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"Children are our most valuable natural resource."
- President Herbert Hoover¹

"It must not for a moment be forgotten that the core of any social plan must be the child."
- President Franklin Roosevelt²

During the last century—since the Progressive Era and the first White House Conference on Children in 1909—the federal government has vastly expanded its role in promoting the welfare of America's children and youth. While families remain the bulwark for successful child development, and states, localities, and a host of private entities provide services to infants, children, youth, and their families, the federal government has long supported and provided services ranging from health care to education and enforces a wide range of laws and regulations to protect and enhance the well-being and rights of Americans under age 21.³

This essay offers a brief survey of the development of federal policies affecting children and families from the early 20th century to the early 21st century. The focus is on federal legislation and important federal court decisions; state policy developments largely are excluded.

THE AMERICAN CHILD IN 1900: THE SETTING FOR PROGRESSIVE REFORM

The turn of the 20th century was a time of profound transition both in the status of children in American life and in the role of the federal government in child policy. Childhood increasingly was seen as a developmentally distinct stage of life, and children were viewed with greater tenderness—reflecting a new, middle class belief in childhood's importance and concern with children's vulnerability.⁴ Concurrently, the federal government was becoming much more involved in

implementing policies to promote the welfare of Americans, young and old.

Social dislocations of the late 19th century, sparked by rapid industrialization, population growth, urbanization, and immigration, together with the economic crises of the late 1870s and 1890s, led to social reform movements in the 1890s and during the Progressive Era at the beginning of the 20th century. With respect to children, many reformers became part of a diffuse "child-saving" movement to combat the real and perceived problems of poor child health, abusive child labor, delinquency, poverty, failed families, and the institutionalization

of children. Progressivism, which had many strands, encompassed private and public-sector efforts to ameliorate suffering and injustices; a new faith in the ability of science to address social problems; and strengthening the moral fiber of Americans of all ages. These threads informed much of the advocacy and federal and state policy in areas ranging from child labor and education to care of dependent children and child and maternal health.

Indeed, at the turn of the 20th century, U.S. child mortality rates were high, millions of children were employed, school attendance was low, poverty was widespread, and countless children dependent on the community languished in almshouses and orphanages. Such institutions, created in part to house Civil War orphans, were already in decline by 1900, as reformers sought to place orphans—as well as many children in poor families—in either child-specific institutions or middle-class homes as foster children. By 1910, more than 1,150 institutions, with varying conditions, held 150,000 children. The health of young children was abysmal by modern standards, as about 1 in 4 children in 1900 died by age 5. Likewise, two million children between the ages of 10 and 15 worked in factories, on farms, and on urban streets.

At the same time, educational reformers debated the relative merits of seeing education as a mechanism for social and moral change, as John Dewey argued, or more strictly as a process to instill basic knowledge and cultivate needed skills. School attendance and the number of schools had increased sharply between 1870 and 1900, yet only 8 percent of high school-age children were in school in 1900, and most children of all ages

attended school only irregularly. While vast strides in expanding school attendance occurred during the first two decades of the 20th century, little of this progress could be attributed to federal policy. The Bureau of Education, established in the Department of the Interior after the Civil War, served mainly to collect school enrollment and financial data.⁵

1909 WHITE HOUSE CONFERENCE ON THE CARE OF DEPENDENT CHILDREN

The first White House conference on children grew out of growing public sentiment to protect the welfare of dependent children. The 1909 conference, conceived and organized by lawyer James West for President Theodore Roosevelt, focused on the harmful effects of institutionalizing dependent and neglected children, and urged the promotion of child well-being within families and by private charities, rather than by government. Reacting to the horrors of almshouses and orphanages, the 200 attendees concurred that poverty alone should not be a reason for removing children from their families. The conference issued nine major proposals, among them to establish a national foster care program, expand adoption agencies, and provide mothers' pensions to keep poor families intact. This last recommendation was adopted by 20 state legislatures between 1911 and 1913. Attendees and social reformers such as consumers' and workers' advocate Florence Kelley and Lillian Wald, organizer of the Henry Street Settlement in New York, also won Roosevelt's support for creating the first federal children's agency dedicated to protecting the welfare of the nation's children.

THE CHILDREN'S BUREAU

Massachusetts Sen. Winthrop Crane introduced legislation to create a federal Children's Bureau, first in 1906 and again after the 1909 White House Conference. Its proposed mission was to monitor state legislation affecting children, and to gather and disseminate data on child welfare. Earlier, private charities and states had initiated efforts to protect children during the 19th century, but many states—even into the early 20th century—bundled child protection with animal protection or boards of correction, or both. Roosevelt told Congress that he would “most heartily urge” the establishment of a Children's Bureau, and Idaho Sen. William Borah reintroduced a bill to create such an entity within the Department of Commerce and Labor. In 1912, Congress passed the legislation and President William Taft signed it into law.

The Children's Bureau, which became operational under the new U.S. Department of Labor in 1913, was charged with investigating and reporting “upon all matters pertaining to the welfare of children and child life among all classes” and help state and local agencies protect children from abuse and neglect, although it had little power to affect children's lives.⁶ During the Administration of President Woodrow Wilson, the Bureau expanded, helped professionalize child-welfare advocacy, and conducted notable studies of infant mortality and other aspects of child health. Julia Lathrop, the first woman to lead a federal agency, served for nine years as the small bureau's first head. The Bureau remains in existence as part of the Department of Health and Human Services' Administration on Youth and Families.

CHILD LABOR REFORM

Between the 1880s and 1930s, few issues so dominated the nation's social reform agenda as limiting and outlawing child labor. Late 19th-century industrialization led to significant increases in child labor, to the point that one-third of Southern mill workers in 1900 were children, and one-fifth of all U.S. children between 10 and 15 were employed.⁷ By 1899, 28 states had passed some child-labor legislation, with Colorado and New York taking the lead in the 1880s. However, most were limited to manufacturing industries and only restricted the labor of children under the age of 12. Progressive Era reformers ranging from John Dewey and psychologist G. Stanley Hall to the National Child Labor Committee, organized in 1904, attacked child labor as exploitative, hindering education, and harming child development. President Roosevelt, in 1904, called for a national investigation into child labor conditions, which Congress authorized in 1907. A first bill to prevent employment of children in factories and mines was unsuccessfully introduced in Congress in 1906.

By the 1910s, the Committee, working with the Children's Bureau, mobilized a vast public-relations and lobbying campaign that led to passage of the Keating-Owen Act of 1916. It prohibited interstate commerce in goods manufactured by children. Supported by President Wilson, the legislation was ruled unconstitutional by the Supreme Court in 1920. During World War I, the federal War Labor Policies Board prohibited the use of government contractors that employed children. Efforts were launched in the 1920s by organizations such as the American Federation of Labor and the National Consumers' League for a Constitutional amendment outlawing child labor.

Introduced in 1924, the amendment was defeated. Nonetheless, advocates could claim success in that every state had enacted at least minimal child labor reforms by 1920, and the percentage of children working began to rapidly decline—to just 5 percent—by 1930.⁸

OTHER PROGRESSIVE REFORMS

The influx of southern and eastern European immigrants between the late 19th century and World War I led many reformers to advocate for “Americanization” through the teaching of English and American cultural norms. The U.S. Bureau of Naturalization taught immigrant children and adults basic information about the United States as well as ways to become more naturalized members of American society.

At the same time that child labor increasingly was seen as a scourge and educators pushed for expanded, more humanistic education for children, rapid industrial development prodded federal lawmakers to support increased vocational training for youth. With support from business, Congress passed the Smith-Hughes Act in 1917 to make federal funds available for classes and programs to teach young Americans various job-specific skills. Always controversial, vocational education was—and is—viewed by many as an inferior “track” to more academic schooling.

Juvenile justice was another significant area of child-oriented Progressive Era reform. Many saw the need for distinct judicial standards and procedures given the increasingly accepted recognition that children and adolescents were emotionally and intellectually different from adults. Seeing the failures both of many reform schools

and the adult criminal-justice system in addressing the special needs of troubled and delinquent children, Illinois became the first state, in 1899, to provide special trials and detention procedures for juveniles.

By the late 1910s, virtually all states had established juvenile courts. Youth were no longer tried as adult offenders, and states assumed a *parens patriae*, or guardian, role. Many states authorized children’s aid societies to represent children’s legal interests. Bernard Flexner, an early Zionist leader, and Roger Nash Baldwin, the first director of the American Civil Liberties Union, were instrumental advocates, saying: “The whole function of the probation and supervision of delinquent and neglected children is coming to be recognized as a positive method of treatment,”⁹ reflecting the increased medicalization of issues previously seen in moral terms.

1919 WHITE HOUSE CONFERENCE ON STANDARDS OF CHILD WELFARE

President Wilson declared 1919 as the “Children’s Year,” and convened the second White House conference on children, with meetings held in Washington and eight other cities. It focused on setting minimum standards for child and maternal health, labor, and needy children. The conference produced a comprehensive report on children’s needs, with particularly detailed recommendations for the care of infants and mothers. Julia Lathrop advanced the idea that the federal government should provide grants to states for educational programs to reduce infant and maternal mortality.

THE 1920S

This latter proposal bore fruit in the 1921 passage of the Sheppard-Towner Maternity and Infancy Protection Act. It empowered the federal government to oversee and provide matching funds to states for centers to disseminate health information under the aegis of a Board of Maternity and Infant Hygiene. Supported by the new League of Women Voters but opposed by the American Medical Association and challenged in the Supreme Court, funding was allowed to expire in 1929.

The emergence of a consumer culture and new mass communications media such as motion pictures and radio in the early 20th century not only had profound impacts on children and families, but began to engage the courts and federal policy makers. Several federal court decisions during the 1910s mostly unsuccessfully tried to limit the ability of jurisdictions to censor “obscene” movie content that could “create a harmful impression on the minds of children.”¹⁰ At least a dozen bills were introduced in Congress in the 1910s and 1920s to create an agency within the Interior Department’s Bureau of Education to censor films shown to children. Although Hollywood studios were pushed to create their own self-censorship mechanism in the Hays Office, proposals to license or monitor the content of movies continued in the wake of 1920s and 1930s romantic, gangster, and musical films.

THE 1929-30 WHITE HOUSE CONFERENCE ON STANDARDS OF CHILD WELFARE

The Progressive impulse to improve children’s health, education, and morality largely languished during the 1920s, until the Hoover Administration. President Herbert Hoover convened the third White House conference on children to “study the present status of the health and well-being of the children of the United States and its possessions; to report what is being done; [and] to recommend what ought to be done and how to do it.”¹¹ This massive undertaking brought together experts across the country over a 16-month period, culminating in a November 1930 Washington meeting. Four committees—focusing on medical, public health, education and training, and disability issues—issued a 643-page report to 3,000 attendees and the public, as well as a 32-volume, 10,511-page set of appendices. A Children’s Charter made 19 proposals, calling for increased scientific research to improve child well-being, and public assistance to 10 million mentally and physically “deficient” children. Labor Secretary James Davis called for special federal efforts to help “socially handicapped children—those in foster homes, the juvenile justice system, and black and Indian children.”¹²

THE NEW DEAL AND WORLD WAR II

No era in U.S. history has been characterized by greater change and expansion in the role of the federal government than during Franklin Roosevelt’s presidency, from the New Deal through World War II. As a result of programs intended to assist millions of Americans and pull the economy out of the Great Depression, federal

spending rose from about 3 percent of national output in 1929 to 10 percent in 1939, soaring to a historic peak of 44 percent of GDP by 1944 to fund the U.S. war effort. Child-labor, youth employment, day care, education, and maternity care laws were enacted under FDR, but the most significant New Deal policy development affecting children and families—and all Americans—was the Social Security Act of 1935.

SOCIAL SECURITY

America’s landmark social insurance program was intended to alleviate poverty and provide not only retirement security for the elderly but other support for needy segments of the population, including children. The principle of social insurance, as it has developed since the Bismarck era in late 19th-century Germany, is to insure people against defined risks such as old age, disability, unemployment, and death. When FDR signed the Social Security Act on August 14, 1935, he said: “We can never insure 100 percent of the population against 100 percent of the hazards and vicissitudes of life, but we have tried to frame a law which will give some measure of protection to the average citizen and to his family against the loss of a job and against poverty-ridden old age.”

Although Social Security initially provided retirement benefits to workers in businesses with 10 or more workers, the program was expanded throughout the succeeding seven decades to cover ever more Americans. Amendments in 1939 added benefit payments to the spouse and minor children of a retired worker and survivors’ benefits to dependents of an eligible retiree who had died. While Titles I and III of Social Security provided

benefits to retirees and the unemployed, respectively, Title IV was designed to help needy families and their children. Drafted with the assistance of Grace Abbott, chief of the Children’s Bureau, this provision enabled the Bureau to make matching grants to state child-welfare agencies to support children under 16 who had lost one or both parents.

Title IV’s Part A created the Aid to Dependent Children (ADC) program, later changed to Aid for Families with Dependent Children (AFDC). It provided cash assistance to low-income families until 1997, when it was superseded by the Temporary Assistance to Needy Families (TANF) program. Federalizing efforts by some 45 states to provide limited aid to mothers during the preceding quarter century, ADC provided means-tested benefits but also added moralistic requirements; the stricture that recipients live in a “suitable home” initially excluded most single-parent families. The program, which was not accepted by all states until the mid-1940s, was expanded during the 1950s and 1960s, helping millions of children, even though only a fraction of those eligible ever received benefits. Despite the fact that aid for disadvantaged children was seen as secondary to Social Security’s original intent, FDR justified ADC’s creation, and his Committee on Economic Security declared in early 1935: “It must not for a moment be forgotten that the core of any social plan must be the child. . . Old-age pensions are in a real sense measures in behalf of children.”¹³

Title V of the Social Security Act, also administered by the Children’s Bureau (which remained a part of the Department of Labor until 1946), provided grants to states to promote the

health of poor mothers and children. Title V initially supported state “crippled children’s services, maternal and child health services, and child welfare services,” but also was amended and expanded over succeeding decades. This title enabled federal dollars to support state efforts “for the protection and care of homeless, dependent, and neglected children, and children in danger of becoming delinquent.” During the first four years after Social Security was enacted, federal grants for child and maternal health, disabled children, and other child-welfare programs increased 73 percent.¹⁴

OTHER NEW DEAL/WORLD WAR II CHILD-POLICY INITIATIVES

Early New Deal initiatives such as the Civilian Conservation Corps (CCC) included evening vocational and academic programs for youth at nearly 1,500 CCC camps across the nation. During its operation, from 1933 to 1941, 2.6 million youth between 18 and 25 worked in reforestation, park, and soil-conservation projects. The Federal Emergency Relief Administration (FERA), also established in 1933, funded teacher salaries in poorer states, keeping thousands of schools open, and it created work-study jobs for 75,000 college students. With the Children’s Bureau, FERA administered a new Child Health Recovery Program to provide emergency care to children made most vulnerable by the Depression. Directing welfare agencies to provide sufficient aid for poor families to remain intact, FERA reinforced Progressive era ideas that poverty was not a justifiable reason to separate children from their parents.

The Works Progress Administration (WPA) established “emergency nursery schools” for 2-to-4-year-olds of parents eligible for other federal relief. By 1937, before the initiative ended, about 40,000 children were enrolled in 1,500 federally funded preschools. The WPA and the Federal Surplus Commodities Corporation also funded school lunches for up to several million low-income children, as well as the construction of 1,600 nursery schools and 2,000 playgrounds. In addition, the federal Office of Education was moved in 1939 from the Interior Department to the new Federal Security Agency, where it was given more autonomy.

World War II brought additional federal support for child care. Under an amendment to the Community Facilities (or Lanham) Act in 1942, the Federal Works Agency provided 50 percent of the funding for nursery schools for poor children, creating jobs for unemployed teachers, nurses, and others. Before the Act was terminated in 1946, it financed day care and after-school care for hundreds of thousands of children.

The New Deal’s broad-based efforts to ameliorate widespread joblessness led to the first significant federal youth jobs initiative. The National Youth Administration (NYA) was established by Executive Order 7086 under the Work Progress Administration in 1935 to train unemployed, out-of-school young people between the ages of 16 and 25, and to provide work-study scholarships and grants for high school, college, and graduate students. As FDR said: “We can ill afford to lose the skill and energy of these young men and women. They must have their chance in school, their turn as apprentices, and their opportunity for jobs.” During its eight-year existence, the NYA

financially helped more than 2.1 million youth to remain in high schools and colleges.

While U.S. policy toward American Indians has shifted considerably, and erratically, from the 19th to the end of the 20th century, the 1934 Indian Reorganization Act not only established the principle of tribal self-determination but also—with the 1934 Johnson-O'Malley Act—provided federal funding for education and family welfare. These laws gave the Department of Interior's Bureau of Indian Affairs new funding for K-12 and vocational education in federal and locally administered public schools, as well as loans for Indian youth to attend college.

The decades-long effort to eliminate child labor culminated in the Fair Labor Standards Act (FLSA) of 1938, which went a long way to finally end exploitation of children in the workforce, protect children's educational opportunities, and safeguard their health and well-being. The FLSA set minimum legal working ages for jobs deemed hazardous, as well as for all other jobs, and limited the hours that children were permitted to work. Children were barred from working during school hours, and the law made it illegal for children under 16 to work in industry and under 14 generally to work in agriculture. The agricultural provisions included many loopholes regarding working hours, operation of dangerous equipment, and age. Some exceptions also were granted for a few, essentially part-time jobs. Earlier, the 1934 National Recovery Act prohibited employment of children under 16, although this was struck down by the Supreme Court, and the 1936 Walsh-Healy Act prohibited child labor in firms receiving government contracts.

THE 1939 WHITE HOUSE CONFERENCE ON CHILDREN IN A DEMOCRACY

The conference—which followed a 1938 federal Conference on Better Care for Mothers and Babies—was intended to highlight the democratic values, services, and environment necessary for the welfare of children. Studying family life, finances, labor, education, and health care, attendees were charged with creating an action plan for the 1940s. The conference issued 98 proposals, focusing on such issues as child malnutrition, racial discrimination, and the respective roles of federal, state, and local governments and private charities. The final report reinforced new ideas of the 1930s about the federal government's responsibility for child welfare, particularly in times of national economic distress. It argued, since education was an aspect of child welfare, an accepted federal responsibility, that the federal role in education should be increased. FDR endorsed the conferees' idea that the nuclear family was the “threshold of democracy” and called for efforts to raise incomes in poorer areas. Yet—despite the expansion of New Deal social programs—he warned that “mere grants in aid constitute no permanent solution to the problem of our health, our education, or our children.”¹⁵

During World War II, the federal government established the Emergency Maternity and Infant Care Program (EMIC) to provide free pregnancy and postpartum health care to the wives of military personnel in lower pay grades as well as to their young children. Backed by the American Legion and Veterans of Foreign Wars, EMIC served approximately 1.2 million mothers, supporting the births of about 1 in 7 Americans born between 1943 and 1946.¹⁶ Operating from 1943 to 1949,

EMIC was the most extensive government health-care program in U.S. history before the 1960s.

THE POST-WORLD WAR II PROSPERITY AND FEDERAL POLICY

The decades after World War II were a time of dramatic economic growth and prosperity and significant expansion of federal social policy. Historians have called it an era of “liberal consensus” on supporting and extending social-welfare initiatives begun during the New Deal, large public investments in physical and human capital, and Keynesian fiscal policy to enhance the public’s purchasing power, as well as financing a strong military to fight the Cold War. Unlike many Western European nations, which created extensive welfare states, the United States developed a “mixed economy,” less reliant on the public sector, in which the federal (and state and local) government, the private sector, and individuals all had roles in enhancing the well-being of Americans. The successful experience of government economic management during World War II and an idealistic faith in FDR’s “Four Freedoms” and proposed “economic bill of rights” led policy makers and the American people for at least a quarter century to back greater federal involvement to improve citizens’ social and economic well-being.

By the 1950s, federal spending reached about 20 percent of national income—a percentage that remained remarkably constant until the economic crisis beginning in 2008-09, although the composition of that spending has changed significantly. Public spending was supported by a tax base that was significantly broadened during

World War II and that grew as the overall economy boomed. This enabled growing expenditures on both “guns and butter,” while paying down World War II debt and maintaining a balanced budget until the 1970s.

The significance of this for federal policy relating to children and families was enormous. During the Truman, Eisenhower, Kennedy, Johnson, and Nixon Administrations, the federal government initiated a host of initiatives to improve children’s education, economic well-being, and health and safety. For example, while the nation’s general prosperity was key to the doubling of high school graduation rates between 1940 and 1970 and the sixfold increase in college graduation rates between World War II and the 21st century, federal policy also played a major role. At the same time, civil rights, feminist, and other rights movements from the 1950s to 1970s contributed to a cultural and legal climate in which many efforts were made to bring greater equality, legal rights, and protection to America’s children.

Although the G.I. Bill, or Servicemen’s Readjustment Act of 1944, had a profound effect on expanding opportunities for World War II veterans to attend college, the federal government also embarked on a variety of other new initiatives affecting higher education. The Fulbright Act of 1946 established what was to become the largest and one of the most prestigious educational exchange programs. Designed to promote greater international understanding and advance the nation’s foreign policy goals, the program supported foreign study by 280,000 students and scholars during the ensuing six decades.

Child welfare also was indirectly, yet profoundly, affected by other federal policies to augment postwar prosperity. Government-guaranteed mortgages under the Federal Housing Authority (FHA), created during the New Deal, and the introduction of tax deductions for mortgages led to a doubling of home ownership in the United States between 1940 and 1960. These federal housing policies also played a key role in the emergence of a suburban, car-oriented culture, enormously affecting the texture of American family life.

THE MIDCENTURY WHITE HOUSE CONFERENCE ON CHILDREN & YOUTH, 1950

President Harry Truman's White House conference built on extensive planning by 1,000 committees throughout the nation and a 170-page pre-conference *Fact-Finding Report*. The 1950 gathering included representatives of every state and 460 private organizations, and, for the first time, included young people themselves. The conference sought to explore "how the necessary mental, emotional, and spiritual qualities may be developed in children, and how the physical, economic, and social conditions favorable to such development may be assured" in order to attain "individual happiness and responsible citizenship."¹⁷ An underlying theme was the need to cultivate healthy and broadly conceived human development—intellectually, emotionally, physically, creatively, and spiritually. The idealistic and wide-ranging set of recommendations included support for public nursery schools and kindergartens, efforts to increase parental education and involvement, more interdisciplinary research on child development, an end to racial

discrimination, and giving children the broadest opportunities for "exploration, participation, and social experience in an environment that is rich and stimulating." Reflecting high Cold War tensions, Truman spoke of the need for American children to develop "moral strength and strength of character."¹⁸

Federal administrative changes also affected child policy. In 1946, the Children's Bureau was transferred to the Social Security Administration from the Department of Labor. As President Truman said: "The transfer. . . will strengthen the child-care programs by bringing them in closer association with the health, welfare, and educational activities with which they are inextricably bound up."

Likewise, the establishment of a Cabinet-level Department of Health, Education, and Welfare (HEW) in 1953 under President Eisenhower consolidated a host of federal programs affecting child and adult well-being. While an executive branch department of education and welfare had been proposed in the 1920s by President Harding, Eisenhower's effort created a huge, many-pronged agency. The Commissioners of Social Security and Education, as well as the Surgeon General, were brought under the purview of HEW.

CHILD HEALTH AND NUTRITION, 1945-1960

The combination of growing prosperity and World War II-era child and maternal health programs led to sharp declines in infant mortality, the incidence of communicable disease, and maternal mortality, according to a 1947 report for the Children's Bureau and U.S. Public Health Service. This report

marked the launch of the Bureau's ongoing publication of *Research Related to Children*. However, such research and President Truman's Commission on Health Needs of the Nation, established in 1951, noted striking health disparities based on economic, racial, and geographic factors.¹⁹ Truman made repeated, unsuccessful efforts between 1945 and 1949 to establish compulsory health insurance coverage for all Americans. Speaking a month after V-J Day, he said that every American has "the right to adequate medical care and the opportunity to achieve and enjoy good health."²⁰

The National School Lunch Act of 1946 provided permanent federal support to existing, scattered efforts to feed needy schoolchildren. While many localities already funded meals for children, and the U.S. Department of Agriculture had overseen efforts to provide school lunches since the Depression, this legislation enabled the federal government to provide yearly grants to states for food and equipment purchases, targeted to states with lower per capita incomes. The program, which required state matching funds, called for serving lunches that "meet minimum nutritional standards" determined by the Secretary of Agriculture and for offering meals at no cost or reduced cost to children determined needy by local school authorities. Amendments to the Act in 1962 were intended to reduce funding inequities by requiring that money be apportioned on the basis of rates of state participation and need.

Federally supported research on children's psychological well-being was inaugurated with the passage of the National Mental Health Act of 1946, which created the National Institute of Mental Health (NIMH). NIMH, like other institutes of NIH, established both an intramural

research program at its Bethesda, Md., campus and a much larger extramural program to support research by scientists at universities and elsewhere throughout the country.

Children's health was the focus of several notable Eisenhower-era initiatives. Although some states had embarked on vaccination campaigns for diphtheria and tetanus, the development of the Salk poliomyelitis vaccine in 1955 quickly led Congress to enact the Polio Vaccine Assistance Act of 1955. It enabled federal grants to be disbursed to states to purchase the vaccine and launch large-scale vaccination programs. The Public Health Service also began to collect data on polio immunization rates.

Following a highly publicized report that children were losing muscle tone and lagging behind other nations' children in their physical abilities, Eisenhower established the President's Council on Youth Fitness in 1956 under Executive Order 10673. The objective was to educate and encourage young people to exercise and engage in more active lifestyles.

BROWN V. BOARD OF EDUCATION

No child-policy development of the 1950s and few Supreme Court decisions in U.S. history have had such far-reaching implications as *Brown v. Board of Education of Topeka* (1954), which made desegregation of public schools the law of the land. The unanimous Warren court decision declared unconstitutional state laws that permitted segregated schools for black and white schoolchildren. Overturning the Court's 1896 *Plessy v. Ferguson* and subsequent decisions, Brown ruled that legal segregation violated the 14th

Amendment's Equal Protection Clause and affirmed that "separate educational facilities are inherently unequal." Buttressed by extensive psychological research, Gunnar Myrdal's *An American Dilemma: The Negro Problem and Modern Democracy* (1944), President Truman's 1947 commission on inequalities in higher education, and UNESCO's *The Race Question* (1950), NAACP attorney Thurgood Marshall argued on behalf of the Topeka plaintiffs. *Brown* followed earlier high court decisions condemning racial discrimination in law schools (*Gaines v. Canada*, 1938, and *Sweatt v. Painter*, 1950). The decision provided a legal imprimatur to the integration of the nation's schools in an effort to redress longstanding institutional racism and improve the outcomes of African American children. A signal event in the history of the civil rights movement, *Brown* provoked considerable backlash, particularly in the South. President Eisenhower set a precedent in 1957, when he deployed the Army's 101st Airborne Division and federalized Arkansas' National Guard in response to state efforts to block black children from attending Little Rock High School.

In the wake of the 1957 Sputnik launch, suggesting Soviet scientific superiority, U.S. policy makers in the late 1950s reacted to the perceived failings of American education, particularly in the sciences. These efforts were reinforced by popular books such as Rudolph Flesch's *Why Johnny Can't Read* (1955), a *Life* magazine cover story comparing studious Soviet children with non-academically oriented American children, and the Rockefeller Brothers Fund's *The Pursuit of Excellence* (1958). Congress passed the 1958 National Defense Education Act (NDEA) in 1958, which funded low-interest loans for college students; improved science, math and foreign-language instruction in

public schools; and services ranging from teacher training, the purchase of teaching materials to the collection of better educational statistics.

The NDEA represented another turning point in the expansion of the federal role in K-12 public education. Eisenhower also called for the creation of a federal Advisory Committee on Education to "help ensure the maintenance of responsibility for the public educational system in state and local governments while preserving the national interest in education through appropriate federal action."²¹

The Cold War also increased federal educational activity by the creation of a system of schools for children of U.S. military personnel stationed at bases around the world. The Department of Defense Dependent Schools overseas network was launched in 1946, and President Truman added a school system for domestic military bases in 1949, partially intended to give service members' children an alternative to the racially segregated schools of the South.

During the Eisenhower years, the Congress also took the first steps to provide federal support for special education for children with disabilities. In 1958, federal grants to help train teachers of mentally retarded children were authorized. Subsequently, training grants for teachers of deaf and "handicapped" children were approved in 1961 and 1963, and signed into law by President Kennedy.

Demonstration grants to fund research on child welfare, to be administered by the Children's Bureau, were authorized under the Social Security Amendments of 1960. These grants to university-based scholars and social-welfare agencies were for research to determine the efficacy of programs

ranging from services for neglected, abused, and mentally retarded children to ones relating to adoption, foster care, and unmarried mothers.

The condition of children of single mothers, often previously avoided because of “moral” concerns, rose to salience in several ways during the 1950s. For the first time, the federal government intervened to require states to cooperate in enforcement of child-support orders under the Uniform Reciprocal Enforcement of Support Act of 1950, which was amended in 1952, 1958, and 1968.

Policy makers also recognized that states were denying benefits to needy children because their mothers were unmarried or otherwise did not live in a morally “suitable home.” Eisenhower’s HEW Secretary Arthur Flemming, responding to Louisiana’s expulsion of 23,000 children of unwed mothers from the state’s welfare rolls, ordered states to provide either support or foster-care placement. The 1961 Social Security Amendments established the “Flemming Rule,” creating a foster care component to ADC.

THE 1960S

The 1960s—particularly the years during Lyndon Johnson’s presidency and the 88th and 89th Congresses—were a watershed in the expansion of federal support for initiatives to advance children’s health, education, and rights, as well as to ameliorate poverty among low-income children and families. Although President Johnson launched his “Great Society” in 1964, in many ways, the flurry of social programs enacted under Presidents Kennedy, Johnson, and Nixon can be subsumed under the rubric of the Great Society. A 2001

Urban Institute study found that federal expenditures on children in real (1997) dollars grew 246 percent between 1960 and 1997, from \$48.6 billion to \$168.5 billion, with spending on poor children rising 23-fold from \$5.1 billion to \$117.3 billion.²²

THE 1960 GOLDEN ANNIVERSARY WHITE HOUSE CONFERENCE ON CHILDREN AND YOUTH

An estimated six million Americans participated in preparations in state and local committees, and 7,000 delegates attended what was perhaps the grandest of the White House conferences. Focusing on how “to promote opportunities for children and youth to realize their full potential for a creative life in freedom and dignity,” President Eisenhower emphasized the importance of high-quality education, calling for up to two years of postsecondary education to enable citizens to better function in an ever more complex world. While some 670 recommendations were published, the tone of the three-volume conference report mostly reflected an optimism born of economic growth and “amazing” scientific and technological advances.²³

CHILD HEALTH AND THE GREAT SOCIETY

In 1962, 13 years after a National Institutes of Health (NIH) was established under the Truman Administration as part of the U.S. Public Health Service, President Kennedy successfully called on Congress to create a National Institute of Child Health and Human Development (NICHD). The new NIH institute was to conduct and coordinate

national biomedical and social science research on child and maternal health and on physical, intellectual, and emotional development. NICHD has supported research on birth defects and mental retardation, stimulated the expansion of pediatrics as a medical specialty, and provided an official imprimatur to the idea that that adult health and behavior is shaped during childhood. Since its founding, NICHD-sponsored research has contributed to significant declines in rates of infant mortality, mental retardation, respiratory distress syndrome, Sudden Infant Death Syndrome, HIV transmission from mother to child, and infertility, and has vastly expanded knowledge of psychosocial factors contributing to child and family well-being.

The 1963 Comprehensive Community Mental Health Centers Act authorized federal funding to build public and nonprofit clinics for child and adult mental health. The intent was to provide outpatient diagnostic, therapeutic, and preventive services. President Kennedy, influenced by his activist sister-in law, Eunice Shriver, also established a Presidential Panel on Mental Retardation in 1961 to prevent, treat, and ameliorate retardation. Following up with a 1963 call for a national initiative, Kennedy said that “mental retardation . . . hits more often—and harder—at the underprivileged and poor.” As a result, the Congress authorized grants to states and communities for research and prevention as an amendment to the Social Security Act.²⁴

In order to better protect children against poliomyelitis, diphtheria, whooping cough, and tetanus, the 1962 Vaccination Assistance Act provided funding to purchase and administer vaccines to children under 5. Federally funded

measles vaccines were added in 1965. The National Immunization Program at the Centers for Disease Control came into being in 1963. Immunization data collection begun during the Eisenhower Administration was expanded accordingly.

Physical fitness became a high priority during the Kennedy Administration, as the President pivoted off his pre-inauguration *Sports Illustrated* article, “The Soft American,” to hold a White House Conference on Physical Fitness of Youth in 1961, disseminate countless publications, and mount a massive Ad Council campaign to promote exercise among young people. Kennedy called for communities “to make it possible for young boys and girls to participate actively in the physical life.”²⁵ Subsequent administrations continued to use the President’s Council on Physical Fitness for initiatives ranging from Johnson’s National Summer Youth Sports Program to Reagan’s youth-fitness testing program.

Thanks to well-publicized 1962 research by physician C. Henry Kempe on the extent of “battered children” in hospitals, state and federal agencies rapidly began to address child abuse. By 1966, every state had passed legislation requiring better reporting and intervention in cases of child abuse.

The most dramatic Great Society legislation intended to improve the health and access to medical care among poor children and low-income adults was the establishment of Medicaid under the 1965 Social Security Amendments, which also established Medicare. Medicaid was created as a means-tested social-welfare program to help low-income children, pregnant women, people with disabilities, the elderly, and other vulnerable

populations “pay for some or all of their medical bills.”²⁶ As a joint federal-state program, Medicaid provides federal matching funds determined by a state’s per capita income, although each state administers its own program. By the early 21st century, nearly half of Medicaid’s approximately 50 million beneficiaries were children, and Medicaid payments supported more than one-third of all American childbirths. These amendments also provided federal funding mechanisms for services for disabled children and low-income school and preschool children.

According to Ellen Winston, Johnson’s Commissioner of Welfare, the legislation was “a monumental child health measure, opening the way for needed care—including preventive services—for all children whose families are unable to pay for such care. If full advantage is taken of the new provisions, essential medical care is guaranteed to the one-fourth of all children in the United States who live in low-income families.”²⁷

Expanded federal support for pregnancy, postpartum, and infant care, child health, and dental care also was enabled by the Child Health Act of 1967, enacted as part of the Social Security Amendments of 1967. Modifying Title V of Social Security, formula grants administered by HEW’s Maternal and Child Health Service (to which authority was transferred from the Children’s Bureau) were extended to state and local health departments for maternity clinics, family planning, well-child and pediatric clinics, “crippled” children’s clinics, dental health projects, and a variety of special projects. The 1967 amendments also made it mandatory that all states provide foster care under AFDC where appropriate.

Improving nutrition among poor children was significantly advanced by several other Great Society programs. The Supplemental Nutrition Assistance, or Food Stamps, program became law in 1964, providing federal vouchers to low-income Americans to buy groceries. Children disproportionately have benefited from the program, as about half of participants were under age 17 and fourth-fifths of benefits went to households with children in 2006.²⁸ Administered by the Department of Agriculture, piloted during the Kennedy Administration, and first proposed by FDR’s Agriculture Secretary (and later Vice President) Henry Wallace, the Food Stamps program has been modified over the years to change eligibility requirements and benefit levels.

Building on the federally subsidized school lunch program created 20 years earlier, the Child Nutrition Act of 1966 required the Department of Agriculture to disburse funds to states to serve breakfasts in school to low-income children. During the ensuing four decades, the school breakfast program has provided meals to more than 100 million children. Congress established the Summer Food Service Program in 1969. The Child Nutrition Act was amended in 1972 to create the Supplemental Food Programs for Women, Infants and Children (WIC) to provide food vouchers, commodities, and nutrition programs to pregnant and postpartum mothers and children up to the age of 5; about 8 million Americans per month were served in 2007.

THE GREAT SOCIETY, CHILD WELFARE AND CHILD RIGHTS

Seeds for some Johnson-era initiatives had been planted before President Kennedy's assassination in 1963. For example, the 1962 Social Security Public Welfare Amendments expanded federal support for child-welfare services to children in impoverished and "troubled" homes. ADC also was renamed Aid to Families with Dependent Children (AFDC) to reflect an expanded emphasis on parents as well as children.

The Economic Opportunity Act (EOA) of 1964—the core of Johnson's "war on poverty," largely crafted by Johnson aide Sargent Shriver—launched programs on multiple fronts to improve the socioeconomic status of children and youth in poverty and with special needs. It created initiatives ranging from the Job Corps and Volunteers in Service to America to community health centers, public legal services, adult education, and senior centers. "We look at the War on Poverty as a system of mutually reinforcing programs breaking through the mutually reinforcing causes of poverty which keep people poor," Shriver said in 1966.²⁹

Child welfare programs, most notably Head Start, were central to the EOA. One of America's most significant, and longstanding anti-poverty initiatives, Head Start was designed to make available a range of social and educational, nutritional, and other health services to low-income preschool children. These "Neighborhood Child Development Centers" not only included pre-kindergarten classrooms but also services to promote child health, emotional and social development, and parental involvement. The goal

was to ensure that children served were ready for elementary school. Launched as a summer program in 1965, by the early 21st century, Head Start had served more than 20 million children at or below the poverty level.

Beyond Head Start, the Johnson Administration attempted to address the growing numbers of mothers in the workforce by establishing national Federal Interagency Day Care Requirements in 1968 to protect children in other child-care settings. Head Start and these requirements signaled growing federal interest in supporting day care and preschool for America's children.

The EOA established a number of job-training and college-readiness programs for low-income youth. Summer youth employment programs were launched to support state and local job initiatives for poor teen-agers. The Job Corps was designed to provide year-round academic, vocational, and social skills training to needy 16-to-24-year-olds at a network of centers that had grown by 2009 to 122 locations around the nation. The Upward Bound program was created to help poor high-school students become ready for college.

In addition to the Great Society's many anti-poverty efforts, the landmark 1964 Civil Rights Act has had profound effects on reducing institutional and cultural discrimination against minority children and adults and against girls and women. Shortly after its passage, Johnson's Assistant Labor Secretary Daniel Patrick Moynihan spawned significant and enduring controversy with a 1965 report whose policy consequences were to be felt for decades. He argued that "the breakup of the black family" and the increasing percentage of births to unmarried women of all races led to

greater school failure, juvenile delinquency, and welfare dependency. At the time that Moynihan wrote, 25 percent of black children were born outside marriage, a percentage that was to rise to 70 over the ensuing three decades. Drawing on the report, Johnson told a Howard University audience in 1965: “Freedom is not enough. . . You do not take a person, who for years, has been hobbled by chains and liberate him. . . and then say, ‘you are free to compete with all others,’ and still justly believe that you have been completely fair.”³⁰ The subsequent policy impacts of the report ranged from affirmative action efforts in education and employment to later welfare reform and family-strengthening policies.

The revived consumer movement of the 1960s led to passage of the Child Protection Act of 1966, introduced by Washington Sen. Warren Magnuson. In the tradition of Progressive Era initiatives, the act banned the sale of toys and other items deemed hazardous to children, and require clear product labeling of potential hazards. It anticipated later efforts to protect children from hazardous consumer products and entertainment and information media considered psychologically harmful.

Children’s rights became a more salient issue during the 1960s, in the wake of the civil rights, feminist, student, and other movements. Responding to these broader trends and reconsidering traditional restrictions on schoolchildren, several 1960s court decisions expanded child and youth rights. Under *in re Gault* (1967), the Supreme Court affirmed juveniles’ rights to the same due process protections (e.g., the right to counsel, the privilege against self-

incrimination, the right to appellate review) as adults.

Upholding children’s right to wear anti-Vietnam War armbands, the Supreme Court subsequently ruled in *Tinker v. Des Moines* (1969) that schoolchildren “are ‘persons’ under our Constitution” and were guaranteed freedom of expression.

THE GREAT SOCIETY AND EDUCATION

The Johnson Administration also won passage of what have been the most influential federal educational policy initiatives of the 20th century—the Elementary and Secondary Education Act (ESEA) of 1965 and the Higher Education Act of 1965. In addition, Title VII of the 1964 Civil Rights Act also called for large-scale research on “the lack of . . . equal educational opportunities” related to race, religion, or national origin, prompting a massive study of 600,000 students and 60,000 teachers by John Hopkins social scientist James S. Coleman.

Recognizing America’s historic commitment to education and its socioeconomic importance, as well as the high cost of failing to provide all children with a good education, President Johnson said in 1965: “Every child must be encouraged to get as much education as he has the ability to take. . . Nothing matters more to the future of our country.”³¹

The ESEA for the first time committed the federal government to support local school districts by funding instructional and resource materials, teacher professional development, and aid to students from low-income families. Recognizing

the correlation between poverty and lower educational attainment, Title I of ESEA was designed to reduce inequities among school districts. Its formula for distributing federal funds to local educational agencies was based on the proportion of impoverished families in a district (typically at least 40 percent) and whether per-child expenditures were notably below state averages. Such Title I grants have accounted for at least half of federal K-12 funding since 1970—approximately \$14.5 billion in 2007. Supplemental educational services ranging from guidance counseling and health care to special instruction in science and the arts were provided for under Title III. While Title IV supported regional research labs to improve pedagogy, Title V was designed to enhance the effectiveness of state departments of education. In 1967, the Act was amended to introduce a program for bilingual education.

Given the enormous expansion of higher education after World War II—fueled significantly by federal support ranging from the GI Bill to countless federal research grants and contracts—and its recognized importance in stimulating prosperity and competing with Cold War rivals, it is not surprising that the Johnson Administration won strong bipartisan support for the Higher Education Act of 1965. Comprised of eight titles, this legislation for the first time provided federal scholarships for financially needy undergraduates under the Pell Grant program, named for Rhode Island Sen. Claiborne Pell. It also inaugurated the Guaranteed Student Loan Program (later renamed the Federal Family Education Loan Program) and the William D. Ford Direct Loan Program, to make low-interest college loans available to low- and middle-income families, as well as provided student loan insurance. In addition, extending the

Higher Education Facilities Act of 1963, the 1965 law authorized federal funding for college classroom construction and acquisition of instructional equipment and materials. Some 30 million Americans have received federal financial aid since 1965, including more than five million undergraduates in 2007 alone. As Johnson said, “The act has many provisions, but it has only one purpose: to nourish human potential today, so that our nation can realize its rich promise tomorrow.”³²

Although the instructional potential of television was recognized from its early days in the 1950s, and what became National Educational Television was first funded by the Ford Foundation in 1952, it was only under the Johnson Administration that the federal government began supporting educational television. The Corporation for Public Broadcasting (CPB) was created by the Public Broadcasting Act of 1967 in the wake of a landmark Carnegie Corporation report. It was intended to create programming for all ages, but children’s educational programs such as “Sesame Street” have received CPB funding since 1969, when the Public Broadcasting System first began operations.

1971 WHITE HOUSE CONFERENCE ON CHILDREN

The conference—the last to be held in the 20th century—was subdivided into conferences focusing on children from birth to age 5, from 6 to 13, and from 14 to 24, with the latter organized by youth themselves. Held in Estes Park, Colorado, and convened by President Richard Nixon, the conference “focused on the individuality of

children through the support of healthy personality development.” Twenty-six forums addressed issues ranging from familiar ones of child health and learning to ones that reflected the spirit of the late 1960s such as “expressions of identity.” Four thousand attendees made wide-ranging recommendations including calling for the establishment of a national health-care program for children, a cabinet-level Department of Education, and a federal Office of Child Advocacy. However, the conference’s mood was overshadowed by youth protests against the Vietnam War and other issues.³³

THE 1970S

The 1970s were a transitional era in child policy and social policy more generally. In some ways, federal initiatives during the Nixon, Ford, and Carter Administrations continued midcentury efforts to enhance educational equity and reduce child poverty. Civil rights, “second wave” feminism, and other social movements to expand the rights of minorities, people with disabilities, and children and youth—all of which flourished in the 1960s and early 1970s—also bore legislative and public-policy fruit. At the same time, however, increasing numbers of Americans and policy makers began to question the value of many of the new federal initiatives as well as the dramatic social and cultural changes that began in the 1960s. As a result, movements emerged to re-emphasize the importance of morality and the family—supported by religious and other groups—as did efforts to shift power from Washington to state and local policy makers.

The long road to racial integration of American education continued into the 1970s, as federal courts began ordering busing black and white children to different schools to achieve racial balance. Simultaneously, the Nixon Administration established biracial state commissions to help integrate schools, achieving notable success particularly in Southern school districts. Drawing on sociologist James S. Coleman’s conclusion in *Equality of Educational Opportunity* (1966) that integration was more effective than special programs to raise low-income student achievement, the Supreme Court upheld busing “as a tool of school desegregation” in *Swann v. Charlotte-Mecklenburg Board of Education* (1971). Busing prompted widespread protests, white flight from many public school systems, and a succession of court decisions rejecting busing, including *Bradley v. Milliken* (1974). Coleman himself, in a 1975 study, declared busing a failure because of white flight, and busing declined as a policy tool.

During this period, many institutions of higher education also began adopting affirmative action policies, building on Johnson’s 1965 comments and Nixon Administration efforts to use quotas and timetables to compensate for hiring discrimination in the building trades and other professions. The Supreme Court ruled in 1978 in *Regents of the University of California v. Bakke* that using racial quotas for university admissions was unconstitutional, although colleges still could use race as a factor in admissions decisions.

Debates over bilingual education, spurred by increased Mexican and other immigration and the ESEA, continued among policy makers and in the courts in the 1970s. In *Lau v. Nichols* (1974), the Supreme Court expanded the rights of limited

English proficiency (LEP) students. Congress codified this decision with the passage of the Equal Educational Opportunity Act of 1974, which not only strengthened federal anti-discrimination powers in schools but also required local districts to take steps, including multilingual education, to reduce barriers to equal classroom participation. HEW issued guidelines requiring bilingual instruction in schools with sufficient numbers of LEP students. Although “English-only” advocates have protested these requirements, bilingual education is common in 21st century America, as the number of immigrants from throughout the world has continued to rise.

Policies to enhance educational opportunities for children with disabilities expanded significantly beginning in the 1970s. After barring federal aid to any entity discriminating against people with disabilities in 1973, Congress passed the Education for all Handicapped Children Act (EHA) in 1975. It stipulated that disabled children receive free public education appropriate to their needs and that they should be “mainstreamed” into regular classrooms whenever appropriate. Schools were required to develop educational plans with parental input. Prior to the legislation, which was amended in 1986 to serve infants and toddlers, and again in 1997 as the Individuals with Disabilities Education Act (IDEA), only about 20 percent of children with disabilities were educated, and many states legally excluded deaf, blind, emotionally disturbed, and/or mentally retarded children. The IDEA required that individualized education plans (IEPs) be developed to insure that any child with a disability would get a “free appropriate public education.” In 1972, Congress also voted to require that disabled children must constitute at least 10 percent of those served by Head Start.

Although federal grants to support school services for children with disabilities dated to the 1960s, two 1971 legal decisions—*Pennsylvania Association for Retarded Children v. Commonwealth of Pennsylvania* and *Mills v. Board of Education*—affirmed that states must provide public education to children with mental disabilities.

In light of segregation of boys and girls in vocational education and home economics classes, as well as the common practice of expelling pregnant school girls, feminists successfully pushed Congress to pass legislation banning gender discrimination. Title IX of the Education Amendments of 1972, introduced by Hawaii Rep. Patsy Mink, made it federal law that “no person in the United States shall on the basis of sex, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.” As a result of Title IX and subsequent federal regulations and policies, schools were required to spend essentially equal amounts on boys’ and girls’ athletic programs, resulting in a 10-fold increase in girls’ high-school sports participation during the ensuing two decades.³⁴

Feminism and the sexual revolution also raised the salience of hitherto taboo issues of teen-age sexuality and family planning among federal policy makers and courts. Both Medicaid and Title X of the Public Health Service Act of 1970 required that contraceptive services be provided to eligible recipients regardless of age. The Family Planning Services and Population Research Act of 1970 was the first federal legislation authorizing funding for family planning services. Several Supreme Court decisions—notably *Carey v. Population Services International* (1977) and *Planned Parenthood Association*

v. Matheson (1983)—not only upheld teen-agers’ rights to contraceptive services but cited their privacy rights as barring “a blanket parental notification requirement.” As a result, young Americans obtained the rights to birth-control information, contraceptives, privacy, and—after the Supreme Court’s *Roe v. Wade* (1973) decision—abortions.

“Liberation” may have been one consequence of the era’s sexual revolution, but so were rising rates of teen-age pregnancy. In response, the 1978 Adolescent Health, Services, and Pregnancy Prevention Act increased federal funding for services to unmarried, pregnant teen-agers.

Cultural changes of the 1960s and 1970s that brought increased use of marijuana, hallucinogenic, and other illicit drugs led the federal government to begin its long, varied, and often troubled campaigns to curb drug use among adolescents and adults. Since President Nixon declared a “war on drugs” in 1971, multi-pronged and multibillion-dollar efforts have been made to educate young people, prosecute drug users, and curtail production and importation of drugs. Every subsequent Administration has taken firm stands against illegal drug use—creating multiple federal agencies, information campaigns, and law-enforcement initiatives ranging from the 1974 Juvenile Justice and Delinquency Prevention Act to Nancy Reagan’s “just say no” efforts in the 1980s and the more recent Safe and Drug Free Schools program. However, this “war” has been costly and had mixed success at best. By the early 2000s, more than 1 million Americans, including disproportionate numbers of youth, were incarcerated for drug offenses. In addition, more than \$40 billion per year were spent on domestic,

drug-related law enforcement—even though drugs remain widely used and easily available to most teen-age and older Americans.

President Nixon sought to overhaul antipoverty programs such as AFDC, Medicaid, and Food Stamps by creating a Family Assistance Plan (FAP) in 1969 that would provide direct cash payments to low-income Americans. Drafted in part by Daniel Patrick Moynihan, who served as Nixon’s urban affairs counselor, the FAP was attacked by liberals as insufficient and threatening the minimum wage, and by conservatives for breeding a culture of dependency. At the same time, congressional leaders such as Indiana Rep. John Brademas and Minnesota Sen. Walter Mondale pushed for Economic Opportunity Amendments to establish a national day-care and after-school care system under the 1971 Comprehensive Child Care Act—legislation that was vetoed by Nixon.

More successful was the new federal Earned Income Tax Credit (EITC), enacted under President Gerald Ford in 1975 as a way to reduce poverty and enhance incentives to work among low-income families. The EITC was designed to cut taxes and increase take-home pay for families with very low incomes, with their tax credit diminishing as earnings increase. Supported and expanded by Presidents Ronald Reagan, George H.W. Bush, and Bill Clinton, the EITC benefited more than 20 million households in the early 2000s, providing credits in 2008 of \$3,000 to \$5,000 for families with children.

Concerns about child abuse and domestic violence, and new research on battered child syndrome, led to widespread state legislation during the 1960s, and culminated at the federal level in the Child

Abuse Prevention and Treatment Act (CAPTA) of 1974. The law authorized federal funding to states to investigate, prevent, assess, treat, and prosecute child abuse. It also gave states the authority to remove children from family settings deemed threatening. CAPTA was amended under the Child Abuse, Prevention, Adoption and Family Services Act of 1988 and the Child Abuse, Domestic Violence, Adoption and Family Services Act of 1992, as well as in 1996 and 2003 legislation.

Reflecting rising rates of divorce and single parenthood, Congress passed the Support Enforcement Program in 1975 to locate noncustodial parents and enhance federal and state efforts to enforce child-support payments. Established under Title IV-D of the Social Security Act, an Office of Child Support Enforcement was created within HEW.

Measles and rubella outbreaks between 1969 and 1977 led to efforts by both the Nixon and Carter Administrations to increase federal grants for state immunization programs. A subsequent measles epidemic in 1989-91 prompted President George H.W. Bush to set State Immunization Action Plans in 1991. President Clinton followed this with the 1993 Vaccines for Children program, an amendment to Medicaid that provided free vaccinations to children in low-income families.

The Department of Education Organization Act, signed by President Jimmy Carter in 1979, separated federal education functions from HEW, creating a Cabinet-level Department of Education (ED) and Department of Health and Human Services. ED—whose lineage can be traced to the 19th-century Bureau of Education, and which began operation in 1980—was established to

oversee federal funding for a wide variety of education programs and to enforce federal laws relating to education. The federal department was opposed by many conservatives in the 1980s and 1990s on the grounds that providing education, constitutionally and historically, has been largely a state and local function. Nonetheless, the Department reflected the longstanding reality of federal involvement in collecting information and providing support for K-12 and higher education initiatives—from the 1867 and 1890 Morrill Acts through the GI Bill and NDEA to the ESEA and subsequent legislation and programs.

THE REAGAN-BUSH YEARS

Policies toward children and families during the era beginning with President Ronald Reagan, in part, reflected a reaction to changing cultural values and many Great Society initiatives. Even more than in the 1970s, such rhetoric and policies were colored by appeals to “traditional” morality regarding such issues as family responsibility, personal behavior, and sexuality. Likewise, Reagan’s “New Federalism” shifted some policy decision making from federal authorities to state and local governments. Recognition of America’s changing family structure, particularly stemming from the sharp rise in divorce and teen pregnancies after the 1960s, led to a number of federal policies, court decisions, and leadership efforts affecting children’s welfare and rights.

Family preservation became an increasingly important component of public policies affecting children. Efforts to reduce adolescent pregnancies and drug use combined Mrs. Reagan’s “just say no” appeals, stronger law enforcement, and

funding for programs to strengthen families. Federal policies regarding teen sexuality and contraception became increasingly contentious, as the Reagan Administration cut off funds for United Nations family planning efforts abroad, and many policy makers successfully pushed for federal funding for “abstinence only” education in the 1990s and 2000s.

Issues of both safety and morality played into the passage of the National Minimum Drinking Act of 1984, which required states to raise the legal age for purchasing alcohol from 18 (or 19 or 20) to 21. Although this did not constitute a ban on under-21 drinking, it empowered the federal government under the Federal Highway Act to withhold highway funds from states not enforcing the minimum age.

Continuing the decades-long reaction to the effects of popular culture on children, Congress passed the Children’s Television Act of 1990. The law gave the Federal Communications Commission loose powers to require TV stations to devote time to “educational and informative” programming.

Concerned that hundreds of thousands of children were in foster care and another 8 million were receiving dependent care in their homes in the late 1970s, Congress passed the 1980 Adoption Assistance and Child Welfare Act. The law provided federal funding—rising from \$1 billion to \$8 billion between 1982 and 1999—to states to help reunite children with their biological parents or place them with adoptive families under the Federal Adoption Assistance Program. It required states to make “reasonable efforts” to prevent children from being removed from their homes, to be returned as quickly as possible, and to develop

individualized treatment plans for every foster child.³⁵ This line of thinking—to bolster two-parent families in promoting child development—continued to shape policy in subsequent decades.

The Comprehensive Child Development Act of 1987 extended Head Start to augment parent and family-support services for poor families. In 1988, the Even Start program was created to support family literacy projects for parents and children up to age 7. Two years later, the federal government established Child Care and Development Block Grants to provide additional funds to serve low-income families. In President Clinton’s 1993 Omnibus Budget Reconciliation Act, funding also was earmarked for family-preservation services.

Building on the 1975 child-support enforcement legislation, the 1988 Family Support Act required states to withhold wages from “deadbeat,” absent parents when child support had been court ordered, and imposed eligibility requirements for teen mothers for AFDC assistance. The 1992 Uniform Interstate Family Support Act also was intended to make enforcement of child-support payments easier by requiring states to defer to court orders from a child’s home state.

As part of a comprehensive overhaul of Department of Labor-administered job-training services, the Reagan Administration’s 1983 Job Training Partnership Act (JTPA) created a new summer youth employment program and training initiatives for disadvantaged young people. JTPA, which was revamped under the 1998 Workforce Investment Act, has provided annual funding to states to support hundreds of thousands of summer jobs. Enhancing vocational skills of lower-income youth also was the intent of the 1984 Carl

D. Perkins Vocational Education Act. This built on federal efforts dating to 1917.

The Department of Health and Human Services consolidated various child-oriented programs from the Family Support Administration and the Office of Human Development Services into the Administration on Children and Families (ACF) in 1991. Taking the lead on national policy toward children, ACF administered approximately 65 programs by the early 2000s, including Head Start, the Children’s Bureau, the Child Care Bureau, the Family and Youth Services Bureau, and the Office of Child Support Enforcement.

After seven decennial White House Conferences on Children, none were held in the decades after 1970. Despite President Carter’s campaign promise for a 1980 conference, funding only was allocated for state conferences, which were held by 47 states in 1981. Similarly, legislation reauthorizing Head Start in 1990 called for a White House conference, but funding was never made available.

Nonetheless, President George H.W. Bush convened a 1989 White House and governors’ summit on education. Reacting to the Carnegie Commission’s *A Nation at Risk* (1983) report on American children’s poor academic performance, the Bush Administration created a federal set of National Educational Goals.

THE CLINTON YEARS

The Clinton Administration launched a number of initiatives to enhance child and family well-being, ameliorate poverty in low-income families, and expand educational opportunities for children and youth. Clinton also convened a 1997 White House conference calling for expanded child care to meet

the needs of growing numbers of families with two working parents. More than 32 million children under 14 were in child care by the mid-1990s, and, between 1950 and 2004, the proportion of mothers of children under 18 in the workforce had risen from about one-third to four-fifths.³⁶ In her book, *It Takes a Village* (1996), First Lady Hillary Clinton strongly reaffirmed the principle that society—and, by implication, government—bears a strong responsibility for child welfare and successful child development.

President Clinton won congressional passage of the Family and Medical Leave Act of 1993 to help parents better “balance work and family.” The law enabled workers to take up to 12 weeks of unpaid leave to care for newborn or adoptive children, as well as other ill family members, without fear of losing their jobs. Clinton and others called to expand the scope of the law, which covered about three-fourths of the workforce, as its parental-leave benefits remained far less generous than those of many European and other nations.

The State Children’s Health Insurance Program (SCHIP), enacted in 1997 as Title XXI of the Social Security Act, authorized federal support for state-based health insurance for needy children who do not qualify for Medicaid. While providing health-care services to millions of children, SCHIP failed to cover all poor, uninsured children. In 2009, President Barack Obama won passage of legislation to expand the program, increasing the number of children covered from 7 million to 11 million.

While the Clinton Administration did not return the nation to major new spending initiatives for children, its child and family policies reflected

philosophical and political shifts of the late 20th century toward both greater personal responsibility and increased use of tax policies. Welfare reform and expansion of the EITC were prime examples.

Welfare reform already was a topic of significant policy debate and state-level experimentation—as many argued that programs such as AFDC bred a “culture of dependency”—by the time that Congress authorized a child-welfare waiver program in 1994. This allowed states to test innovative approaches to finance and deliver child-welfare services. Such efforts culminated at the federal level in the Personal Responsibility and Work Opportunity Act (PRWORA) of 1996. The act ended AFDC, replacing it with Temporary Assistance to Needy Families. Welfare rolls were dramatically reduced, even though poverty rates did not significantly fall, and the law set time limits on benefits to needy families.

PRWORA created the Child Care and Development Fund to increase federal funding to care for children whose parents made the transition from welfare to jobs. To encourage marriage, the law offered financial incentives to states that reduced births outside of marriage. At the same time, the Clinton Administration increase Head Start funding and expanded its coverage by about 25 percent to 880,000 children by 2001. A new, Early Head Start program for infants and toddlers was established in 1994.

Expansion of the EITC during the 1990s was estimated by the Census Bureau to have lifted 2.4 million children and 2 million adults out of poverty by 2001, effectively reducing child poverty by one-quarter.³⁷ The 1997 Taxpayer Relief Act also

introduced a \$400 child tax credit, which is phased out as family income rises.

The Family Preservation and Family Support Services Act, a 1993 amendment to Social Security, funded local services ranging from child-abuse prevention and crisis intervention to parent support services and information. The law also reflected concern that states were doing too little to reunite children with their families, as foster care placements nearly doubled in the decade leading up to 1995 due to factors such as AIDS, the crack cocaine epidemic, recession, and the increased incarceration of women. The 1997 Adoption and Safe Families Act made it easier for foster children to be adopted, emphasizing the value of permanent homes and that “foster care is a temporary setting and not a place for children to grow up.”³⁸

The dawn of the World Wide Web and Internet as mass communications and information media in the 1990s extended and altered long-running policy debate—dating to the early TV era, if not to 1920s Hollywood—over the need for federal protection and regulation. The 1996 Telecommunications Act called for the broadcast, cable, and motion picture industries to develop voluntary ratings for TV programs based on their degree of violent or sexual content. In tandem, TV manufacturers were required by 2000 to install “V-chips” to enable parents to block programming. The 1998 Child Online Protection Act was one of several legislative efforts to restrict children’s access to web-based pornography, although courts have ruled the law unconstitutional. The Children’s Online Privacy Protection Act (COPPA), which took effect in 2000, restricted commercial web

sites from collecting personal information from children under 13.

In K-12 education policy, new federal funding in the 1990s was targeted to assist localities in hiring tens of thousands of additional teachers to reduce class sizes. Mentoring to help low-income middle-school students stay in school was funded under the GEAR UP initiative. The 21st Century Community Learning Centers program funded after-school centers for urban and rural children to obtain added math and reading instruction. Clinton also signed the Education Flexibility Partnership Act of 1999 (Ed-Flex) to give states greater flexibility in their use of federal funds in exchange for greater accountability in advancing high academic standards.

The federal Technology Literacy Challenge Fund was established to ensure that every school had Internet access by the turn of the 21st century. Funding for low-cost computers and other technological equipment for schools and libraries was provided by the E-rate program created under the 1996 Telecommunication Act, with more than \$2 billion annually disbursed by the FCC-directed Universal Service Administrative Company.

In response to the soaring costs of higher education, the Clinton Administration increased the maximum Pell Grant award to \$3,300 a year, the college Work Study program was expanded, and federal student-loan interest rates were reduced. Clinton also won passage of the HOPE Scholarships and Lifetime Learning tax credits, which in 1999 were claimed by a about 10 million American families. HOPE Scholarships provided means-tested tax credits up to \$1,500 for tuition and fees for the first two years of college, and the

Lifetime Learning Tax Credit provided a 20 percent tax credit on the first \$5,000 of tuition and fees for part-time as well as full-time students after the first two years of college.

In 1995, the United States signed, but failed to ratify, the United Nations Convention on the Rights of the Child. The 1989 Convention sets out civil, political, and other rights of children that are to be binding in international law for the 193 countries that had ratified it by 2008; the United States and Somalia are the only U.N. members that have not.

THE SECOND BUSH ADMINISTRATION

In the wake of many reports since *A Nation at Risk* on American K-12 students' declining test scores and academic deficiencies relative to students in other nations, many educators, advocates, and state and local policy makers called for the imposition of academic, content, and performance standards. The principles of this standards-based reform movement were reinforced by the federal Goals 2000 Act and the No Child Left Behind (NCLB) Act of 2001. By the beginning of the 21st century, every state except Iowa had put in place academic standards in math, science, English/language arts, and social studies, setting the stage for new federal action. The 2001 ESEA reauthorization, rechristened by President George W. Bush as No Child Left Behind, was designed to close achievement gaps in four ways: Annual state and school-district report cards would hold schools accountable for results; states and districts were given greater flexibility in using federal funds; parents were offered greater school choice; and teaching practices were required to meet scientific

standards of effectiveness. While Congress increased federal education funding from \$42 billion in 2001 to \$71 billion in 2007, the law has been criticized both for imposing unfunded mandates on states to test and collect data and for over-emphasizing standardized exams as a measure of student and school success.

The “school choice” movement—to establish new public schools tailored to meet specific community needs—was furthered not only by many state legislatures in the 1990s but also by new federal funding beginning in 2000 and the Supreme Court’s *Zelman v. Simmons-Harris* (2002) decision that a Cleveland voucher program did not violate the First Amendment’s establishment clause. This movement not only led to the establishment of several thousand charter schools by the early 2000s, as well as the use of vouchers, supported by the *Zelman* decision, so that parents could spend their tax money on the school of their choice. Charter schools and vouchers—intended to foster competition and, arguably, better education—had been proposed by conservative economists dating back to Milton Friedman in the 1950s, and unsuccessful federal legislation had been introduced four times by Presidents Reagan and George H.W. Bush. Under NCLB, the Department of Education has provided grants for public charter schools.

The Promoting Safe and Stable Families Act was amended in 2001 to support post-adoption services, substance-abuse treatment, and training for older youth leaving foster care. As part of the increased policy push to promote “healthy marriages” and “father involvement” in children’s lives, the Bush Administration supported demonstration programs under the 2002

reauthorization of the welfare reform law. President Bush also continued efforts to combat child sexual abuse with the PROTECT (Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today) Act of 2003, which gave prosecutors greater powers and called for stiffer sentencing of offenders. In addition, the Adam Walsh Child Protection and Safety Act of 2006 created a national database to track sex offenders. Challenged in court, the sex offender registry was ruled unconstitutional in 2008.

THE INITIAL OBAMA AGENDA FOR CHILDREN

President Barack Obama, inaugurated in 2009, brought a far-reaching agenda of policies geared toward children and families. These included proposals to extend the FMLA, expand child care and preschool, and strengthen fatherhood as part of bolstering families. Obama also called for broadening and strengthening the recruitment pool for K-12 teachers, increasing after-school programs, and expanding tax credits to make college more affordable. SCHIP was expanded, and the Administration’s broader health-care reform proposals were intended to increase cost-effective access to health care to all Americans, young and old. The economic crisis that began in 2008 and the 2009 federal stimulus package posed roadblocks and opportunities for an ambitious child-policy agenda, given both fiscal constraints and calls for “investment” in school buildings, teachers, and children’s education and health.

Reflecting his belief that society and government have a fundamental responsibility for child welfare, President Obama said in signing the SCHIP expansion bill on February 4, 2009: “We fulfill one

of the highest responsibilities we have: to ensure the health and well-being of our nation's children. . . We are not a nation that leaves struggling families to fend for themselves. . . In a decent society,

there are certain obligations that are not subject to tradeoffs or negotiation – health care for our children is one of those obligations.

NOTES:

¹ *White House Conference on Child Health and Protection, 1930* (New York: The Century Co., 1931), p. 6.

² U.S. Committee on Economic Security, *Report to the President* (Washington, 1935), pp. 5-6.

³ Legal and cultural definitions of childhood and youth have varied throughout U.S. history. For the purposes of this paper, federal policies affecting those up to age 21 are addressed.

⁴ Many historians have spoken of late 19th-century America as a time when modern childhood was “invented.” See Steven Mintz, *Huck’s Raft: A History of American Childhood* (Cambridge, MA: Harvard University Press, 2004), pp. 75-93.

⁵ Elliott West, *Growing Up in 20th Century America* (Westport, CT: Greenwood Press, 1996), pp. 15, 31, 42, 54.

⁶ Robert H. Bremner, ed., *Children and Youth in America: A Documentary History*, volume II: 1866-1932 (Cambridge, MA: Harvard University Press, 1971), pp. 762, 774; and Edith H. Grotberg, ed., *200 Years of Children* (Washington: HEW, 1976), p. 76.

⁷ Bremner, ed., *Children and Youth in America: A Documentary History*, volume II: 1866-1932, pp. 601, 607.

⁸ Elliott West, *Growing Up in 20th Century America*, pp. 70, 118.

⁹ *Ibid.*, p. 534.

¹⁰ *City of Chicago et al. v. Fox Film Corporation* (1918), cited in *Ibid.*, p. 241.

¹¹ Child Welfare League of America, “The History of White House Conferences on Children and Youth” (Arlington, VA), p. 5.

¹² *White House Conference on Child Health and Protection, 1930*, pp. v, 6, 15, 29.

¹³ U.S. Committee on Economic Security, *Report to the President* (Washington, 1935), pp. 5-6.

¹⁴ Kriste Lindenmeyer, “A Right to Childhood”: *The U.S. Children’s Bureau and Child Welfare, 1912-1946* (Urbana, Ill: University of Illinois Press, 1997), p. 203.

¹⁵ Lindenmeyer, “A Right to Childhood,” pp. 208-09.

¹⁶ Lindenmeyer, “A Right to Childhood,” p. 242.

¹⁷ National Mental Health Act, 1946, ch. 528, *U.S. Statutes at Large*, LX, 421-26; and “Statement of the Midcentury White House Conference on Children and Youth: What the Conference Recommends,” *The Child*, XV (1951), 110.

¹⁸ Child Welfare League of America, *The History of White House Conferences on Children and Youth* (Arlington, VA); and Harry S. Truman, “Address Before the Midcentury White House Conference on Children,” December 5, 1950, Harry S. Truman Presidential Library, <http://www.trumanlibrary.org/publicpapers/index.php?pid=989&st=&st1=>

¹⁹ Robert H. Bremner, ed., *Children and Youth in America: A Documentary History*, volume III: 1933-1973 (Cambridge, MA: Harvard University Press, 1974), pp. 1283-1291.

²⁰ *Ibid.*, p. 1264. September 6, 1945.

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- ²¹ Dwight D. Eisenhower, Special Message to the Congress Transmitting Reorganization Plan of 1953 Creating the Department of Health, Education, and Welfare, March 12, 1953, American Presidency Project, <http://www.presidency.ucsb.edu/ws/print.php?pid=9794>.
- ²² Rebecca L. Clark, Rosalind Berkowitz King, Christopher Spiro, and C. Eugene Steuerle, “Federal Expenditures on Children: 1960-1997” (Washington, DC: Urban Institute, 2001).
- ²³ Eli Ginzberg, *The Nation’s Children* (New York: Columbia University Press: Published 1960 for the Golden Anniversary White House Conference on Children and Youth), vol. 1, pp. 1-3.
- ²⁴ Bremner, ed., *Children and Youth in America*, pp. 1544-54; and Public Law 88-156 (1963).
- ²⁵ President John F. Kennedy, Conference on Physical Fitness of Youth, 1961.
- ²⁶ Centers for Medicare and Medicaid Services, “Medicaid Eligibility: Overview,” <http://www.cms.hhs.gov/MedicaidEligibility/>.
- ²⁷ Bremner, ed., *Children and Youth in America*, pp. 1411-13.
- ²⁸ U.S. Department of Agriculture, Supplemental Nutrition Assistance Program, <http://www.fns.usda.gov/fsp/faqs.htm#20>.
- ²⁹ Bremner, ed., *Children and Youth in America*, p. 1819.
- ³⁰ Ron Haskins, “Moynihan Was Right. Now What?” (Washington, DC: Brookings Institution, 2007); and Mintz, *Huck’s Raft*, pp. 321-22.
- ³¹ Rebecca L. Clark, Rosalind Berkowitz King, Christopher Spiro, and C. Eugene Steuerle, “Federal Expenditures on Children: 1960-1997” (Washington, DC: Urban Institute, 2001); and Lyndon Johnson, “Special Message to the Congress Toward Full Educational Opportunity,” Jan. 12, 1965, *Public Papers of the Presidents, Lyndon B. Johnson, 1965*, Book I (Washington, DC, 1966), pp. 25-33.
- ³² Statement by President Lyndon B. Johnson, September 2, 1965, <http://www.presidency.ucsb.edu/ws/index.php?pid=27217>.
- ³³ Cited in Bremner, ed., *Children and Youth in America*, p. 715.
- ³⁴ Cited in Mintz, *Huck’s Raft*, p. 332.
- ³⁵ Francine H. Jacobs and Margey W. Davies, *More Than Kissing Babies? Current Child and Family Policy in the United States* (Westport, CT: Auburn House, 1994), p. 77; and Ira M. Schwartz and Gideon Fishman, *Kids Raised by the Government* (Westport, CT: Praeger, 1999), pp. 53, 56.
- ³⁶ Elizabeth Purdy, “Day Care,” in James Ciment, ed., *Postwar America*, vol. 1 (Armonk, NY: M.E. Sharpe, 2007), p. 366.
- ³⁷ Analysis of Current Population Survey data by the Center on Budget and Policy Priorities.
- ³⁸ Adoption and Safe Families Act of 1997 (P.L. 105-89, Amended Title IV-E of the Social Security Act).

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