

'Every Institution Discriminates Against Them'

Helping Heaven Help the Children

By RICHARD J. MARGOLIS



A Child Laborer on the Lower East Side in 1910.

"Heaven," runs the old saying, "protects children, sailors, and drunken men." Increasingly, reformers working for the rights of America's 70 million children are demonstrating that heaven often needs help.

The children's rights movement is young, dedicated and litigious: The "Jane Doe" case now in the Michigan courts may be cited as one example of its activity. Its guiding assumptions have been fairly stated by California psychologist Richard Farson. "Our world is not a good place for children," he writes. "Every institution in our society discriminates against them."

In recent years, the legal position of children has somewhat improved. But, as the law is currently interpreted, children under 18 are essentially a defenseless class. With rare exceptions, they cannot own property, cannot be hired for work and cannot on their own file legal complaints. What reformers are now challenging are those institutions that control children's lives and that have been taken for granted: the welfare, adoption and foster care agencies, the schools, the courts and jails.

A few examples of the movement's concerns:

● Thousands of schools give amphetamines to help calm hyperactive children. Many physicians consider these drugs potentially harmful.

● In Boston, a volunteer force found that 600 non-speaking children were not attend-

ing school because the public school system's bilingual program was inadequate.

● An estimated 665,000 children each year suffer either from physical or sexual abuse or from severe neglect. Yet most abusers go unpunished.

The growing movement has broad support. The Harvard Educational Review, a prestigious quarterly, is devoting two issues to "The Rights of Children." The National Education Association, which represents a majority of the nation's teachers, is putting out a handbook on student rights, from privacy to hair-cuts. The Rockefeller Foundation and the Carnegie Corporation are giving large sums to new children's rights organizations. And there is a Senate subcommittee on children.

Last year, the American Civil Liberties Union and its local affiliates formed a Juvenile Rights section on its docket.

Several suits attempt to force state agencies to find adoptive homes for children now consigned

to "residential facilities" (orphanages). In Iowa the A.C.L.U. is suing to compel the

as a continuation of a process that began with the turn of the century child-labor laws, or with the first White House Conference on Children, in 1909.

The White House conferences have continued, one every 10 years, with what many experts consider disappointing results. A Harvard Educational Review "Historical Perspective" on the conferences' impact grimly observes: "In the sweep of seven decades, the image conveyed is one of children, smaller than anyone else, lighter in physical weight and political clout, easily picked up and blown wherever the winds of economic, political, and social movements were heading."

Direction Unclear

It is hard to predict where the present social movement is heading. Some, like Judge Polier, see growing pressure for children's rights, others remain skeptical.

Joseph B. Gavrin, director of the New York City Council of Voluntary Child Care Agencies, whose members are under A.C.L.U. attack, questions the movement's claim to speak for children. "We're as much concerned about children's rights as anyone else," he says. "There's been too much battling over who can speak for the child."

Whether or not children's rights advocates "are infected," as Mr. Gavrin puts it, "with the rescue fantasy—the illusion that all child-million school-age children have been excluded from the public school system through racial discrimination or simple neglect. And then ever before.

"We want to make institutional last year after 37 years on the New York State Family Court bench, is directing a national survey of juvenile detention policies. Among her findings: Juvenile offenders are often detained in cells with adult criminals.

In a sense, the current ferment is a legacy of the past decade's civil rights struggle and the war on poverty, when programs like Head Start and the anti-hunger crusade focused public attention on children. But the new push for children's rights can also be seen

But so far, neither Congress nor any state legislature has yet said, "Suffer the little children to come unto me, and forbid them not."

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