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# Youth Truth



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

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## COPPA VS. PRIVACY

*Susan Wishnetsky*

In October 1998, the U.S. Congress passed the Children's Online Privacy Protection Act (COPPA), a bill "to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about children on the Internet, to provide greater control over the collection and use of that information, and for other purposes". The full text of the bill may be seen at <http://www.cmcnyls.edu/USLaws/S2326IS.htm>.

The Federal Trade Commission (FTC) released its regulations on April 20, 1999. The full text is available for viewing at <http://www.ftc.gov/os/1999/9910/64fr59888.htm>, but be warned—the file may take a while to download. It's about 100 pages long. For those unable to wade through or decipher the regulations, the FTC has provided a summary called "How to Comply With the Children's Online Privacy Protection Rule", available at <http://www.ftc.gov/bcp/online/pubs/buspubs/coppa.htm>. The regulations essentially require any online service or web site that collects personal information from any child under the age of 13 to obtain the consent of the child's parent, verify that the consent actually comes from the parent, permit the parent to review the child's personal information, and allow the parent to have the information deleted. Enforcement of these regulations began on April 21, 2000.

Although some "consumer groups" that gave input to the FTC on the wording of the regulations claim that compliance is "not an onerous burden", many online services have decided that dealing with underage

customers is now too much trouble. With penalties of up to \$11,000 for violating these rules, many companies want to play it safe (see <http://wired.com/news/politics/0,1283,35712,00.html>). So last month, with the deadline approaching, many online e-mail and news services began sending out notices to customers they thought might be under 13—or in some cases, under 18—notifying them that their accounts were being cancelled. Members of ASFAR (all OVER the age of 13) have reported receiving such messages from free e-mail, ICQ, and news services.

While the regulations were primarily designed to cover chat rooms and for-profit businesses, there seems to be no exemption for non-profit organizations, so youth rights organizations like ASFAR are probably required to comply with COPPA regulations—to allow the parents of any members under the age of 13 to review their membership information and honor parents' requests to remove them from the membership rolls.

ASFAR does not ask the ages of its members, and has no knowledge of any members under the age of 13; it is probable that none of our members are. But to disclose *any* member's information without that member's consent to *any* other individual, including a parent, is at odds with our **own** privacy protection policy. For us to remove a member from our list at a parent's request would be simply unthinkable.

It's always possible that COPPA will be challenged in court. Perhaps we will be the ones challenging it.

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# Letters

*Opinions expressed may not reflect the views of ASFAR.*

## What about what he wants?

The majority of people in this country seem to be pitying his father, but nobody is concerned about the rights of Elian! Now I am not saying that Elian's father is a bad person, but I am saying that Elian's word should count. And this is actually very deeply rooted in the concerns we have for youth rights.

I doubt that Elian is 100% sure of what he wants. Most likely, he does care about his father to some degree (as most people should and do). It is also probable that he does not want to go back to Cuba. So he is most likely torn between two sides, and has probably not set his mind in stone about what decision he would make. But his opinion should count! And he deserves due process under the law, and the right to seek asylum if he so chooses. It is also important that he is not forced into a situation that might place him under the risk of being pushed out of this country. One must realize, that as long as he remains in this country he has some choice, but if he goes back to Cuba, it is unlikely that he will be able to come back.

Whether or not he really meant it, his word must count. There is no significant evidence to show that Elian is being physically forced by his relatives in Miami to say that he does not want to go back to Cuba. And it is dangerous to discredit what he has to say on the grounds that he may have been psychologically manipulated.

Note: There was a passionate outpouring of responses to the Elian Gonzales case from our members. We obviously can't print all of them due to space considerations. If you wish to read some more reactions to this issue from ASFAR members, feel free to use the ASFAR e-mail archives at <http://www.zepa.net/hypermail/asfar/2000/>; look in the April and early May section.

One should also question the motives and interests of Elian's "passionate" father. His father is demanding his right to the custody of his son, but has shown little in the way of concessions or compromise to get such. You'd think that if his father really cared about his son as a first priority, he might be willing to live with his son in this country ... but he has clearly made an either-or situation with no compromise, and thus more pressure and a more difficult situation falls upon Elian. He is not even willing to talk to Elian's relatives in Miami! Instead he seems content to allow the government to pull Elian out by force, regardless of what stress or damage that might cause. The father is being backed by a big name lawyer, a foreign dictator, and our own government! Elian already has a tough decision to make (between his father and freedom), and his father is unwilling to make it any easier. At best, the father is simply stubborn and callous ... at worst, he does not even care about his own son and is simply the puppet of his country's political interests.

It is also important to realize what will happen to Elian once he leaves this country's soil. He would have to give up many of the human rights that both children and adults experience in this country. Who has the right to decide whether Elian should have

to give up those rights for the rest of his life? If anyone other than Elian decides, then we as a country are saying that we know what's best for him ... and that he should be made to give up the rights that we take for granted every day. Is that fair? One must also remember that Castro himself has promised to "rehabilitate" Elian once he returns to Cuba. Who knows what type of psychological torture that might include.

This case is important because it relates to other issues that concern youth in this country. There have been many minors who are US citizens who have been forced out of this country by legal guardians. If someone is a citizen of this country, they have a right to remain here! People have literally been kidnapped from this country and sold into child slavery, prostitution and other forms of abuse! It is critical that youth get the right to speak on their own behalf, especially in court. We must ensure that all people are protected by the rights of the Constitution, and part of the remedy includes giving youth some of the rights which had previously only been granted to their legal guardians. Also, certain laws meant to protect the privacy of children have actually hurt them more than they have helped. In California,

*continued on next page*

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youths convicted of felonies (doing time in real jail) are unable to speak on their own behalf to media, supposedly for their own protection. People question why things like the incident at Columbine happened, and politicians look to answers such as increasing censorship and gun-control. When will they realize that we are not another species, separate from humanity, but we have free will just like any other individual!

While it is true that youth are influenced by their surroundings to some degree, the same can be said for any person of any age. It is true that we can be arrogant, gullible, and self-serving, but we can also be logical, open-minded, and have strong convictions about justice. This is true for people of any age. Whenever a young person does something that is wrong, adults like to distance themselves from it, in order to deny the fact that they suffer from the same flaws. These are the flaws of humanity that cause us to do wrongful things and sometimes hurt other people. These flaws will always exist in our society, and the best thing we can do is to acknowledge their existence. Instead we look towards trying to manipulate society through psychological conditioning. Adults who do hideous crimes are called "crazy". Children who do hideous crimes are called "children" who do not know any better. Both of these terms are used to separate "normal" people from those who are un-normal, and justify why there are problems in our "normal" society.

However, I believe that anyone of any age has free will. The only difference is that a child has less acquired knowledge than he would have if he was an adult ... he

still makes his decisions based on what he knows. He still knows right from wrong, even if he is unfamiliar with the consequences of his actions. You cannot make a child be an upstanding citizen through conditioning, just as you cannot make an adult do anything. The only way you can really persuade anybody to do anything is through reasoning, but this is something that society has already concluded is impossible for children.

There is no real line that distinguishes a child from an adult. An adult is assumed to have a certain level of knowledge and experience, but it is gained progressively and at different rates by different individuals. And children make just as many mistakes as adults, and they are often forced to make just as many hard decisions. However, we like to deny this. We'd like to think that it is possible to raise children perfectly, like raising perfect livestock! We'd like to think that we can keep children from having to make any hard decisions, by making it for them. Thus we deny the fact that people have to make hard decisions all the time, no matter what their age is.

Therefore, it is my conclusion that as a principle, youth of any age should be allowed to make any decision concerning anything which might jeopardize their own future. Only Elian can decide whether he's willing to take the consequences of going back to Cuba.

-Aretnom

## Reason for hope

To take Elian screaming and crying from the only home he's known for almost 1/2 a year is in direct contradiction with what this nation is supposed to be. Our government should be hanging its head in shame, not patting itself on the back.

As for Elian, I'm sure he's relieved to be back in his father's arms after what happened. It's just too bad it had to be so violent.

However, all is not lost. Elian has won the right to seek asylum on his own. If he is granted it, he'll be able to stay in this country; then his father will either have to stay here with him, or return to Fidel empty-handed. -E.G.

## Free to Choose

a 6-year-old is being denied his right to  
freely determine  
his life course - why?  
not because he's incompetent (that's  
never even attempted to be determined)  
simply because he has only lived for 6  
revolutions of the earth around the  
sun  
and that means in our society  
you hold no freedom  
that is what i find despicable

-Kevin Sanchez

# Buzz

K.I.D.S., the Portland, Oregon youth rights group that organized protests against the Portland curfew, is holding a **Youth Liberation Conference in Portland, Oregon** on the weekend of **June 16-18, 2000**. Some of the workshops will be on juvenile rights and the police, youth activism and organizing, psychiatric oppression of youth, unschooling, etc. Their web site is at <[www.kidspdx.org](http://www.kidspdx.org)>, their e-mail address is <[pdxkids@hotmail.com](mailto:pdxkids@hotmail.com)>, and their mailing address is: K.I.D.S., P.O. Box 2624, Portland, OR 97208.

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# Perspective

Justin Mallone  
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An issue that's come up recently in the news is one of those tricky areas within youth rights that requires a bit more thought and consideration than some other issues. It's the question of privacy and property rights of young people under the Magic Age of 18 who are living in their parents' home.

A law passed in Georgia recently makes it legal for parents to wiretap their kids' phone conversations. This was done to try and bypass Georgia's general laws on recording phone conversations, which require at least one person being recorded to know about it, so as to allow parents' tapes of their kids' phone conversations to be admissible. Now, it would strike me as obvious that this particular law, which is based purely on age-bias, is wrong. It creates a diminished standard of rights for those below the Magic Age, not on any assertion of parental property rights over the phone (which would have been negated by Georgia's law requiring one party knowing about it anyhow), but simply based on the assertion that young people, by virtue of being young people, have no right to privacy.

Let's put aside this particular law for the moment though, as it seems a pretty straightforward instance of age-bias and there are related issues worthy of our attention. For instance, what expectations of privacy should young people have regarding their phone conversations, their rooms, their computers?

Let us consider this question from a property-rights perspective. After all, if the parents own the computer or phone

line or whatever, then the case would seem to be pretty open-and-shut against young people retaining any right to privacy. But it is not quite that simple. For instance, in the aforementioned case regarding the recording laws in Georgia, you had a situation where a law protected ANYONE from being recorded if at least one of the parties didn't know about it. So the first step in defending youth rights on this particular issue would seem to be to lobby against laws diminishing the rights of youth when those rights are already granted to others.

That's only part of the equation though. What if you have a situation where a young person is living under his parents' roof but pays for his own phone line, or bought his own computer? Given such circumstances, it would seem to me that such a young person should have the expectation of privacy that comes with full ownership of the means of his communication. In other words, no wiretapping. Unfortunately a problem with this idea is that young people are not considered to retain full property rights since they are "minors", and thus all their property is parental property. Not to mention that to be able to work to earn the money required to buy one's own things, one has to jump through legal hoops that often require a parent's permission if one is a minor.

It would seem to me that a major and important goal for the youth rights movement should be both the elimination of the laws that restrict young people's

## It's Mine, Dammit!

natural right to work, and the establishment of laws respecting the property rights of young people to at the very least the things they purchased as a result of their own hard work. A lack of respect for such rights makes young people in modern society nothing more than feudal serfs, working for their parents' benefit, whose natural right to use their property is entirely dependent on the good graces of their feudal master. Does this seem like a proper arrangement in a free society that purportedly embraces capitalism and respects the private property rights inherent in that concept? I think not.

Moving on, what about the issue of parents rummaging through one's personal effects in one's room? While it would certainly seem that parents should respect one's right to privacy in that regard, it is difficult to find such protection under the umbrella of property rights given the current context of youth rights, or lack thereof, in this country. However, it may not be impossibly so. For instance, if a young person's parents give him a piece of furniture to put clothes in, would it be unreasonable to assume the furniture is a gift in a sense, and thus now the property of the young person (with full accompanying rights and protections granted to the owner)? It's a question worth considering more, as such an understanding of property seems plausible, and would be greatly beneficial to the privacy of young people if the courts adopted it.

— IT IS DIFFICULT TO  
FIND SUCH PROTECTION UNDER  
THE UMBRELLA OF PROPERTY RIGHTS —

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## Unnatural Consequences

# Redirect

reprinted from  
*Taking Children Seriously 22*  
Sarah Lawrence

Most modern parenting books advocate using so-called “natural consequences” to punish children, and devote much space to describing the relevant techniques. They don’t *call* it punishment — indeed the technique itself requires one to *deny* that it is punishment — but it is something unpleasant that the parent decides should happen to the child when the child’s behaviour deviates from the parent’s wishes. So anyone who uses language decently would call it punishment.

Anyway, why else would they need to write a hundred pages on the subject, giving instructions for how to “employ” natural consequences? If they were indeed natural, there would be no need to explain in great detail how to “step back and allow the child to experience the natural consequences of his own actions”. Otherwise known as wilfully standing back to let the crap fall on the unfortunate child, in order to “teach the little blighter a lesson he richly deserves,” if I may make their implicit reasoning explicit.

Instead of standing back to let the crap fall, or when that doesn’t work, positioning it above the child’s head too (yes, that is what they are implicitly advocating), we should be looking out for such dangers, and giving the child the information and assistance he needs to avoid such unpleasant consequences.

But the main thing to remember about so-called “natural consequences” is that they *do not follow!* For example, contrary to what it says in four parenting books I have read, it simply *does not follow* from the fact that a child wakes up “late,” that the natural consequence of that is that he

- Must walk to school
- Must go to school in his night-clothes
- Must miss school and suffer the resulting punishment meted out by school
- Must go to school without any breakfast

(Interesting that the experts do not agree on what exactly the “natural consequence” of “late” waking is.)

The fact is, none of these alleged natural consequences follows necessarily from the so-called “late” waking. Nature allows any number of things to happen, and none of them has this special status of being The Natural Consequence. Yet despite their differences, all the so-called “natural consequences” advocated in books have a number of features in common: they are chosen by the parent; they are unpleasant for the child; and they are set up in such a way as to delude the child into thinking that the parent is not the active agent in the matter. They are, therefore, a strategy for denying responsibility for pain for which the parent is in fact responsible.

So what could *reasonably* be called a “natural consequence”?

Something that happened *despite* the parent’s real (non-coercive) attempts to prevent it.

For example, suppose Little Billy is in a nice restaurant with his mother, and he starts playing with the sugar lumps and the salt and pepper shakers. Suppose that Billy had specifically asked that they go to this particular restaurant, despite *having full knowledge of the sort of behaviour that would be expected at this place*, instead of to a more relaxed place where children are welcomed and not expected to “behave”. Suppose that Mum and Billy are being eyed disapprovingly by a rather snotty waiter, who is clearly of the opinion that children should never be permitted to enter “his” establishment, let alone to have a bit of fun with a few sugar lumps.

Mum, a TCS parent rather than a believer in using so-called “natural consequences” to “teach” her child things, would be giving Billy *information* (in a non-coercive, non-threatening way) about what might happen if he were to continue to make salt piles and sugar-lump-castles. She would be giving him information, and (assuming that he is getting so much out of his activities that he wants to continue) making suggestions about what they might do in any particular eventuality. She might point out, for example, that the waiter appears to disapprove of Billy’s activities, and she might suggest to Billy that the waiter *might* order them to leave, or he might demand, as a condition of their staying, that Mum stop Billy’s activities, or possibly he might ask Billy to stop (though this last seems less likely), and that if he says any of these things he may or may not use a harsh tone of voice — or (Mum would say), the waiter might just continue to give them the evil eye but not say anything. Or he might give up the evil eye stuff. Or the manager might come over and comment on what a charming child Billy is and give him a giant box of sugar lumps to play with.

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# Redirect

reprinted from  
*Taking Children Seriously* 22  
Sarah Lawrence

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## Unnatural Consequences

*continued from page 5*

Assuming Billy continued playing with the sugar lumps, Mum would be thinking about

1. how to lessen the risk of something unpleasant or embarrassing happening,
2. what to do to minimise the chance that any unpleasantness on the part of the waiter or manager might affect Billy adversely.

For example, could Mum disarm the waiter by briefly engaging him in friendly conversation? Or could she have a quiet word with the waiter to change his perception of the situation (to give him a reason not to disapprove of the child's activities)?

If those and any other attempts to lessen the risk of something unpleasant or embarrassing happening were to fail, and indeed *while* she was thinking up and making such attempts, she would be talking to Billy about the situation and in no way making him feel bad about it. She might, for example, whisper something to Billy about what an idiot the waiter is, and they might make little jokes at the waiter's expense or something — in order to assure Billy that the waiter's disapproval does not matter a jot, and should not be distressing.

In any event, Mum would be thinking about how to help Billy interpret the waiter's disapproval in a non-distressing, non-coerced way. Unlike non-TCS parents, she would not be buying in to the waiter's view of the situation. *That* is what would cause distress for the child. The *waiter* doesn't matter because he is not in a relationship with the child, and there is no significant moral issue at stake between the child and the restaurant. The child need have no particular wish not to displease him. So Mum would be likely to make as light of the situation as she could, helping Billy to "see the funny side of it," and she would probably suggest that they go to another restaurant (a really super restaurant from Billy's point of view) and she would then be pointing out happily that they will now have been to two restaurants instead of one, and perhaps she might tell Billy about meals in which the diners take their aperitifs at one place, their soup at another, their *hors d'oeuvres* at a third restaurant, their entrees at a fourth, and so on.

The point is, Mum would *not* be sitting back and letting the crap fall on Billy, to teach him table etiquette—and then to tell him that it was his own fault, nothing to do with her! She would be going to great lengths to help him to interpret the affair in a positive way. She would know that Billy is now perfectly well aware that playing with the salt and sugar lumps is frowned upon in some restaurants, and that intentionally distressing him would not add to his knowledge.

But what if Mum had been able to disarm the waiter before Billy had even had the chance to notice his frowns? How would he learn anything then? Well, dear reader, there is a simple answer to that: Mum can simply *mention* her conversation with the waiter to Billy, explaining what she did and why it was necessary. And she would explain to Billy that in some restaurants, such-and-such behaviour is expected, and behaviours such as sugar-lump-castle-building and salt-pile-making are frowned upon. She could simply *explain*—give Billy access to her best theories about restaurants. Coercion adds nothing at all; it just spoils everything.

So where, in such situations, is there a real natural consequence—that is to say, an unpleasant consequence we might reasonably call "natural"? The answer is that if, given all Mum's efforts, the waiter were to ask them to leave the restaurant, *that* might reasonably be called a natural consequence. In other words, a TCS natural consequence would be an unfortunate consequence that occurred despite the best efforts to prevent it. No good can come of it—at least, no more than from any other disaster—and it is something that we should try absolutely to avoid.

Sarah Lawrence, editor and founder of the journal *Taking Children Seriously*, welcomes comments and criticisms.

The address to which to write is below, or you can send email to <journal@TCS.ac>.

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## The Conventional Wisdom of Ending Age Restrictions

# Editorial

Aaron Biterman

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The voices of young people are not heard in America. As a young person actively involved in local and national political campaigns, crusades for equal rights, and youth rights, I know all too well that youth have no voice in America in this, the twenty-first century. People are astonished that someone like myself cares enough to write articles about political issues and equal rights. Adults are astonished that I sometimes know more than they know. How could a teenager possibly know more than an adult? It's possible, and, in fact, quite common, despite traditional biases.

Those of us involved in youth rights are often considered radical liberals who want youth to conquer the world leaving adults in the shadows. This myth is just that: a myth. I reject the notion that I am a radical reformer. The fact is that I am ultra-conservative in philosophy, and even more so when it comes to youth rights.

### Traditionalism

All too often, our law books are filled with arbitrary and unfair age restrictions put together by legislators that do not have to listen to most young people. Yet a century ago, youth had more rights than they do today. A century before that, youth had even more rights and privileges. Those of us working to attain equal rights for youth are attempting to restore the important principles valued by our ancestors, and therefore we are traditional in the most conventional sense.

Age restrictions did not exist in the United States until the 19th century. Prior to that, people of any age were allowed to have sexual relations with whomever they wanted, drink at any age, and engage in any

activity that was not harmful to others. That is the principle that we, as youth rights advocates, want a return to. We want to turn back the clock to the values and morals upheld by our ancestors and turn away from the closed-minded, power-hungry controls of Washington bureaucrats.

### Societal Welfare

But how could we possibly end age restrictions? What about the societal costs?

Pragmatically, age-based laws just don't work. Look around you any typical day and you will still find teenagers drinking, smoking, gambling, staying out at night, and even working when the law says otherwise. Why is this? Because it takes an enormous sum of manpower and other resources that don't exist to enforce age-based laws that are unrealistic in the first place. Plus, what resources that are available to enforce age-based laws would be better spent in going after real criminals; murderers, rapists, and thieves, rather than making harmless young people expressing themselves into criminals. Despite curfew laws, sexual consent laws, and prohibition laws, young people continue to engage in the activities deemed "against the law".

The fact is that young people in America realize the laws against such activities limit their individual liberties and limit their freedom. Hence, they have taken a stand against such laws: they ignore them, and deem them null and void.

### Responsibility

Proponents of age-based laws will argue that, if the laws are repealed, society will be condoning the activities proscribed under the laws. This notion has little validity.

All too often, people think that if something is bad, it should be illegal. It sounds reasonable at first glance, yet it makes little sense when evaluating the premise in full.

Consider the following example: few people would argue that eating high-fat foods is good for anybody. Therefore, if we are to make everything bad illegal, then high-fat foods would be legally banned. Theoretically, society would be better off in the long-run (healthier people, lower medical bills, and such). Still, even the most ardent advocate of government intervention into private behavior can see something wrong with this proposal.

So the government rightfully allows people to consume whatever foodstuffs they may since human beings have an intrinsic right to govern their own food intake. Just because something is "bad" or unacceptable to society's psychologically manufactured taboos does not give government the right to make it illegal.

Furthermore, what ever happened to the value most adorned by our ancestors: the value of responsibility. Youth should be taught by nurturing and loving parents the inherent evils of alcohol, drugs, and prostitution. If a child is brought up with such values, as I was, then there is no need for that child to engage in such activities. The welfare state within America must end, and we all must take personal and individual responsibility for our own actions. For youth, responsibility can only take shape if one realizes the consequences of one's actions and promises oneself to improve in the future.

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**— THERE ARE NO  
NATURAL LINES THAT RIGIDLY  
SEPARATE YOUNG PEOPLE FROM OLDER PEOPLE—**

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# Sue's Review

Susan Wishnetsky  
Secretary, ASFAR

*Editor's note: Content of reviewed books is not necessarily the opinion of ASFAR.*

Melton, Gary B., Lyons, Phillip M. Jr., and Spaulding, Willis J. *No place to go: the civil commitment of minors.* (Children and the law.)  
Lincoln, Neb. : University of Nebraska Press, 1998.

In 1977, when I was in college, I discovered that there was such a thing as a “youth rights movement” and joined it at once. In those days, the movement was sparse and scattered, mostly consisting of small, informal, local groups. The organization I joined, the Three O’Clock Lobby of Michigan, was much more ambitious than most: it was a duly incorporated, statewide organization. It was run by youth; as an adult, I was not permitted to vote or serve on its governing body. Thanks to the help of some good people at agencies concerned with youth, the group obtained some free office space and enough funding for a toll-free phone number and other basic needs.

I was monumentally ignorant about the issues when I joined, but I soon found that everyone seemed to be excited about the prospect of “decriminalizing and deinstitutionalizing status offenders”. I learned that a “status offense” was an action that was illegal only for kids, such as running away, truancy, curfew violation, or “incurability” (which might be defined as intractable disobedience or misbehavior). I vaguely understood that there was some new governmental policy which favored “less restrictive alternatives” for these kids, instead of continuing to just lock them up. What these alternatives might be, I didn’t know, but it was very important to the group that they be developed and implemented. It was a big part of our job to push the state of Michigan in this direction.

The membership and funding ultimately dried up around 1980 and the group disbanded. It had lasted longer than most. With a sad sense of futility, I went on with my life without ever really exploring what became of the movement toward “less restrictive alternatives”.

Twenty years after my first discovery, I rediscovered the youth rights movement, now national and online. The group I joined, ASFAR, had essentially no funding, but it *was* in the process of incorporating. Unlike the Three O’Clock Lobby, it welcomed people of all ages as full members, so I was permitted to run for office. And now, I am again learning – and re-learning – the issues, by reading books to review for this column.

*No Place to Go* is a difficult, disorganized book, wandering erratically from its focus only to return too suddenly to its topic. It is a hard book to read and to follow. But for me, it did provide answers to the questions I had avoided for so long.

In its first few pages, the book clarifies the source of that “movement” toward getting kids out of jails in the mid- to late-1970s: the Juvenile Justice and Delinquency Prevention Act of 1974, which had “explicit goals of deinstitutionalization and diversion of nonserious juvenile offenders”. According to the authors, the result, which began occurring almost immediately, was not *de*-institutionalization, but rather *trans*-institutionalization into mental health facilities. “Many status offenders”, the book reveals, “were relabeled as emotionally disturbed and placed in mental hospitals”. The book goes on to cite statistics relating the decreases in admissions to training schools of certain types of youth offenders to the corresponding increases in their admissions to residential treatment facilities.

The first chapter also covers the growth of the private mental health industry in the 1980s. During the Reagan administration, the Office of Human Development Services offered grants to health care providers to develop franchises in child mental health services. While private residential treatment centers receive the majority of their funding from government sources, there is little government regulation or oversight. But when courts can’t justify sending a child to a juvenile detention center, they can always accept a doctor’s diagnosis of a mental disorder (there’s bound to be a psychiatric label for any young offender); if no public facility is available, a private mental health facility will provide a place to put them.

The book also discusses the 1979 Supreme Court decision in *Parham v. J. R.*, which denied children the right to a formal hearing prior to commitment by guardians (and the state may be a guardian). The view of the court was that guardians and mental health personnel always act in the child’s best interest, and that since the detention was intended to help (rather than punish) the child, the legal safeguard of a hearing was unnecessary. It was perhaps this decision that marked the end of an era of optimism among youth advocates.

The authors emphasize that the children being committed to these facilities are not “mentally ill” in the classical sense of the phrase; they are generally referred for some kind of misbehavior. They also discuss the

*continued on page 9*

— THE CHILDREN  
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## Review: *No place to go*

*continued from page 8*

harm that can be done to children by long-term institutionalization, the “treatment” they receive and the living conditions they endure. While the American Psychiatric Association (APA) is criticized for its “deference to physicians and its underlying faith in institutional care”, the book fails to mention that prior to 1980, the labels now being used to diagnose many of these children did not exist. In that year, the third edition of the APA’s *Diagnostic and Statistical Manual* included new classifications of mental illnesses such as “conduct disorder” or “oppositional disorder”, with descriptions designed to include the types of young people previously called “incorrigible”. This may have facilitated, uninten-

tionally or deliberately, the referral of troubled kids to the mental health system.

So what happened to less restrictive alternatives? The book does discuss the few that have been tried and the even fewer that have been evaluated, such as day treatment programs and in-home intervention, some of which demonstrated superior outcomes at lower costs than institutionalization. But there has been little motivation to develop alternatives when beds are available in the local “treatment” facility.

The authors of *No Place to Go* were appointed to a committee to study these issues

for the American Psychological Association; this book was the result. In an appendix, they include their “Model Act for the Mental Health Treatment of Minors”, which was approved by the Child, Youth and Family Services Division of the Association. While this “Model Act” falls short of the strict criteria for admission and rigid restrictions on mental health care providers that I would want to see, it does emphasize the need for due process proceedings prior to commitment, stresses the involvement of minors in making decisions about their own treatment, and even includes some requirements for a child’s parents to seek treatment themselves! *No Place to Go* has, at least, a note of optimism at the end.

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## The Conventional Wisdom of Ending Age Restrictions

*continued from page 7*

### **But Kids Aren’t Smart Enough**

My opponents argue that children aren’t smart enough to make valid, reasonable decisions for themselves. The reason most Americans believe this is that that is what they have been told since the very beginning. That is the atmosphere with which they have been brought up. That is the way we were taught to live. That is what was perpetuated upon them.

Under our status quo laws, the government has created a falsely segregated world that exists only in theory. Adolescents and adults are thoroughly intermixed into everyday life already. Short of puberty, there are no natural lines that rigidly separate young people from older people, so the omnipotent state has created artificial barriers for those they deem not as wise: the young.

### **Sexual Consent Laws**

An issue which is rarely brought up will now be tackled head on: sexual consent laws.

As I am under the arbitrary age limit of 18, the reader cannot conclude that I have a desire to sleep with younger individuals because I propose abolishing sexual consent laws. What the reader can and should conclude is that I am pro-freedom, pro-responsibility, and pro-tradition.

It’s about time that we repeal sexual consent laws so that young people can engage in sexual relations with whomever or whatever they’d like. If a young male and a young female want to engage in sexual intercourse, who am I to stop them? Who is the State to come into their lives and say: “STOP. You cannot do that”?

The responsibility lies solely with the individual.

What about rape? Surely if sexual consent laws are repealed, rape will be more bound to happen, opponents argue. But the fact of the matter is that we already have rape laws to protect the bodies of people from

being innocently taken advantage of. How many laws do we need to protect the bodies of human beings? One law is sufficient. Not three. Not five. Certainly not eight.

Our Government and our States are law-hungry. The more laws, the better. The more prohibitions, the better. It’s time to elect a common sense American who will not pass new laws, but will review the laws we already have passed and adjust them to twenty-first century standards with the desire for freedom in mind.

As George Bernard Shaw wrote, “Liberty means responsibility. That is why most men dread it.” What other statement rings with more truth?

### **Take Action**

Get involved in organizations (<http://www.freeyellow.com/members8/youthrights>) which advance the cause of youth rights. We will never settle for less than social EQUALITY and personal FREEDOM.

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# News Links

## Iowa Student Suspended for Counting

When a student at Keokuk High School was overheard counting backwards, “post-Columbine” fears ultimately caused his suspension and involuntary psychiatric evaluation. The story can be viewed at <http://www.dmregister.com/news/stories/c4780927/11041953.html>.

## Children are Property After All

If you’re a parent who needs quick cash, and you live in Michigan, you might consider selling a child — it’s perfectly legal. See the report at [http://www.freep.com/news/locmac/baby29\\_20000329.htm](http://www.freep.com/news/locmac/baby29_20000329.htm).

## New York Cops Go Overboard on Truancy

When Mayor Giuliani called for a crackdown on truants in his seventh State of the City Address in January, the police took him seriously. The NYPD decided to use the strategy of waiting outside high schools to arrest kids arriving late. The story can be seen at <http://www.nypostonline.com/news/27318.htm>. The perceived increase in truancy which prompted the crackdown may have actually been caused by false reporting by the police, as reported at <http://208.248.87.252/12291999/20649.htm>.

## School Officials Suspect Model Sixth Grader

One of many stories these days of nonconforming students being labeled “potentially violent” comes from Holland, Michigan, and is reported at [http://www.worldnetdaily.com/bluesky\\_dougherty/20000330\\_xnjdo\\_sixth\\_grad.shtml](http://www.worldnetdaily.com/bluesky_dougherty/20000330_xnjdo_sixth_grad.shtml).

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## *Youth Truth*

c/o ASFAR  
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