as suspect those classifications based on race,⁸⁶ national origin,⁸⁷ alienage,⁸⁸ indigency,⁸⁹ and illegitimacy.⁹⁰ Thus, application of the doctrine to poor school children is arguably within its traditional scope. The *Rodriguez* majority disagreed with this application, however, apparently on the theory that economic deprivation is suspect only when actual or functional indigency obtains and not when there is "comparative poverty vis-a-vis comparative affluence."⁹¹ Some courts have found classes of retarded or handicapped children suspect, which supports strict judicial scrutiny of the state's treatment of them.⁹²

There is less support for the contention that children *qua* children should be treated as a suspect class, but an argument may be constructed using the original rationale for suspect classifications. The suspect character of classifications based on racial or ethnic characteristics or wealth differentiations originated in the recog-

⁸² See, pp. 502-503 in text.

⁸³ *Rodriguez*, 41 LW 4407, 4426.

⁸⁴ *Id.*, 4426.

⁸⁵ *Id.*, 4441.

⁸⁶ See, e.g., *Brown v. Board of Education*, 347 US 483 (1954); *McLaughlin v. Florida*, 379 US 181 (1964).

⁸⁷ See, e.g., *Oyama v. California*, 332 US 633 (1948).

⁸⁸ See, e.g., *Graham v. Richardson*, 403 US 365 (1971).

⁸⁹ See, e.g., *Griffin v. Illinois*, 351 US 12 (1956).

⁹⁰ *Weber v. Aetna Casualty & Surety Company*, 406 US 164 (1972).

⁹¹ *Rodriguez*, 93 S. Ct. 1278, footnote 6, 1311 (Stewart, J. concurring); see the majority opinion discussion, 1290-94.

⁹² See, e.g., *Colorado Association for Retarded Children v. Colorado*, C.A. No. C-4620 (N. Colo., filed Dec. 22, 1972).

dition that certain groups of persons comprise "discrete and insular"⁹³ minorities who are relatively powerless to protect their interests in the political process. The use of age as a classifying characteristic has rarely been questioned.

In his dissent to the Supreme Court case upholding the constitutionality of the eighteen-year-old vote in federal elections, Justice Stewart flatly asserts that: "The establishment of an age qualification is not state action aimed at any discrete and insular minority."⁹⁴ But age categories should be open to scrutiny for some of the same reasons well established suspect classifications are. The assumption that age qualifications are generally rational is not borne out by much of the evidence about the abilities of children at various ages and developmental stages before twenty-one. Thus, a group discriminated against on the basis of age could constitute a discrete and insular minority if their access to the political system were limited solely because they were young. They might possess the requisite rationality to participate, but be forbidden to do so. If this were the case, then they would be a suspect minority and state action affecting their interests should be required to demonstrate a compelling governmental interest in maintaining legal disabilities. If, however, some or all of the members of the age-defined minority were not rational or mature enough to participate in the political process, then state action affecting them should also be subjected to strict judicial scrutiny, because of their powerlessness. On the basis of either set of conclusions about children's abilities, the state should no longer be allowed to assume the rationality of regulations based on age, and should at least be required to justify its action on the basis of modern legislative or administrative findings. Under the new equal protection doctrine, it would additionally have to demonstrate a compelling state interest in its legislative objective.

Moving away from the "best interests" standard

The argument against the continued reliance on the "best interests" standard has particular reference to instances of state intervention when a child is "neglected," "dependent," "abused," "in need of supervision," or "wayward." The statutory descriptions fitting these labels are imprecise, often deliberately so, in order that concerned state agents will not be hampered in their efforts to free a child from an unhealthy or dangerous family environment. Some children, of course, do suffer incalculable harm while in the custody of their parents, and the community should protect these children from the harm which would result were

⁹³ The quote is from *United States v. Carolene Products Co.*, 304 US 144, 152, n. 4 (1938). See generally the discussions in *Serrano v. Priest*, 5 Cal. 3d 584, 487 P 2d, 1241, 1263 (1971); Note, "Developments in the Law—Equal Protection," *Harvard Law Review* 82 (1969) 1063, 1124-26; Merle McClung, "School Classification: Some Legal Approaches to Labels," *Inequality in Education*, 14 (July 1973), pp. 17-37.

⁹⁴ *Oregon v. Mitchell*, 400 US 112 (1970).

parental discretion left unchecked. But the unchecked discretion of the state has vices of its own. The best interests standard, initially followed in most state interventions and explicitly used as the standard for adjudicating children's interests in proceedings evaluating parental care, is not properly a standard. Instead, it is a rationalization by decision-makers justifying their judgments about a child's future, like an empty vessel into which adult perceptions and prejudices are poured. It does not offer guidelines for how adult powers should be exercised. Seductively, it implies that there is a best alternative for children deprived of their family. This implication prevents both the decision-maker and those to whom he is accountable from carefully weighing the possible negative impact of any decision.

Recognizing the weaknesses of the best interests standard, Professor Joseph Goldstein has suggested another guideline for decision-makers in custody cases: "that which is least detrimental among available alternatives for the child."⁹⁵ Although this guideline may appear only a semantic change, Goldstein argues that:

Introducing the idea of 'available alternatives' should force into focus from the child's vantage point consideration of the advantages and disadvantages of the actual real options to be measured in terms of that which is least likely to preclude the chances of the child becoming 'wanted.' The proposed standard is less awesome, more realistic, and thus more amenable to relevant data gathering than 'best interest.' No magic is to be attributed to the new formulation, but there is in any new set of guiding words an opportunity at least for courts and agencies to re-examine their tasks and thus possibly to force into view factors of low visibility which seem frequently to have resulted in decisions actually in conflict with 'the best interests of the child.'⁹⁶

Goldstein's guideline may result in a new focus on the probable harm of state intervention into a parent-child relationship, but it still falls short because it does not specify the standards which should govern such intervention. The principles which compete whenever there are efforts to draft workable standards are not amenable to any comfortable resolution.

Sentiment against state intervention stems from the state's poor record in caring for children removed from their families. Restricting state intervention to instances where there is evidence of physical abuse would eliminate from judicial jurisdiction cases of emotional or psychological neglect. Ironically, reaction against state intervention in cases of non-physical abuse is consistent with consensus romanticism about the family, accepting as inevitable that families can deny children rights. Even though state interference with family privacy should be minimized because of the state's unwillingness, or inability, to care for children as well as most families

⁹⁵ Goldstein, "Finding the Least . . ." p. 633.

⁹⁶ Goldstein, "Finding the Least . . ." p. 637.

do, the state, representing the community of adults, has the responsibility to intervene in cases of severe emotional deprivation or psychological damage if it is likely that a child's development will be substantially harmed by his continued presence in the family. The state not only has the responsibility to intervene, but to nurture the child after intervention. The absence of a commitment to post-intervention care does not necessarily negate the reasons for the original intervention. Some children, even in these days of inadequate services, do benefit from a temporary or permanent removal from their families.

The principal challenge lies in determining which children could benefit from removal. Standards that limit the amount of discretion vested in decision-makers must be drafted. This will involve specifying acceptable reasons for intervention and providing workable review mechanisms for both the initial decision and the child's placement. Intervention should be allowed only after the state has attempted to provide services for the child and his parents aimed at ameliorating the conditions of neglect. Only medically justifiable reasons for intervention should be acceptable. Such reasons should include inadequate psychological care, as in cases of children presenting symptoms of maternal deprivation or severe emotional disturbance. Parental behavior that does not result in medically diagnosable harm to a child should not be allowed to trigger intervention, however offensive that behavior may be to the community.

A common complaint about the exercise of discretion in neglect cases is that alien values, usually middle-class, are used to judge a family's child-rearing practices. One way to answer that complaint is to entrust the discretion necessary for evaluating a child's needs to persons representing the milieu in which a family lives. Boards composed of citizens representing identifiable constituencies—racial, religious, ethnic, geographical—could make the initial decision regarding intervention or review judicial decisions. Additionally, they should be responsible for periodically reviewing placements and making recommendations about terminating parental rights. The board membership should include parent and professional representatives, perhaps children as well. Decisions to intervene and to terminate parental rights should require a three-fourths vote to overcome the presumption against intervention. Membership might be elected and should rotate often to avoid institutional calcification. Providing a check on judicial and bureaucratic discretion, this form of community involvement also might broaden the constituency of adults actively concerned about services for children. Without an increase in community involvement, the best drafted laws and most eloquent judicial opinions will merely recycle past disappointments.

Children's Rights:
Contemporary Perspectives

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DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT

MAR 5 1961

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Teachers College Press
TEACHERS COLLEGE, COLUMBIA UNIVERSITY
NEW YORK AND LONDON

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Published by Teachers College Press, 1234 Amsterdam Avenue, New York, NY
10027.

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Chapter 9, "Child Advocacy: Youth's Right to Participate" by Mary Conway Kohler is
adapted from Mary Kohler, "To What Are Children Entitled?" in *The Children's
Rights Movement*, eds. Beatrice Gross and Ronald Gross (Garden City, N.Y.: Double-
day, Anchor Books, 1977), pp. 217-232, and from an article by Mary Conway Kohler
and Bruce Dollar entitled "An Antidote to Alienation" in *The Center Magazine*,
May/June 1976.

Chapter 10, "Children's Rights: The Children Speak," from *Listen to Us: A Chil-
dren's Express Report*, ed. Dorriet Kavanaugh, published by Workman Publishing
Company, Inc., © Cheshire Communications Company.

Designer: Ernst Reichl

Library of Congress Cataloging in Publication Data

Main entry under title:

Children's rights.

"Outgrowth of a Conference on Children's Rights and Child Advocacy held at
Teachers College, Columbia University, in June 1977."

Includes bibliographical references.

I. Children's rights—United States—Congresses. I. Vardin, Patricia A.
II. Brody, Ilene N., 1954- III. Institute on Children's Rights and Child Advocacy,
2d, Teachers College, Columbia University, 1977.
HQ789.C46 301.43'1'0973 78-12584

ISBN 0-8077-2550-1

Manufactured in the U.S.A.

10 9 8 7 6 5 4 3 2 1 82 81 80 79

ACKNOWLEDGMENTS

We would like to take this opportunity to express our deep
appreciation and gratitude to the authors for their time and
effort in preparing the articles included in this text. In addition
to the contributors, we would also like to thank the following
speakers at the Second Institute on Children's Rights and
Child Advocacy held in June 1977: Thomas Birch, Dr. Trude
Lash, Honorable Justine Wise Polier, Dr. Lee Salk, and Fred-
erick Weintraub, as well as panelists and discussion group
leaders for their assistance. We extend special thanks to Dr. A.
David Etess, Dr. Howard H. Newman, and Joan H. Sornstein
for their support and encouragement.

We wish to acknowledge Dr. Patrick C. Lee for his guid-
ance and commentary, Gerald Chiappa for his administrative
assistance, and Marianthi Lazos for her sensitive editorial
contribution.

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1978

2 Children's Rights:

A Legal Perspective

HILLARY RODHAM

SEVERAL years ago I wrote an article in which I stated that "The phrase 'children's rights' is a slogan in search of a definition."¹ Although that search is still continuing, there has been significant progress in our efforts to define and achieve children's rights. I would like to discuss several aspects of that search and to raise questions about the future of the children's rights movement.

It is important to clarify at the outset the difference between a legal right and other claims of right because we still find persons discussing children's rights without any clear notion of whether they are referring to a legal right, enforceable under our laws, or a description of needs and interests. A legal right is an enforceable claim to the possession of property or authority, or to the enjoyment of privileges or immunities. In the field of children's rights, we are not dealing primarily with existing legal rights but with children's needs and interests and attempts to transform these into enforceable rights. We are talking about everything from compulsory school attendance to driving privileges to nurturing requirements.

Children's rights refer to a series of relations. This is not unusual, for in the law we often discuss a person's legal position vis-à-vis a certain set of circumstances. One has certain legal rights as a citizen, as an employee, as an heir, as a criminal defendant, and in other roles within society. Let us

think about children's rights in relation to the situation out of which they come, or against which they must be exercised. Children's relations fall within four broad categories of relations, which suggest certain rights:

1. Children's rights in relation to the family
2. The rights of children without families
3. Children's rights in juvenile-oriented institutions
4. Children's rights in society

We cannot possibly cover all of the ramifications for children's rights or any particular individual child's rights in each of these relations within the scope of this chapter, but we can raise questions and look at the subissues that each relationship suggests.

CHILDREN'S RIGHTS AND THE FAMILY

State Intervention

The first subissue concerns the situations in which family breakdown necessitates state intervention, either in response to voluntary requests for assistance by the family or decisions by government representatives to intervene between a family and a child. Through child abuse and neglect statutes society has attempted to define the occasions when intervention in a family on behalf of a child is required. In addition to the situations governed by those statutes, intervention may occur under the authority given the state to respond to parental requests for intervention as when a parent tries to turn a child over to an institution or requests assistance in raising a child because of the child's alleged incorrigibility. The guiding principle by which decisions in this area are to be measured is the "best interests of the child." But there is extraordinary flexibility inherent in this concept and the discretion afforded to any decision maker authorized to enforce it. Although the imprecision of our understanding of human behavior and of the

tools we possess for intervening in families in trouble requires considerable flexibility, the main complaints that have arisen against the state's exercise of its intervening powers are that the authority has been abused. All too often intervention in those families that are most vulnerable to state control, such as the poor or unconventional or ethnic and racial minorities, occurs principally because of the family's powerlessness rather than because of their needs.

This and other indictments of intervention are all too true. However, they must be balanced against the fact that too often, on occasions when intervention is necessary, it does not occur because of the decision maker's extreme reluctance to interrupt family life. What is needed is a theory that adequately explains the state's appropriate role in child rearing and provides sufficient checks on the exercise of discretion to ensure that authority is exercised only in warranted cases. The law, unfortunately, is not an exact science and regardless of how careful one tries to be mistakes will still be made. That is, I submit, a risk or cost we have to accept until we develop a family policy in this country that provides stigma-free assistance to families in trouble before their problems reach the extreme point of requiring wholesale intervention.

Although it is not a good analogy, one might liken the state's intervention in conditions of extremity with the state's power to condemn. It took years to develop a public policy on private property that would permit limited state intervention in the use of that property. For example, zoning restrictions and scenic easements are relatively new features of property law. The development of such intermediary actions and remedies eliminated the necessity for the state to choose between the extreme measure of condemnation or no control measures at all.

Private property is probably second only in importance in most people's cultural framework to the family. It has taken us a considerably longer time to reach a stage where we recognize that each family at some time needs a certain amount of

assistance from the community or government to care for the needs of its members. Many families are able to pay for their needs whether they be medical care or special homemaking services, but all too many cannot. A poor family situation may be allowed to deteriorate because of the lack of available assistance; a disaster area is thus created ripe for "condemnation" by state agencies that can act lawfully only after it is too late for intermediary assistance.

Now you might ask, What does all this have to do with children's rights? I believe that when we speak about the rights of children in relation to their families under conditions of family failures, we are really talking about the needs of children to be cared for in order for their own families to function successfully. If those needs are not met, many of the rights later available to the children will be exercised ineffectively or not at all. Unless we have a family policy in this country, then whatever we do on behalf of children in relation to their families will continue to be band-aid medicine, lacking clear objectives and subject to great abuse. And, if we do not know what we expect from our families, then we are unlikely to be able to provide to children without families the kind of care under state parenting they would receive in a good family. As discussed later, this inability has created some of our greatest abuses and has called for the creation of specific rights for children without families.

Independent Decisions by Children

The second subissue is whether and to what extent children have a right to make decisions that conflict with the decisions that their parents or other guardians wish made. Disagreements between children and their parents are a common occurrence and usually do not rise to the level of a legal question. However, several such disagreements have reached the courts, and a body of case law has developed around them.

Many of the modern conflicts between parents and children arise because of the "invention" of adolescence. Children in

the Middle Ages became adults at the age of seven, at which time a boy was apprenticed to a tradesman, or otherwise sent out to find his fortune, and a girl was trained for future domestic responsibilities. The concept of childhood gradually was expanded until children became more and more dependent on their parents and parents became less and less dependent on their children for economic support and sustenance. During the nineteenth century in this country, the idea of compulsory education provided an opportunity for children to be trained, and took them out of an increasingly smaller work force, so that they would not compete with adults. Child labor laws continued this trend and so did the imposition of age requirements for school attendance. All of these developments ran parallel with the accelerated industrialization and shrinking frontiers of the twentieth century. A boy or girl of fifteen who wished to seek his or her fortune in the nineteenth century or even more recently might have run off to sea or otherwise absented himself or herself from home without becoming a status offender or causing family disagreements that could become legal problems.

Because children now remain in the family for longer periods, during which they are still dependent but becoming more and more adult, the opportunities for intrafamily disputes have increased dramatically. The fears that many people have about the formulation of a family policy or a law of children's rights arise from their concern about increasing government control over such intrafamily disputes. A letter sent out several years ago about the Child and Family Development Act urged persons to oppose the proposed bill because it would, according to the writers, allow children to take parents to court if they were ordered to take out the garbage. Family disagreements that result in legal battles are, of course, of a more serious nature. There are, for instance, a line of cases in which a child either wished or required a certain medical procedure that his or her parents refused to provide.² In some cases, the disagreement was between the child and his

or her parents and in others between the parents and medical experts.³ In both types of cases, the state often enforced a child's right to receive necessary care. The most recent example of disagreement between parent and child is found in the abortion cases recently decided by the United States Supreme Court.⁴ The Court held that a minor child might seek an abortion without her parents' consent and over her parents' objections if a court believed it to be in the child's best interests. In the second line of cases, the issue most frequently arose in the context of religious objections to medical surgery, as in the cases of Jehovah's Witnesses refusing to allow blood transfusions to their children. The courts almost unanimously have ordered that, despite parents' strong religious feelings, medical necessity required that the child be treated.

Even among persons in the children's rights movement, there is a concern that extending rights to children against their parents is too difficult to control, and in all but the most extreme cases such questions should be resolved by the families, not the courts. I prefer that intervention into an ongoing family be limited to decisions that could have long-term and possibly irreparable effects if they were not resolved. Decisions about motherhood and abortion, schooling, cosmetic surgery, treatment of venereal disease, or employment, and others where the decision or lack of one will significantly affect the child's future should not be made unilaterally by parents. Children should have a right to be permitted to decide their own future if they are competent.

RIGHTS OF CHILDREN WITHOUT FAMILIES

Hundreds of thousands of children live in foster homes, training schools, orphanages, and other substitute family environments. When a state intervenes in a family and removes a child from its parents' care or otherwise takes control over a child's life, it does so under the theory of *parens patriae* and under the promise that it will act *in loco parentis*. When it fails to fulfill these promises, the child is generally left without re-

course. The typical child has his or her family to protect him or her against outside or external threats, but who protects the child given over to the state? In the last several years a series of lawsuits have challenged the treatment of children in government-sponsored settings because of violations of their rights.⁵ In some cases, the rights that were violated were similar to rights adults might claim in analogous situations, such as in training schools where children were subjected to cruel and unusual punishment or in mental institutions where children were deprived of due process and protection.

It is, however, difficult to fashion a legal right to more than custodial care. If a child is not given adequate food and shelter or is physically mistreated, then the courts are willing to intervene even against the state and order that minimal necessities be met. What do we do, however, in cases where children's minimal necessities are met, but those necessities are not sufficient to meet their needs? How do we fashion those needs into legal, enforceable rights?

In response to constitutional challenges to institutionalized care, courts have tried to fashion remedies requiring specific kinds of treatment. They have ordered that a certain number of psychiatrists be available for a certain number of patients and rehabilitation programs be available to inmates. Most of these cases have been in reference to institutionalized adults, but some of them have been directly applicable to children. The difficulty in fashioning a right goes beyond the initial definitional problems into administrative and resource issues. Even if a court orders an institution to maintain a certain staff-child ratio, will a legislature fund the necessary positions? Will the staff be adequate to the task of serving as substitute parents? Who will hold the institution and staff accountable? At the present time, these are questions for the future. We are still struggling to convince courts and government agencies to look beyond minimal necessities. I was recently involved in custody litigation in which I had an expert testify about a typical child's physical and psychological development. After

the expert testified, the representatives of the State Social Services told him they found his testimony very interesting and sure wished someone had told them all that before they had decided to remove a child from the only home it had known since the age of six months. If the adults charged with the responsibility of acting as and supervising the state's substitute parents do not know even the basic facts of child development, how can we expect judges and legislators to make informed decisions? The educational job facing us is enormous.

CHILDREN'S RIGHTS IN INSTITUTIONS

Children's rights in schools and courts involve both procedural and substantive issues. Much of our interest in children's rights is traceable to a 1967 United States Supreme Court case, *In Re Gault*,⁶ in which the Court extended to juveniles certain of the rights adults charged with crimes possessed under the Constitution. Until that case, it was not even clear that children were persons under the Constitution. Since then, many children's rights advocates have focused on a child's rights within the institutions that principally affect them: juvenile courts and schools.

Although the extension of rights to children in juvenile court may have generated more controversy than any other recent extension of rights, in many ways the juvenile court was the easiest target available. It became painfully obvious that the dream behind the original juvenile court in Cook County, Illinois to treat each child individually and to provide special attention to his or her needs so as to rehabilitate or socialize him or her was falling short of realization because of inadequate resources, imprecise legal standards, poorly trained personnel, and unchecked discretion. The next step had to be either the abolition of the court itself and the return to a single system of criminal justice or the extension to children of those rights that safeguarded an individual's position in an adult court. The *Gault* case ordered that juveniles threatened with

incarceration were entitled under the due process clause to notice, the right to counsel, the privilege against self-incrimination, and the right to confront one's accusers and to cross-examine witnesses. Since then, the Court has also required that juveniles have to be proven delinquent by the same standard—beyond a reasonable doubt—as adults. However, the Court has stopped short at extending all adult procedural rights to children. For example, the Court has not extended the right to a jury trial to juveniles.⁷ In this decision, the Court reviewed the development of the juvenile court and refused to alter it by requiring jury trials until the court had had an opportunity to live up to constitutional obligations. Children have also been extended constitutional rights within schools so that they can express their own individuality, such as the length of their hair, exercise their First Amendment rights, and be freed from arbitrary and unreasonable punishment.

However, within a space of three years, the United States Supreme Court decided two apparently conflicting cases as to a child's rights within schools. On the one hand, the Court ordered that a child could not be expelled or suspended without being given an adequate chance to respond to the charges against him.⁸ On the other hand, the Court reviewed a case in which a student challenged the severe corporal punishment that had been inflicted on him and decided that, absent excessive physical harm, corporal punishment was permissible under the Eighth Amendment of the Constitution.⁹ These decisions represent the confusion and conflicting goals besetting the Court as it tries to strike a balance between a child's alleged rights and the administrative needs of the institutions against whom those rights would be exercised. ←

CHILDREN'S RIGHTS IN SOCIETY

The issues involved with children's rights within society are complex and hard to define. In this category fall all the various declarations of rights such as the United Nations Declaration

of Rights. That and similar efforts are attempts to translate into legal rights the environmental rights we believe children must have in order to develop successfully. The United Nations Declaration, for example, says that each child has a right to grow up in a world at peace. All of us would hope to have that right, but none of us, so far as I know, has figured out a way to enforce it. Courts and legislatures have already recognized certain claims of rights on behalf of a child as a citizen. Such rights include a child heir's claim to an inheritance, a minor's right to sue for damages resulting from an automobile collision, or even an infant's action for damages because of injuries suffered in his or her mother's womb. In addition to such rights, many of which have long been recognized by the law, there are also recommendations that a child be given certain rights as against future technological changes that might damage him or her. Even though the development of such a legal cause of action seems unlikely, children and adults might have special standing to question the proliferation of nuclear power or junk food because of the potential impact or at least unpredictable impact on their and their children's future development.¹⁰

This general discussion of four categories of children's rights raises additional considerations I want to treat briefly. The question of enforcement of these rights that exist and those that may be created is an extremely difficult one. Even after the United States Supreme Court ordered juvenile judges to ensure the presence of counsel in cases with incarceration as a possible punishment, many judges resisted the directive, continued holding court without lawyers and decided on their own what should be done with a juvenile appearing before them. Lawsuits were sometimes brought to enforce the Supreme Court's mandate. Where there was an adult willing to assume enforcement powers, children were accorded their constitutional rights; where there was not, they were not. The principal difficulty in enforcing children's rights

is that, except for a very few, they are enforceable only vicariously. Children are dependent on adults to represent them in claims to achieve their rights. Most states do not even permit a child to appear in his or her own name in court but only through a guardian ad litem or other custodian. A right without enforcement is little better than no right at all, and, until we are able to enforce even the simplest of rights, such as the presence of counsel, we are unlikely to be successful in enforcing the more-difficult-to-define rights such as the right to adequate care from substitute parents.

FASHIONING RIGHTS FOR CHILDREN

There are three basic approaches to the fashioning of rights for children. First, adult rights can be extended wholecloth to children so that a right to counsel for a child means the same thing as it does for an adult. This approach prevails in delinquency law. Second, adult rights can be tailored to fit a child's special needs. The United States Supreme Court tailored First Amendment rights when it decided children possessed such rights but not to the extent that adults did. They were not, for example, able to have access to as wide a range of materials alleged to be obscene as adults were. Every state has tailored employment laws by setting ages at which children may legally work and placing conditions on their employment. Third, special rights for children can be created. Even if a child were given every right now possessed by an adult, there are few of us who would agree mere legal rights alone met a child's needs and interests. A child has special needs and the legal question they present is whether these needs are translatable into enforceable rights. It is in this area of special rights that most of us feel the greatest challenge lies and where, thus far, we have encountered the greatest disappointment. The disappointment arises not just from an inability to articulate standards but also from the resistance within the professions to rationalize their practices. (Within the special rights approach is a subcategory that covers special children—handicapped

children or institutionalized children who are atypical and require additional safeguards to ensure their needs are met.)

Children's Rights and Responsibilities

Rights carry with them responsibilities, even when—or especially when—we are discussing their applicability to children. A curious thing occurs when a society denies legal rights to certain citizens because they are thought incapable or undeserving of the right to take care of themselves or make decisions on their own behalf and consequently need social institutions specifically designed to safeguard their position. It is presumed that under the circumstances society is doing the best for the individuals, whether they be wives, welfare recipients, or Indians on reservations. The relative powerlessness of children makes them uniquely vulnerable to this social rationale and no group except for the institutionalized, who live in a state of enforced childishness, is so totally dependent for its well-being on choices made by others. Children are in fact presumed incompetent, and incompetents do not exercise responsibilities, either because they are not extended such responsibilities or because they refuse or are unable to assume them. This presumption of incompetency has profound significance not just because children are reliant on adults to exercise their rights for them, but because a child denied the opportunity to exercise responsibilities is effectively denied the opportunity to mature into a responsible adult.

Analyses about the malfunctioning juvenile justice system appear all over the country. An article involving New York was focused on a young man with a history of violence who had never been held responsible nor placed into a position where he had to be responsible.¹¹ Despite having been caught up in the juvenile justice system for most of his life, he had walked away from it with the apparent belief he would not be held accountable for his actions. Even when he eventually killed another person, he was never adequately punished nor rehabilitated. The impression was that the entire system wished

to avoid responsibility: responsibility for the problems of juvenile crime, responsibility for running its own institutions, responsibility for dealing with the needs of the juveniles coming into it, and in general responsibility for any aspect of the social system it was established to handle. I do not doubt that the system of juvenile justice in New York is beset by extraordinarily difficult problems, but a system that refuses to accept responsibility cannot hope to instill responsibility. And without responsibility, the extension of rights to children in their various relations is a meaningless exercise because rights are extended on a premise of individual responsibility. Philosophers debate whether under any circumstances children are able to exercise responsibilities sufficient for them to assume rights. The debate usually is unsatisfactory since children will and have to exercise certain responsibilities; it should be phrased not in absolute terms but in more conditional ones. There are certain children at certain ages in certain circumstances who can and should exercise responsibilities. The task is to determine what those conditions are.

The first thing to be done is to reverse the presumption of incompetency and instead assume all individuals are competent until proven otherwise. It is not difficult to presume a newborn child is incompetent, in the sense of exercising responsibilities and caring for himself or herself. It is more difficult, however, to prove a twelve-year-old child totally incompetent and I think impossible to presume the typical sixteen-year-old incompetent. Yet the law basically treats all these children, at their dissimilar stages of life, as incompetent and ignores psychological and social realities. If we were able to fashion laws that decided on the basis of available knowledge which children were competent and which were not, we could begin assigning responsibilities as well as rights and expect both to be fulfilled and enforced.

Although there are difficulties attached to making the law more discriminating, they do not seem to be any greater than the problems lawmakers confront in many other areas. Decid-

ing what kinds of crop aid should be given for a particular year to various regions affected by different weather, pests, and prices is not easy either, but it gets done. Mistakes are made, but they are inevitable in any complex decision carried out over time under unpredictable circumstances, and which affect a great number of people. Political decisions about children's rights are not any more difficult than many politicians have to face; they are just more controversial. But there are some steps supported by common sense and legal precedent we could take now. All procedural rights should be extended to children. They are entitled to legal representation in any proceeding in which their interests are at stake. This includes not just the rights available in juvenile court, but in every judicial or administrative setting. There may still be certain procedural rights one could argue should not be extended to children, but these should be examined on a right-by-right basis and withheld or granted according to the situation in which they would be exercised and the age of the child to whom they would be accorded.

Finally, I think that if we hope to influence public policy on behalf of children so that additional rights and responsibilities will be created, we need to become better advocates. Although advice on strategy may not at first impression appear to fit within a discussion of children's legal status, it seems to me to be the critical issue underlying every aspect of child advocacy. It is especially pertinent to a lawyer's role. The lawyer who best serves the client is the one who understands the legal and political realities surrounding a problem and who perceives the various routes open to solving it. Lawsuits are only one approach to problem solving in the law; a lawyer might instead decide to pursue administrative, legislative, or political action to achieve the objective. The children's rights movement must be as flexible and as realistic.

All too often, proponents of children's programs substitute emotionalism for rationality and believe altruism is an alterna-

tive to effectiveness. A recent book, *The Children's Cause*, by Gilbert Steiner and Pauline H. Milius, subjects federal children's programs, their supporters and administrators, to rigorous scrutiny and concludes that the only programs that have been justified and administered adequately are certain categorical grants to children with obvious physical and mental needs.¹² The authors claim that a comprehensive approach to children and family policy has not been made and that the proponents of one are either too busy fighting among themselves or too fuzzy-headed or too politically naive to carry the burden of proof. That is, of course, a generalization that leaves out some of the leading spokespersons for children's rights, but my experience supports the book's conclusions.¹³

The only federal program that adopted a comprehensive approach that the authors believe succeeded is the national school lunch program. The authors argue it became politically acceptable not because of arguments about hungry children, but because of an alliance between children's advocates and the association of school cafeteria workers who seized the opportunity to increase its membership.

Since children, with or without rights, will remain dependent on adults to secure the assistance they require, they deserve competent and effective advocates. Interested adults should be alerted to the work that must be done to inform the public and decision makers about children's needs, interests, rights, and responsibilities and to secure positive action.

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3 Children as Victims

ROBERT A. BURT

THE title of this chapter implicitly assumes that children are being victimized by someone and therefore require protection by someone else. But the likely identity of the victimizers and the protectors is, I think, more problematic than many people today appear to acknowledge.

Let me illustrate this by imagining that we are in a pediatrics emergency clinic when two junior high school-age children are brought in by an obviously angry adult. One child has a large bruise on his buttocks; the adult informs us that this bruise, still badly discolored and sore to the touch, had been inflicted eleven days earlier. The second child has one arm in a sling and can barely move it; the adult says that this injury occurred a week earlier. On further questioning, the adult readily admits that he inflicted both injuries in the course of hitting the children with a wooden stick. When we ask why this occurred, the adult replies that the children had been "slow to respond to [his] instructions" and that he struck them and inflicted these severe injuries to "promote good behavior and instill . . . notions of responsibility and decorum into the[ir] mischievous heads . . ."

If we had any clinical familiarity with parents who abuse their children, we could identify the classic symptoms in this account. The parent self-righteously proclaims that the beatings were justified because the children had misbehaved and that his motives were pure because he beat them with the intention of serving their long-range best interest—to guide the children, that is, toward norms of "responsibility and decorum." The abusing parent is not consciously hypocritical