UNDER AGE: REDEFINING LEGAL ADULTHOOD IN 1970S AMERICA

A Dissertation
Submitted to
the Temple University Graduate Board

In Partial Fulfillment
of the Requirements for the Degree
DOCTOR OF PHILOSOPHY

by
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May 2016

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ABSTRACT

Between the late 1960s and early 1980s, state and federal lawmakers made a number of unprecedented changes to the minimum age laws that define the legal boundaries between childhood and adulthood in the United States. By altering the voting age and the legal age of majority during the early 1970s, legislators effectively lowered the legal age of adulthood from twenty-one to eighteen, and launched a broader, more wide-ranging debate over other minimum age laws that would preoccupy legislators for much of the decade that followed. These reforms can be grouped into two distinct stages. Early 1970s reforms to the voting age and age of majority placed a great deal of faith in eighteen- to twenty-year-old Americans’ ability to make mature, responsible decisions for themselves, and marked a significant departure from the traditional practice of treating young people as legal adults at the age of twenty-one. During the late 1970s and early 1980s, however, a second set of reforms revoked much of the faith that legislators had placed in the nation’s young people, raising some key minimum age limits – such as the drinking age – and expanding adults’ ability to supervise and control teenaged youth.

This dissertation analyzes political and public debates over the legal boundaries between childhood and adulthood during the 1970s, focusing in particular on reforms to the voting age, the age of majority, the drinking age, and the minimum age laws that regulate teenagers’ sexuality. It seeks to explain how and why American lawmakers chose to alter these minimum age laws during the 1970s, and how they decided which age should be the threshold for granting young people specific adult rights and responsibilities. The dissertation suggests that legislators often had difficulty accessing information and expertise that they could use to make well-informed, authoritative
decisions on the subject of minimum age laws. Instead, they often based their choices on broader public images and perceptions of the nation’s young people, and on their subjective experiences of interacting with American youth.

Throughout the 1970s, a wide range of lawmakers, activists, and interest groups – including many young people – sought to control the legal boundaries between childhood and adulthood, both by lobbying lawmakers directly and by trying to alter public images and perceptions of the nation’s youth. During the early 1970s, some young activists, liberal lawmakers, and interest groups met with considerable success in their attempts to grant young people greater adult rights and responsibilities at earlier ages, successfully framing eighteen- to twenty-year-old youth as mature, responsible young people who were quite capable of shouldering adult rights and duties. But these positive perceptions of young people were short-lived. By the mid-1970s, they were being supplanted by much more negative and unsettling images of young people who were thought to be exhibiting “adult” behaviors too soon, and were portrayed as being both in danger and a danger to American society. As a result, lawmakers became increasingly focused on protecting and controlling young people in their late teens and early twenties, and on drawing clear, firm boundaries between childhood and adulthood.

These shifts demonstrate that images and perceptions of American youth played a key role in shaping 1970s reforms to the legal boundaries between childhood and adulthood. Rather than the product of a sober, careful evaluation of young Americans’ capacity to make responsible decisions for themselves, these reforms were often the product of adult Americans’ visceral, emotional responses to shifting public perceptions of the nation’s youth.
For Andrea
ACKNOWLEDGMENTS

Writing a dissertation is hard. I knew that when I started, but somehow I did not realize just how difficult it was going to be until the process was well underway. I never would have made it this far without the help and the support of the people who kept me going, kept me happy, and kept me healthy along the way. I owe an enormous debt of gratitude to my advisor, Professor Beth Bailey, whose encouragement, advice, wisdom and patience has been invaluable throughout this process. Though they may not always have realized it at the time, several of my fellow graduate students at Temple University provided both me and this dissertation with a shot in the arm when it was needed most. In particular, I would like to thank Benjamin Brandenburg, Matt Johnson, Abby Perkiss, Dan Royles, Lindsay Helfman, and Alex Elkins for their friendship and support. My parents, Ron and Carol Cole, my siblings (Andrew, Ethan, and Yolande), Margaret Peyto, David and Linda Peyto, and Dunja and Hrvoje Lukatela have all made sure that I enjoyed life, kept my spirits up, and persevered during the writing process. So, too, did my good friend George Wong. For that, I am eternally grateful to all of them. My wife, Andrea Cole, has about as much invested in this dissertation as I do; her support, faith, understanding and love are what got me this far. This dissertation is dedicated to her.

The archivists and librarians whose hard work helped to make this dissertation possible are too numerous to name, but I would like to single out the staff of the Minnesota Historical Society, the California State Archives, the New Jersey State Library and Archives, the Reagan Library, and the Dolph Briscoe Center for American History for special thanks. My research and writing was funded, in part, by a number of grants from the Temple University History Department, Graduate School, and College of
Liberal Arts, including a University Fellowship from Temple University, the Temple University History Department’s James A. Barnes Award and Okomoto Research Award, and a Temple University Dissertation Completion Grant.

Special thanks go to Professors David Farber, Bryant Simon, and Daniel Hart for serving on my dissertation committee. Along with Professor Bailey, they have offered very valuable guidance, encouragement and advice, and I particularly value the comments and queries that they raised at my dissertation defense. While they were less involved with the dissertation itself, I would also like to thank Temple University Professors Andrew Isenberg, Kenneth Kusmer, William Hitchcock, and Arthur Schmidt for their insight and encouragement during the earlier stages of my studies at Temple. I would also like to extend a special thanks to my MA advisor at the University of Calgary, Professor Elizabeth Jameson, who helped me to develop some of the earliest questions and ideas which led me to this dissertation topic, taught me a great deal about academic research and writing, and introduced me to Professor Bailey.

As I was researching and writing this dissertation, I found a wonderfully supportive community of scholars in the Society for the History of Childhood and Youth. I have found the society’s conferences, events, and publications to be tremendously interesting and stimulating, and I consider even my briefer conversations with scholars such as Leslie Paris, Rebecca de Schweinitz, Michael Grossberg, Corinne Field, Nicholas Syrett, Susan Eckleman, Rachel Coleman, Katharine Rollwagen, James Trepanier, and Julie Stein to have been very helpful and rewarding. Corinne and Nick deserve special thanks for inviting me to contribute to their wonderful collection of essays on the subject of chronological age in history, *Age in America*, and for their thoughts and comments on
my contribution (portions of which are reproduced in chapters eight and nine of this
dissertation).

    Last but not least, I would like to thank my wonderful high school history
teacher, Ray Verbeek, without whom I never would have started down the path that
brought me here, and my son, Joseph Henry Cole, whose birth and first year of life
brought me a tremendous amount of happiness and joy as I was finishing the writing and
preparing for my defense. I’m learning that time flies when you’re a parent – it’s my
great hope that I will make every moment count.
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CHAPTER ONE

INTRODUCTION

As midnight approached on New Year’s Eve of 1972, people across the United States gathered together in bars, at parties, and around their living room television sets -- often with drinks, noisemakers, and confetti in hand – and waited anxiously to ring in the New Year. It was a familiar ritual, but as they counted down the last seconds of 1972, many Americans were also acutely aware that times had changed. For the first time in years, those Americans who had chosen to stay home and watch the ball drop in Times Square on television faced a choice of which program to watch. Viewers who chose to watch CBS television’s New Year’s Eve special tuned in for the “traditional welcoming in of the New Year” broadcast, hosted by “Mr. New Year’s Eve,” big band leader Guy Lombardo. As they had done for decades, Lombardo and his Royal Canadians were playing before a crowd of middle-aged and older revelers in the Grand Ballroom of the Waldorf Astoria Hotel in New York, performing classic hits such as “Birth of the Blues” and “Candy Man.” Viewers who opted to tune in to NBC, in contrast, were treated to something new; American Bandstand host Dick Clark was hosting a special broadcast titled New Years Eve With Three Dog Night, which featured performances by Blood, Sweat, and Tears, Billy Preston, and Al Green, and was sponsored by Dr. Pepper.¹ Previewing the broadcasts, Washington Post reporter Tom Zito noted that while the sixty-nine-year-old Lombardo had presided over Americans’ New Years celebrations for more...

than two decades, the “new focus” at NBC would be on rock and roll music – and on youth.\(^2\)

Lombardo had once joked that “when I die, I’ll take New Years Eve with me” – but it was clear in 1972 that the torch was being passed. Newspaper reporters billed the dueling 1972 programs as a contest between the “Geritol crowd” and the “Dr. Pepper set,” while Clark told them that it was high time the television networks offered young people “their kind” of entertainment. “Old people” who “think old,” according to Clark, had controlled the television airwaves for too long, and it was “time for a change.”\(^3\) On the surface, Clark’s rhetoric sounded confrontational, but his dig at those who “think old” was also a clear allusion to Pepsi-Cola’s “think young” advertising campaigns – an association which softened the edge of his comments considerably. Pepsi had marketed itself the choice of “those who think young” since 1960, and the company’s commercials had been portraying the nation’s young people – and the ideal of youth itself – in an unambiguously positive light for well over a decade by 1972.\(^4\)

Pepsi’s most recent campaign was titled “You’ve Got a Lot to Live, and Pepsi’s Got a Lot to Give,” and ran from 1969 through 1972. Commercials for the campaign heralded the arrival of “a whole new way of living” and described the “Pepsi Generation”


as “comin at ya, goin’ strong.” Free from any hint of class, racial, or inter-generational tension, and depicting happy, energetic young people in idyllic settings, the commercials were a breath of fresh air during the early 1970s, after large numbers of American young people had participated in years of civil rights, students’ rights, and anti-Vietnam War protests during the 1960s, and had embraced a counterculture that seemed to cast many of the moral and aesthetic values of older Americans aside. These young people’s protests had angered and alarmed many adults, and by the end of the decade, many Americans had come to believe that their society was deeply riven by a “generation gap” between the old and the young, viewing the nation’s young people with a potent mixture of fear, resentment, and suspicion. During the late 1960s and early 1970s, however, advertisers like Pepsi and pop culture producers like Clark had also begun to embrace the idea of change and the image of rebellious youth, presenting a sanitized, wholly positive view of American young people and youth culture, which nonetheless embraced the notion that it was “time for a change.” Marketing “youth” as an attitude and a frame of mind – one that was both desirable and accessible to adults – these producers and marketers also relied on positive, non-threatening images of young people to make their pitch, elevating


both the idea of youth and young people themselves. The message they were sending American consumers was clear in 1972: young people and youth culture were to be celebrated rather than feared, and the television airwaves, New Year’s Eve – and the future itself – were far more the province of American young people than of the old folks at the Waldorf Astoria.

Americans were witnessing a changing of the guard on several fronts during the early 1970s – and not just in commercials or on network TV. Two months before Clark’s inaugural broadcast, approximately eleven million young Americans nationwide had had their first chance to vote in state and federal elections, after legislators had approved the Twenty-Sixth Amendment to the United States Constitution in 1971. The amendment had lowered the voting age from twenty-one to eighteen nationwide, and in November of 1972, eighteen- to twenty-year-olds across the country had had been able to cast a ballot for the first time. Many state legislatures had responded to the Twenty Sixth Amendment by lowering the legal age of majority as well, granting young people most of


8 Some states had lowered the voting age earlier; Georgia lowered its voting age to eighteen in 1943, and Kentucky followed suit in 1955. Alaska and Hawaii were admitted to the union in 1959 with voting ages of nineteen and twenty, respectively (Hawaii had lowered its voting age while still a territory, in 1958). The territories of Guam and American Samoa had adopted a voting age of eighteen in 1954 and 1965, respectively. In 1970, Alaska approved a further reduction of the voting age to eighteen, while Maine and Nebraska lowered the voting age to twenty, and Minnesota, Montana, and Massachusetts lowered it to nineteen. Frederick H. Pauls and Louise Tucker, *State Action to Lower the Voting Age: A Report in Two Parts* (Congressional Research Service, December 11, 1969); *Lowering the Voting Age to Eighteen*, S. Rep. No. 92-26, at 7 (1971).
the legal rights and responsibilities of adults at the age of eighteen. One such reform was scheduled to take effect in the state of New Jersey on the same night that Clark made his New Year’s Eve debut, and as the hosts of both Clark and Lombardo’s broadcasts counted down the last seconds of 1972 from Times Square, thousands of New Jersey’s young people were waiting with bated breath just across the Hudson River. At midnight, the new law would make them “instant adults,” granting them all the rights and privileges of adulthood – including the ability to purchase liquor. Anticipating the change, thousands of young people had lined up outside New Jersey’s bars and nightclubs, poised to pour in when the clock struck twelve and make these spaces their own.9

At midnight, New Jersey’s lawmakers, police, and other adults watched nervously as more than 400,000 of the state’s young people acquired the legal status of adults simultaneously. During the political debate over the new law, New Jersey’s legislators had frequently expressed confidence in eighteen- to twenty-year-old young people. Assertions that eighteen-year-olds had the “maturity,” the “intellectual capacity,” and the “moral fiber” to exercise the legal rights of adulthood had been de rigueur in political and public discussions of the law, and New Jersey’s press had frequently echoed one newspaper’s claim that “18-year-olds today are bright and mature enough to make important decisions.”10 Still, doubts remained; the New Jersey State Police, for example, had warned that drunk driving fatalities among young people were likely to double once the new law took effect.11 Certainly, there were real risks involved in granting young

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people access to the legal rights and privileges of adults at an earlier age, and there was no way of knowing for certain how eighteen-year-olds would respond to their new legal status. State legislators’ decision to lower the age of majority had, as one newspaper put it, been “a calculated risk” that had required “a certain amount of faith and trust in young people’s judgment.”

In the years between the late 1960s and early 1980s, Americans frequently found themselves wondering just how much faith and trust to place in the nation’s young people, as state and federal lawmakers made a series of unprecedented adjustments to the legal boundaries between childhood and adulthood. By changing key minimum age laws such as the voting age and the age of majority during the early 1970s, legislators dramatically altered the timing of young Americans’ transition into legal adulthood and sparked a lengthy debate over other minimum age laws – such as the age of consent and the minimum drinking age – that would last for more than a decade. It was no coincidence that they did so at a time when young people and youth culture seemed to be invading areas of popular culture that had previously been focused on adult tastes, and when new, positive images of the nation’s youth like those in Pepsi’s commercials were proliferating. In fact, these two shifts were closely related, and as they repeatedly altered the legal boundaries between childhood and adulthood during the 1970s, lawmakers were heavily influenced by broader changes in how young people were being perceived and depicted in American culture.

The legislators who altered a variety of minimum age laws during the 1970s were frequently faced with the task of evaluating young people’s maturity and gauging their

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readiness for adult rights and responsibilities at specific ages. Most Americans understood minimum age laws such as the voting age, age of majority, drinking age and age of consent as a means of protecting vulnerable children and youth. According to this understanding, these laws granted young people adult rights and privileges – and gave them adult responsibilities – only once they were mature enough to use them safely. In theory, these laws used young people’s chronological age as a measure of their maturity and responsibility, and reflected an evaluation of young people’s capacity to shoulder adult rights and responsibilities.¹³

In reality, however, most minimum age laws were – and are – essentially arbitrary boundaries. Because individual young people mature at different times and at different rates, there is no direct, predictable relationship between young people’s chronological age and their readiness for adult rights and responsibilities. No matter where they are placed, in other words, the minimum age laws that define legal adulthood invariably grant some young people adult rights and responsibilities well before – or long after – they are ready for them. This is not to say, however, that minimum age laws do not matter, or that their placement is inconsequential. These laws serve an important social function, and today, as in the 1970s, very few Americans would support granting twelve-year-olds the right to purchase alcohol, or making young people wait until they were twenty-five to vote. Americans are in broad agreement, in other words, that these limits need to be placed somewhere, and that young people become capable of making “adult”

decisions in most areas of life somewhere between their mid-teens and their early twenties. But this broad, general consensus often breaks down when it comes to deciding where exactly minimum age limits should be placed.14

The timing of young people’s transition into legal adulthood was a particularly contentious topic during the 1960s, 70s, and 80s, at a time when Americans were often deeply divided over the question of young people’s proper place in American society, and the limits of adults’ authority over them. More often than not, taking a position in the political debates over minimum age laws meant choosing a side in broader political conflicts over the proper relationship between students and their schools, children and their parents, or families and the state.15 But 1970s lawmakers were also acutely conscious that granting young people adult rights and privileges too soon could be harmful, and that withholding them for too long – from young people who were quite capable of making mature, responsible choices for themselves – was unjust. Even when they viewed conflict over minimum age laws as part of a broader political struggle, and even when they were conscious that these laws drew a somewhat arbitrary line between


childhood and adulthood, state and federal lawmakers still needed to be able to justify their decisions. They still had a duty and still felt a need, in other words, to base their choices on an evaluation of young people’s capacity to make mature, responsible decisions for themselves.16

But state and federal lawmakers often struggled to find a means of authoritatively evaluating young Americans’ capacity to make responsible choices during the 1970s, or to draw firm links between young people’s level of maturity and their chronological age. No easy or effective means of measuring young people’s readiness to shoulder adult rights and responsibilities existed during the 1970s, and legislators often had difficulty finding medical, psychological, or other academic experts who were willing to speak definitively about young people’s level of maturity at a specific age.17 Feeling pressure to make carefully considered, evidence-based decisions, but often finding themselves ill-equipped to do so, lawmakers frequently looked to broader public depictions and perceptions of eighteen- to twenty-year-olds for cues, and also relied on their personal, subjective experiences of interacting with American youth to guide them. Framing these

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more subjective evaluations of young people’s maturity as common sense – as knowledge that could be drawn from the “pages of human experience” by anyone who cared to look carefully – 1970s lawmakers drew authority and inspiration from specific representations and images of American youth.18

Whether drawn from popular culture, the news media, or from the rhetoric of activists who sought to influence lawmakers’ decisions, the depictions of American youth that gave specific meaning to broad abstractions such as “eighteen-year-olds” and “American youth” in the context of legislators’ debates thus played a key role in shaping their decisions. So, too, did the young people who actively participated in lawmakers’ discussions, and presented themselves as representatives of the nation’s young people. As a result, legislators’ choices often depended on what kind of young people they were thinking of – and on how they were picturing them – when they considered minimum age law reforms.

State and federal lawmakers altered the legal boundaries between childhood and adulthood in two distinct stages of reform between the late 1960s and early 1980s. During the late 1960s and early 1970s, their reforms to the voting age and age of majority dispensed with a long-standing legal tradition of treating young people as adults at the age of twenty-one. These reforms effectively lowered the legal age of adulthood from twenty-one to eighteen in most states, and in most areas of law. It is thanks to them that

18 Chief Justice of the Supreme Court Warren E. Burger used a similar technique to lend authority to his evaluations of young people’s capacity to make independent decisions in his majority opinion in the case of Parham V. J.R., 442 U.S. 584 (U.S. Supreme Court 1979). It is from this decision that the "pages of human experience" quotation is drawn. See also Gary B. Melton, "Children's Competence to Consent: A Problem in Law and Social Science," in Children’s Competence to Consent, ed. Gary B. Melton, Gerald P. Koocher, and Michael J. Saks (New York: Plenum Press, 1983), 5, 9.
eighteen serves as the legal age of adulthood for most purposes in the United States today. By the mid-1970s, however, these unprecedented reforms – and changing public perceptions of the nation’s young people – had begun to prompt a conservative counter-reaction. Growing numbers of lawmakers and political activists sought to restore a higher drinking age, to shore up adults’ ability to control teenagers’ sexuality, and to expand adults’ ability to control and supervise – and to punish – young Americans. This rapid shift from reform to reaction signaled a dramatic change in Americans’ level of confidence in the nation’s youth, mirroring broader changes in how young people were being depicted and perceived in American culture.

Scholars such as Elizabeth Scott, Jenny Diamond Cheng and Robert Saldin have portrayed the Twenty-Sixth Amendment and the age of majority reforms of the early 1970s as something of a knee-jerk response to the “generation gap” of the 1960s, and to protests that young men were being drafted to fight in the Vietnam War before they were legally adults.¹⁹ There is considerable evidence to support this view, and congressional legislators such as Senator Birch Bayh (D-IN), and Senator Edward Kennedy (D-MA) – both of whom played a key role in shepherding the Twenty-Sixth Amendment through Congress – were clearly responding to the youthful protests of the 1960s when they sought a lower voting age. Both men made it clear that they viewed the amendment as a

potential “pressure valve” for young Americans’ discontent, which might redirect it into conventional politics.\textsuperscript{20}

Before they were willing to lower the voting age and age of majority, however, state and federal lawmakers also needed to be convinced that eighteen-year-old young people were capable of voting and holding other adult rights responsibly, and to feel that the American public was willing to trust eighteen-year-olds with adult responsibilities. Here, the images of radical protestors that had convinced many lawmakers to support voting age and age of majority reforms often worked against them. Many adults perceived marching and demonstrating as juvenile, irresponsible behavior during the 1960s, rather than as a sign of young protestors’ maturity and responsibility, and the most disruptive young protestors often got far more attention in the news media than their “straight” counterparts. Coupled with many adults’ broader, more perennial anxieties about youth culture and their distrust of American youth, these images made it very difficult for advocates such as Bayh and Kennedy to sell minimum age law reforms. College-aged young people suffered from a significant image problem during the late 1960s, and advocates of a lower voting age such as Bayh, the National Education Association (NEA), and the Youth Franchise Coalition (YFC) – a single-issue umbrella group founded by the NEA in 1968 – often identified negative public images and perceptions of the nation’s youth as the primary obstacle they faced.

New, positive images of American youth like the ones that Dick Clark and Pepsi presented during the early 1970s provided a potent counterpoint to more negative

\textsuperscript{20} \textit{Lowering the Voting Age: Hearings before the Subcommittee on Constitutional Amendments of Committee on the Judiciary, United States Senate 92\textsuperscript{nd} Cong. 3 (1968) (statement of Senator Birch Bayh); Cheng, “Uncovering the 26\textsuperscript{th} Amendment,” 91.}
perceptions of young people, and helped to build political and public support for minimum age law reforms. Some of these images developed out of adults’ attempts to understand the youthful protests of the 1960s. During the late 1960s, for example, social scientists such as Margaret Mead, Kenneth Keniston, and Richard Flacks had all suggested that most young people’s protests stemmed from their commitment to American values, rather than their alienation from them – popularizing the notion that the young rebels of the 1960s were acting as the conscience and the future leaders of the nation, rather than rebelling against it. But young people themselves also played a conscious part in the shift towards more positive images and depictions of American youth. Young political activists like those who campaigned for Senator Eugene McCarthy’s Democratic primary campaign in 1968, or who formed voting age lobby groups such as Let Us Vote (LUV) and the New Jersey Voting Age Coalition (VAC) often presented themselves as a foil to young hippies and demonstrators. By projecting a scrupulously positive, non-threatening image of themselves and their age group, these young people sought to counter the anger and resentment that many adults felt towards college-aged youth, and to demonstrate their maturity and responsibility. In the specific context of debates over the voting age and age of majority, these activists were often quite successful in influencing legislators’ – and many journalists’ – perceptions of American youth, and their efforts thus played an important role in convincing lawmakers to entrust eighteen- to twenty-year-olds with adult rights and responsibilities during the early 1970s.

The lawmakers who approved a lower voting age and age of majority during the early 1970s often framed these reforms as an acknowledgment of the dramatic changes in young people’s behavior and roles which had occurred over the course of the twentieth century, and as an attempt to update old, often archaic laws to better serve a much-changed society. When state legislators such as Texas State Senator Robert Gammage (D) and California Assemblyman John Vasconcellos (D) pushed for a lower age of majority during the early 1970s, for example, they often portrayed these reforms as a means of rationalizing young people’s legal status, by imposing a single, consistent, and fair age of legal adulthood. Similarly, advocates of a lower voting age such as Senator Jennings Randolph (D-WV) and the NEA often asserted that social, cultural, and technological changes – like the expansion of the American education system, or the advent of television – had made older minimum age laws obsolete. Often influenced by scholars such as Mead and Keniston, they suggested that the world, and young people’s place in it, had changed dramatically, while the legal system had not. Antiquated minimum age laws, in this view, were attempting to regulate and replicate a social system that had long since ceased to exist, and needed updating to better serve a much-changed society. Advocates of these reforms often framed them as a means of clarifying and rationalizing young people’s legal status in response to social and historical change, and of settling broader, ongoing conflicts over the proper rights, status, and roles of college-aged youth in American society.

By altering the voting age and age of majority during the 1970s, however, state and federal lawmakers also dramatically destabilized the legal boundaries between childhood and adulthood. Early 1970s reforms reminded Americans that minimum age
laws were cultural and legal constructions, rather than innate or immutable reflections of young people’s actual growth into maturity, and that they could be altered through lobbying and legislation. These reforms, in other words, significantly reduced the cultural authority and the weight of tradition that a wide range of minimum age laws had once held, making them subjects for political debate. As a result, a wide range of parents, activists, and interest groups – ranging from Planned Parenthood to Mothers Against Drunk Driving (MADD) – would spend much of the decade that followed trying to control young people’s access to specific adult rights and privileges by advocating other minimum age law reforms. As they did so, the positive images and perceptions of American youth that had helped to inspire and to drive early 1970s reforms began to fade, and lawmakers began to revoke some of the trust that they had placed in young people earlier in the decade.

Americans increasingly viewed the nation’s young people as both vulnerable and dangerous during the 1970s, as new images of young, unwed mothers, sexually active adolescents, teenaged alcoholics, and young criminals began to displace the images of young, clean-cut political activists – as well as the images of radical “hippies” – that had played a key role in political debates over the voting age and age of majority. These images often portrayed American young people as endangered innocents, while also presenting their actions as symptomatic of a broader crisis of social and moral order. Such images dovetailed neatly into the goals and rhetoric of the New Right during the 1970s, bolstering social conservatives’ claims that when they attempted to exert greater control over young people’s behavior, they were protecting young, innocent children – and defending American families against a rising tide of social and moral chaos.
At the same time, however, conservative lawmakers and activists often portrayed the actions and choices of sexually active, disorderly, and disrespectful youth as moral wrongs, which should not go unpunished. An excess of “permissiveness” and a lack of sufficient adult supervision and control, in this view, was allowing young people to run amok, and to place both themselves and others in danger. As more and more adults embraced elements of this perspective during the 1970s, state and federal legislators moved to curtail the autonomy of young people in their late teens and early twenties, and to expand adults’ – and especially parents’ – ability to supervise and control these young people’s lives. They did so in a variety of different areas of law, moving to expand adults’ control over young people’s sexuality and reproduction, to “get tough” with juvenile offenders, to limit young Americans’ access to alcohol, and to place greater stress on protecting young people – rather than treating them more equitably – in discussions of youth and children’s rights. The control of teenagers’ sexuality and the drinking age were areas of particularly intense debate, where lawmakers – and Americans more generally – confronted the problem of defining legal adulthood in unusually direct terms.

Teenagers’ sex lives became increasingly visible during the early 1970s, as the sexual revolution, new survey data, and public anxiety over a perceived “epidemic” of teenage childbearing forced Americans to acknowledge that large and growing numbers of the nation’s young people were having sex – and doing it at earlier ages than they had in the past.22 For many adults, this admission was an uncomfortable one. Americans had

long understood childhood as a period of sexual innocence and adolescence as a period of sexual danger, when it was critical that young people be sheltered from premature sexual experience and taught to exercise self-control. As a result, most American adults were in broad agreement over the need for a powerful policy response to the new visibility of teenage sex during the 1970s. They were deeply divided, however, over the form that this policy response should take.

To liberal legislators, educators, and health care providers, the new visibility of teenage sex suggested that there was a pressing need to grant young people greater control over their own sexuality and reproduction, in the form of comprehensive sex education programs, access to birth control, and access to abortions. And for a brief period during the 1970s, it seemed possible that this perspective – and the assumption that many teenagers were quite capable of managing their own sexuality, given the proper tools and support – might play a dominant role in shaping policy. Given the important role that adult sexuality and the assumption that young people should be isolated from it played in defining childhood, adolescence, and adulthood as life stages, this perspective had the potential to dramatically alter Americans’ understanding of childhood, adolescence, and adulthood as life stages during the 1970s, and to blur the cultural and social boundaries between them. Many conservative lawmakers, activists, and parents, however, insisted that most teenagers were not capable of making responsible decisions about sex. Adamant that young people who were still dependent on their parents and


23 Nathanson, Dangerous Passage; Luker, Dubious Conceptions; Bailey, “The Vexed History.”
who were still legally children should not be engaging in “adult” sexual behaviors at all, they often portrayed any attempt to help teenagers make responsible decisions about sex as “condoning” harmful behavior. Conservatives tended to frame even older teenagers who were sexually active as vulnerable children, whose sexuality needed to be kept under adults’ strict supervision and control.

Lawmakers and activists on opposing sides of this dispute perceived sexually active youth in dramatically different ways, and both sides found support for their view in the news media and popular culture during the early 1970s. For a time, positive images of sensible but sexually active youth – which did not assume that teenage sex was always or inherently harmful – co-existed with images of sexually active teens as damaged, corrupted youth during the early 1970s. By the middle of the decade, however, the latter view was becoming increasingly dominant, and images of innocent, vulnerable young people whose lives had been ruined by premature sexual experience proliferated rapidly. Descriptions of young, unwed mothers as “children having children,” in particular, demonstrated that adults’ anxieties about teenage sexuality were fostering a renewed effort to draw clearer boundaries between childhood and adulthood during the 1970s. By the late 1970s, these images had begun to dominate policy debates, helping to build public and political support for legislation that sought to re-assert parents’ control over their children’s sexuality, and which limited minors’ access to sex education and abortion.

A similar shift in public perception helps to explain why lawmakers reversed earlier drinking age reforms during the late 1970s and early 1980s. As they had done in New Jersey, legislators in many states had lowered the drinking age at the same time – or
shortly after – they lowered the legal age of majority during the early 1970s. During this period, the same positive images and perceptions of American youth that convinced lawmakers to lower the voting age and age of majority had helped to build public and political support for a lower drinking age. But support for a lower drinking age had also been fragile from the start; several state legislatures that approved a lower age of majority balked at lowering the drinking age, or at lowering it all the way down to eighteen, and changes to the drinking age were often the most controversial component of across-the-board age of majority reforms like New Jersey’s.

Once new drinking age laws like New Jersey’s had begun to take effect, early media coverage of eighteen-year-old drinkers’ behavior suggested that young people were handling their new drinking privileges well, and were often better behaved than many adult drinkers. This began to change during the mid-1970s, when new – and often misleading – statistics emerged which suggested that the number of youth-involved drunk-driving accidents had dramatically increased in states that had lowered the drinking age. Lawmakers and activists who had opposed lowering the drinking age in the first place – such as the Michigan Council on Alcohol Problems (MICAP) – moved quickly to exploit these statistics, and support for a lower drinking age began to crumble across the United States. While worries about young people’s potential to drink and drive had effectively halted any further efforts to lower the drinking age by the mid-1970s, however, a campaign to reverse earlier drinking age reforms did not develop until later in the decade. These later reforms were driven as much by many adults’ perceptions of young drinkers as disorderly and disrespectful – and by their desire to protect vulnerable
children from *all* drunk drivers – as they were by specific concerns about eighteen- to twenty-year-olds driving drunk.

The legislators and activists who fought to reverse early 1970s drinking age reforms later in the decade were often far more concerned that a lower drinking age had undermined adults’ authority over young people than they were about drunk driving accidents. Drawing on tragic depictions of young alcoholics and menacing images of young drinkers in the news media – and on their personal experiences of interacting with drinking youth – these adults portrayed young drinkers as vulnerable adolescents, or even as children, who desperately needed adults’ protection – and adult supervision and control. In New Jersey, for example, an organization known as the New Jersey Coalition for 21 convinced the state’s lawmakers to restore a higher drinking age. Coalition members portrayed young drinkers as disrespectful, disorderly youth who were wreaking havoc on the streets of their communities, and undermining teachers and school administrators’ authority by bringing alcohol into schools. Melding these images of irritating and dangerous young drinkers with a rhetoric of child protection, Coalition for 21 members made a powerful, emotional argument for re-asserting adult authority over eighteen- to twenty-year-olds, and for denying these young people one of the privileges of legal adulthood that many young Americans looked forward to the most.

Successful in some states – including New Jersey – state-level drinking age activists like those who had formed the Coalition for 21 sought to restore a drinking age of twenty-one nationwide during the early 1980s, making common cause with a separate group of anti-drunk driving activists such as MADD founder Candy Lightner. MADD had attracted widespread political and popular support to its campaign for tougher anti-
drunk driving laws during the early 1980s, largely by using the images and tragic stories of children and youth who had been killed by drunk drivers. In 1984, both groups played an important role in lobbying for the National Minimum Drinking Age Act. The act effectively imposed a drinking age of twenty-one nationwide by threatening to withhold federal highway funding from states that retained a drinking age lower than twenty-one. During the debate over the act, images of the young, innocent victims of drunk driving accidents stoked public anger at drunk drivers, while lawmakers and activists who supported the change repeatedly called eighteen- to twenty-year-olds’ capacity to make responsible decisions about alcohol into question. Born of both fear for and fear of American youth, the act demonstrated that the faith and trust in American young people – and the confidence in eighteen-year-olds’ ability to make responsible decisions – which had driven early 1970s reforms had almost entirely evaporated by 1984.

**Defining Adulthood: Social, Developmental and Legal Concepts**

In modern American society, minimum age laws such as the voting age, age of majority, drinking age and age of consent play an important role in shaping young people’s experiences. They control when and how young people are legally permitted to do any number of things that are typically considered “adult” activities, such as buying a drink, taking out a loan, casting a vote, or getting married without needing parental consent. As a result, it can sometimes be difficult to separate the legal definition of adulthood from the social roles and transitions – such as entering the workforce, leaving home, or having children - that define adulthood more generally, or from the developmental processes which young people experience as they grow into maturity. The difference between social adulthood, developmental adulthood, and legal adulthood
can be somewhat easier to see today, when many young people do not “settle” into a career or start their own families until they are well into their late twenties or early thirties – long after they have reached the age of majority, and achieved physical and mental maturity.\textsuperscript{24} During the decades that followed World War II, in contrast, many young Americans married, began their careers, and had children much earlier than they do today, and the distinctions between these different ways of defining and thinking about adulthood were more difficult to see. While they can certainly overlap, however, social, developmental, and legal adulthood are separate concepts, and the differences between them are important to understand.

The most widely shared understanding of adulthood defines it as a set of social roles, emphasizing a specific set of transitions that signal the end of young people’s dependence on their parents, and their establishment of a separate, independent household. Individual young people become adults, in this view, when they leave home, complete their education, marry – or at least form stable relationships – begin a career, and have children.\textsuperscript{25} For much of the twentieth century, Americans shared a broad belief that these transitions were the most important markers of young Americans’ growth into adults. And in the decades that followed World War II, most middle-class Americans also shared specific expectations about when most young people ought to have made


them.\textsuperscript{26} These expectations shaped 1970s policy debates over the legal boundaries between childhood and adulthood, and many of the activists and lawmakers who were involved in these debates assumed that the law should grant young people “adult” status at roughly the same time that they were taking on adult roles in life.

Life transitions such as marriage, leaving home, and parenthood, however, are not the only means of defining adulthood, and adulthood can also be understood as a process – or a product – of individual growth and development. Developmental models of adulthood can take several forms. Physically, the age at which young people reach maturity and stop growing has fluctuated considerably over the course of history, largely in response to environmental factors.\textsuperscript{27} Today, most young people reach physical maturity somewhere around the age of nineteen, while recent research has demonstrated that young people’s brains continue to grow and change well into their twenties, long past the point where the rest of their bodies stop growing.\textsuperscript{28} But the end of young people’s physical or neurological growth has rarely served as a means of marking or defining adulthood in itself. Rather, most developmental models of adulthood focus on young people’s mental maturity, distinguishing children from adults based on how they think, behave, and feel – and by how they make choices, in particular. These psychological definitions of adulthood take a variety of different forms, and can focus on young

\textsuperscript{26} Shanahan et al., “Subjective Age Identity,” 225; Bernice L. Neugarten, Joan W. Moore, and John C. Lowe, “Age Norms, Age Constraints, and Adult Socialization,” \textit{American Journal of Sociology} 70, no. 6 (1965): 710–17.

\textsuperscript{27} Mintz, \textit{The Prime of Life}, 6.

people’s development of cognitive, moral, or emotional maturity, but they share a
tendency to treat adulthood as a “state of being” or a “state of mind,” rather than as a
social role.²⁹

Neither social nor developmental models of adulthood frame young people’s
growth into adults as a rapid transition; both approaches recognize that individual young
people’s development can be gradual and halting, and that the exact form and timing of
their journey into maturity varies between individuals. Legal adulthood, in contrast, uses
young people’s chronological age and minimum age laws to draw a clear, “bright line”
distinction between children and adults. As a result, it defines the passage into adulthood
as an abrupt, uniform shift.³⁰ Under the common law tradition, young people below the
age of majority (twenty-one) were generally defined as “infants.” Legally incapable of
making significant life decisions for themselves, these young people were subject to the
authority of their parents and were owed a duty of care by their parents until they reached
the age of twenty-one. Thereafter, they were treated as fully-fledged citizens, who were
fully responsible for their own actions and welfare.

Like the common law age of majority, many of the oldest minimum age laws had
originally functioned as a means of regulating the inheritance of property, ensuring
parents’ control over their children’s marriages, or otherwise shoring up patriarchal
authority in medieval and early modern society. As historian Holly Brewer has
demonstrated, however, these laws varied widely, and were often honored more in the
breach than in the observance prior to the seventeenth century. According to Brewer, it
was only as lawmakers in the United States and England became increasingly concerned

²⁹ Mintz, The Prime of Life, xi.
³⁰ Scott, “The Legal Construction if Adolescence,” 548.
with founding governments upon the consent of the governed during the seventeenth century that minimum age laws such as the age of majority began to function as firm, standardized boundaries, and that lawmakers began to rely on chronological age as a convenient means of determining who could – and could not – consent.\textsuperscript{31} The common law age of majority of twenty-one was by far the most relied-upon age boundary, and early American lawmakers appear to have been in broad agreement on the need to incorporated it into American law. While American courts and legislators modified it over time, it continued to define young people as old as twenty as legal children until the 1970s.

The American legal system relies on “bright line” minimum age laws such as the age of majority largely out of necessity. The reformers whom Brewer studied were often aware that they were drawing rough, somewhat arbitrary distinctions between competent men and incompetent youth – but they nonetheless felt a need to make the distinction. The legal lines between childhood and adulthood, in other words, had to be drawn somewhere – and must still be drawn somewhere today. Evaluating individual young people’s readiness for specific adult rights and responsibilities on an on-going, case-by-case has never been a realistic, practical possibility, and as a result, the “necessary task of legal classification” that sets children and adults apart has long been accomplished through minimum age laws.\textsuperscript{32} These laws function as what legal scholar Franklin Zimring

\textsuperscript{31} Holly Brewer, By Birth or Consent: Children, Law, and the Anglo-American Revolution in Authority (Chapel Hill: Omohundro Institute of Early American History and Culture, University of North Carolina Press, 2005), 17–44.

\textsuperscript{32} Zimring, The Changing Legal World of Adolescence, 105. There are two major exceptions to this generalization. The US Supreme Court allowed for judges to evaluate young women’s capacity to decide to have an abortion –without need of their parents’ consent – on a case-by-case basis in \textit{Bellotti v Baird} (1979). Some states have put similar
has called a “binary box,” comparable to a light switch that can be either in an “on” or an “off” position, but is incapable of making a gradual transition, or of recognizing a position somewhere in between “off” and “on.”33 By using chronological age to regulate young Americans’ passage into adulthood, minimum age laws make it easy to draw distinctions between young people who are “too young” and those who are “old enough” to shoulder specific adult rights and responsibilities. But the distinctions that they draw are also guaranteed to be somewhat arbitrary, and they make it almost impossible for young people’s assumption of adult rights and responsibilities to be anything but an abrupt transition.

Arguably, this mattered less in the past than it began to matter over the course of the nineteenth and twentieth centuries. Prior to the nineteenth century, factors other than minimum age laws or chronological age – such as parental authority, the social norms of small, close-knit communities, and the inheritance of property – often played a far more important role than chronological age in shaping young people’s passage into maturity. Beginning in the late nineteenth century, however, the communities and social hierarchies that once exerted a great deal of control over young people’s lives began to break down in response to broader social, economic, and cultural shifts. In this context, minimum age laws began to matter much more, as the United States became an increasingly “age conscious” society.34

Life is a Stage: Childhood, Adolescence, and Adulthood in History and Law

Social, developmental, and legal perspectives on the definition of adulthood all treat adulthood as a distinct, more or less inherent stage of life. It is important to recognize, however, that the concept of adulthood is historically and culturally contingent – and that its meaning has changed over time. In fact, the very concept of adulthood as most Americans understood it during the 1970s – and continue to understand it today – is a relatively recent historical invention. The word “adult” does not appear to have been widely used before the mid-1600s, and the term “adulthood” did not enter the English lexicon until the late nineteenth century. Many of the laws that define legal adulthood, in other words, predate the development of modern ideas about what adulthood is, and what being an adult entails. The legal boundaries between childhood and adulthood have never been perfectly aligned with Americans’ understanding of childhood and adulthood – or of adolescence – as life stages, and Americans have often struggled to reconcile these two very different ways of conceptualizing young Americans’ passage into maturity.

As historians such as Steven Mintz and Stephen Lassonde have argued, life stages such as childhood, adolescence, and adulthood “did not exist in forms we would readily recognize today” prior to the modern era. In the pre-modern, pre-industrial past of the Europe and the United States, factors such as heredity, occupation, marital status, gender

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and race – rather than chronological age or developmental maturity – were the primary determinants young people’s social and legal status. The formal roles and relationships that structured life in the predominantly rural, agricultural societies of this era – such as master-servant, master-apprentice, husband-wife, and landowner-tenant relationships – played a far more important role than age or development in shaping young people’s lives.³⁸

This is not to say that pre-modern societies did not divide life into a series of stages; early American colonists, for example, understood infancy, youth, and gendered notions of “manhood” and “womanhood” to be distinct phases of life. But these categories tended to flexible and vaguely defined, and they did not consistently align with individuals’ chronological age. Seventeenth and eighteenth-century Americans lived in stratified, patriarchal societies, which often positioned “competent” men – who were free, owned property, and maintained an independent household – at the peak of social hierarchies. In general, only these individuals were considered to have achieved “full” maturity and manhood, while women, slaves, servants and the poor were classified as dependents – and were often compared to children.³⁹ Instead of drawing distinctions between children and adults, in other words, most pre-modern Euro-American societies drew distinctions between the competent and their dependents; there were, as Lassonde puts it, “only household heads and everyone else.”⁴⁰

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³⁸ Mintz, The Prime of Life, xi.
³⁹ Ibid., 5-6; Anne S. Lombard, Making Manhood: Growing up Male in Colonial New England (Cambridge, Mass: Harvard University Press, 2003), 2-12; Brewer, By Birth or Consent.
⁴⁰ Lassonde, “Ten Is the New Fourteen,” 54; Lombard, Making Manhood, 2-12; Brewer, By Birth or Consent, 17-44.
Broad changes in the structure of American society and in American culture beginning in the eighteenth century sent these older systems of social stratification and control into decline, and the rapid industrialization, urbanization, and immigration of the nineteenth century caused a profound disruption the patriarchal hierarchies that had previously shaped and governed young people’s lives. In the crowded, socially heterogeneous environment of America’s fast-growing cities, children and young people far outnumbered their elders during the nineteenth century, and a very large, often disorderly population of working-class immigrants left many middle-class Americans feeling as though they – and their values – were under siege. In response, middle-class educators, doctors, law enforcement authorities and social reformers began to rely more and more on chronological age as a means of social stratification and control. As historian Howard Chudacoff has demonstrated, age increasingly served a marker of social status, as a guide to acceptable roles and behavior, and as a way of ordering young people’s lives during the late nineteenth century; Americans became increasingly “age conscious.”

These developments were closely linked to the spread of modern, middle-class understandings of childhood during the nineteenth century, as growing numbers of parents, educators, doctors and social reformers began to regard children as “innocent, malleable, and fragile creatures” who “needed to be sheltered from contamination.” In the late nineteenth and early twentieth century, educators, child-rearing experts, and moral reformers began to enforce a set of “age-appropriate” roles and behaviors, which

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41 Chudacoff, *How Old Are You?*, 4-8.

they believed characterized normal and healthy child development. The norms that these white, middle-class reformers developed were shaped by their moral, ideological, and cultural values, and by their view of children as innocent and vulnerable. In an effort to keep children on the straight-and-narrow, they created new laws, institutions, and cultural expectations that removed children from the labor force, sought to preserve their sexual innocence, and consigned them to age-graded classrooms, where they spent most of their time with a group of young people within a year or two of their own age, and had limited interactions with adults.\(^4\) The expansion and extension of young people’s schooling, in particular, placed ever-growing numbers of young Americans under the supervision, protection, and control of educators and other adult authorities during the late nineteenth century and early twentieth century. These changes set the stage for Americans’ recognition of adolescence as a distinct stage of life between childhood and adulthood during the early twentieth century, and for later confrontations over the legal boundaries between childhood and adulthood.

Psychologist G. Stanley Hall’s *Adolescence* popularized the concept of adolescence as transitional stage of life between childhood and adulthood in 1904. Hall believed that Americans’ “urbanized hothouse life” tended to “ripen everything before its time.” If young people were to develop into healthy adults, he argued, they needed to be

protected and guided through puberty by adults in a safe, wholesome environment.\textsuperscript{44} Hall and the reformers who followed him created new incentives for extending the length of time that young people spent in a state of dependency – and for expanding adults’ ability to control and supervise their behavior.\textsuperscript{45} Hall had originally defined adolescence as a relatively brief period, and would never have contemplated labeling eighteen-year-olds – much less twenty-year-olds – as adolescents. But his ideas set in motion a series of changes which made it much easier for American adults to rationalize extending young people’s education and dependency during the early twentieth century, at a time when economic and technological changes were also putting a premium on extended education and training for young people.

Hall’s theories – and the gradual lengthening of most young people’s education – set Americans’ understanding of young people’s growth into maturity and the American legal system on a collision course. Adolescents were neither children nor adults; they existed somewhere in between complete dependency and independence. By the mid-twentieth century most American parents and educators had begun to see young people in their teenage years as vulnerable youth, who needed near-constant adult supervision and guidance. But they also recognized that these young people were often capable of exercising a considerable amount of autonomy safely, even if they were not yet ready to take on adult roles. Where adults might wait until they felt an individual young person was ready, and ease them into new “adult” privileges and responsibilities in day-to-day life, however, the American legal system lacked a concept or a construction of

\textsuperscript{44} Quoted in Mintz, \textit{Huck’s Raft}, 187–8.

adolescence altogether. As legal scholars Franklin Zimring and Elizabeth Scott have argued, young Americans’ increasingly lengthy and complex journey into adulthood over the course of the twentieth century had no analogue in American law, which used Zimring’s “binary boxes” to determine who was or wasn’t an adult. This system left little room for legislators or jurists to regulate young people’s increasingly drawn out passage from childhood dependency into adulthood. Lawmakers were forced to wield the blunt instrument of minimum age laws, which assumed that young people were completely incapable of shouldering specific rights and responsibilities right up to the moment when they were redefined as completely capable of making responsible choices on their own in a specific area of law.\textsuperscript{46}

The inability of the American legal system to recognize and regulate a long, drawn out transition from childhood into adulthood became an increasingly pressing issue in the decades after World War II, when young Americans began to mount broad and serious challenges to educators and other adults’ authority over them. Confined to age-graded classrooms, isolated from unstructured interactions with adults, and subject to the supervision and control of adult authorities, American young people had developed new age-based identities and cultures over the course of the twentieth century.\textsuperscript{47}

Resistance to adult authority and expressions of youthful independence were often integral components of these identities, and adults often found young people’s new and

\textsuperscript{46} Scott, “The Legal Construction of Adolescence;” Zimring, \textit{The Changing Legal World of Adolescence}.

unfamiliar slang, dances, music and behavior threatening. The result was a often a vicious circle, in which young people pushed the boundaries of adults’ tastes and tested their tolerance for misbehavior further and further, while adults continually expanded and reinforced their attempts to control young people’s behavior in response.

By the mid-twentieth century, large numbers of young Americans lived under the strict supervision and control of either their parents or educators until their late teens or even into their mid-twenties. Many of them responded by pushing back, searching for ways to assert their independence and autonomy. But the laws, rules, and practices that adults had by developed to keep young Americans’ behavior in check offered few outlets. As historian Paula Fass has suggested, young people’s embrace of rock and roll music during this period can be interpreted as “a substitute for real autonomy,” and the music itself “a symptom of the tightening and lengthening of parental controls over children’s lives.”

During the 1960s, many American young people made it clear that they were no longer satisfied with such “substitutes” for autonomy. They directly challenged adults’ authority over them and demanded real control over their lives. By 1970, large numbers of college, university, and even high-school aged American youth had questioned the right of colleges and universities to control student conduct, joined 1960s protest movements, and embraced a counterculture that rejected many of the aesthetic and moral values of an older generation. Adopting a rhetoric of rights and freedom that they had

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48 Palladino, Teenagers, xiv; Chinn, Inventing Modern Adolescence.
learned in Cold War-era civics classes – and seen civil rights activists use to great effect – they demanded greater legal and social equality with adults.

Many adults were baffled by the revolt of so many affluent, white college students against traditional adult authority. Some, like Keniston and Mead, viewed the events of the 1960s as a sign of young people’s promise, suggesting – as Mead did in 1969 – that young Americans were merely better acclimatized to the fast-changing, technologized world of the 1960s than their elders. The pace of social and technological change, Mead suggested, had reached the point where adults had become “immigrants in time,” and young people had become more experienced than their elders. “Nowhere in the world,” she suggested, were there “elders who know what the children know.”

Mead’s response to the protests of many 1960s youth was an unusually sympathetic one. Young demonstrators, protestors, and “hippies” also provoked considerable anger among American adults, and by 1970 large numbers of Americans were not-so-quietly fuming at the liberties that they believed young people had taken over the previous five years. The same year that Mead published *Culture and Commitment*, Richard Nixon famously voiced the frustrations of those who longed to see young people set straight by referring to student radicals as “bums.” Conservative Americans often perceived young people’s protests, demonstrations, and unorthodox behavior as a challenge to the very foundations of adult authority and to fundamental American values – and they often voiced a belief that lawmakers, educators, and law enforcement authorities ought to be doing more to crack down on the nation’s restive and

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51 Mead, *Culture and Commitment*, 75.

unruly young people. In a widely reprinted essay titled “I Am Tired of the Tyranny of Spoiled Brats,” for example, University of Montana history professor K. Ross Toole asserted that “we are in trouble with this younger generation . . . simply because we have failed to keep that generation in its place, and failed to put it back there when it got out.”

As lawmakers faced calls to do something about the youthful protests of the late 1960s and early 1970s, they were being pulled in two directions at once; many Americans demanded a punitive response that would set young people straight and re-assert the authority of educational institutions, parents, and other adults over college- and university-aged youth. By the end of the 1960s, however, a great many educators, academics, and journalists had also begun to suggest that young demonstrators were right about many of the issues they raised, and to call for legal and institutional reforms that would address at least some of the concerns of young dissidents. Lawmakers were caught between two perspectives; one that suggested that the nation’s youth ought to be disciplined as though they were spoiled children, and another that suggested that lawmakers – and adults more generally – should follow young protestors’ lead, or at the very least take their complaints seriously.

In this context, granting legal adulthood to some of the oldest and most troublesome young protestors – i.e, college-aged youth – at the age of eighteen began to seem like an increasingly attractive option. Many legislators realized that such a reform could be sold both as a means of granting young people the ability and the right to lead, and as a means of withdrawing the “special” privileges and status which minors enjoyed.

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53 Toole, “I Am Tired of the Tyranny.”
and which many adults resented radical college and university students’ access to. In the latter view, adult status might be expected to come as a rude awakening for young Americans, which would bring them back to reality and force them to face “grown up” consequences for their actions. Whether or not lowering the legal age of adulthood was a good idea depended on how Americans felt about eighteen- to twenty-year-old youth, and whether they believed that these young people could be trusted to shoulder adult rights and responsibilities without causing harm to themselves or others.

**Sources and Methodologies**

1970s reforms to the legal boundaries between childhood and adulthood are not easily summarized, and they often defy simple, straightforward narratives. Most of the laws that regulated young Americans’ transition into adulthood prior to the 1970s were state, rather than federal laws. These laws varied considerably between states, and as a result it can be very difficult to discuss them in general terms; for every reform that most states adopted, there are a handful of states that bucked the trend. While almost most states set the age of majority at twenty-one prior to the 1970s, for example, some states set it at eighteen for women, largely out of recognition that women tended to get married earlier than men. And when most states set the drinking age at twenty-one after the repeal of prohibition, New York set it at eighteen in 1934.\(^5\) Some state legislatures also responded to the 1970s debates over the legal boundaries between youth and adulthood in idiosyncratic ways. Most states lowered the legal age of majority soon after the ratification of the Twenty-Sixth Amendment, for example, but others were much slower

\(^5\) Nicholas Syrett, “‘I Did and I Don’t Regret It’: Child Marriage and the Contestation of Childhood in the United States,” *Journal of the Society for the History of Childhood and Youth* 6 no. 2 (Spring 2013): 314-331.
to do so, or retained some higher minimum age laws. Mississippi, for example, retains a statutory age of majority of twenty-one today, although the state’s minors are granted many adult rights and responsibilities – such as the capacity to sign contracts – at eighteen. More generally, lawmakers at both the state and federal level approved changes to hundreds of different minimum age laws during the 1970s, often altering them more than once, or changing many laws simultaneously using omnibus age of majority bills.

To list and discuss every state-level reform to the legal boundaries between childhood and adulthood as well as federal reforms would be an exhaustive task, and it would do little to explain the how and the why of lawmakers’ decisions to approve new minimum age laws. Accordingly, this dissertation focuses on a specific set of minimum age law reforms – namely, reforms to the voting age, age of majority, and drinking age, as well as laws that sought to regulate teenagers’ sexuality. In addition to the congressional debates examined by other scholars, this dissertation also analyzes state-level reforms, focusing in particular on four states that were chosen as case studies: New Jersey, Texas, Minnesota, and California. These states were selected, in part, because of the availability of historical records that could be used to understand how lawmakers made decisions about minimum age laws in these states, or which shed light on how key interest groups – including organizations such as the Minnesota Coalition to Lower the Voting Age (MCLVA), LUV, and the Coalition for 21 – sought to influence legislators’ choices. Even where state legislative records are available, however, they can often be spotty or sparse. Readers will likely note that this dissertation relies far more on congressional records and on records from California and New Jersey – where archival holdings were more complete – than on those from Texas or Minnesota.
The four states chosen as case studies represent a range of political and regional contexts, offering an opportunity to understand how variations in the political, cultural, and legal environment of these states shaped lawmakers’ decisions. Conservative Southern Democrats firmly controlled the Texas state legislature throughout the 1970s, for example, while the more progressive Minnesota Democratic-Farmer-Labor Party controlled Minnesota’s state legislature. California voters also consistently elected a Democratic legislature during the 1970s, but this did not stop a majority of the state’s voters from electing Ronald Reagan as the state’s Governor in 1966 and 1970, or from mounting an unprecedented revolt against property taxes when they approved Proposition 13 in 1978. By participating in this tax revolt and electing Reagan to both the governorship and the presidency, California voters demonstrated that they were sometimes among the most enthusiastic adopters of the new conservatism that emerged as a major force in American politics during the 1970s. Finally, New Jersey was a “swing state” during the 1970s, where Republicans and Democrats vied for control of the both the legislature and the governor’s office in close electoral contests.

In each of these four case study states, the records and hearings of legislative committees, transcripts and recordings of floor debates in the legislature, as well as the records of key legislators and other government officials, shed light on lawmakers’ decision-making process as they considered altering the legal boundaries between childhood and adulthood during the 1970s. In addition, the letters that legislators and other state governors received from constituents and other Americans – including many young people – give an indication of how a wide range of ordinary Americans felt about proposed changes to minimum age laws. Taken together, these records can yield
fascinating and sometimes surprising insights into state legislators’ decisions, and into their decision-making process.

A wide range of organized interest groups also played a key role in shaping political debates over the legal boundaries between childhood and adulthood during the 1970s. The records and publications of these groups – as well as a careful analysis of the media coverage which they received – can also yield important insight into how and why American lawmakers decided to alter various minimum age laws during the 1970s, and how and why Americans’ attitudes towards the nation’s young people changed over the course of the decade. Large, well-organized organizations such as the NEA, Planned Parenthood and MADD were staffed and managed by adults, but often saw themselves as advocates for American youth. Young people themselves, however, sometimes formed their own organizations to influence political debates over their legal status during the 1970s. During the debate over the voting age, in particular, young people actively organized political lobby groups of their own, including groups like California-based LUV and the MCLVA. The records, publications, and statements of these and similar organizations provide a rare perspective on how some of the nation’s most politically active and passionate young people understood the debates over their legal status during the 1970s.

Because images and perceptions of American young people were of such central importance to 1970s debates over the legal boundary between youth and adulthood, this study pays close attention to the ways that legislators, academic experts, political activists, and young people themselves spoke about and described American youth during these debates. The language and imagery that these Americans used to discuss young
people provide critical clues to how they felt about the nation’s young people, and to how much faith they had in eighteen to twenty-year-olds’ capacity to make responsible decisions for themselves. Most Americans’ perceptions of the nations’ young people were heavily influenced by the news media and popular culture, and this dissertation therefore pays close attention to the depictions of young people in a variety of film, television, and printed sources – and to how those depictions changed over time. Such changes were often an indication of broad changes in Americans’ perceptions of the nation’s young people – and in many ways they hold the key to understanding how and why lawmakers decided to alter the legal boundaries between childhood and adulthood during the 1970s.

Outline of Dissertation

This dissertation is divided into three parts, each of which examines a distinct set of reforms to the legal boundaries between childhood and adulthood during the 1970s. In Part I, Chapters Two and Three trace the history of both state- and federal-level political debates over the voting age in the United States, and explain why legislators and activists who sought a lower voting age met with success during the late 1960s and early 1970s, when a large number of earlier efforts to lower the voting age had failed. Completing Part I, Chapter Four examines state-level political debates over the age of majority during the early 1970s. Like the Twenty-Sixth Amendment, the new age of majority laws of the early 1970s were an expression of lawmakers’ faith and trust in college-aged youth, made possible by new – and often fragile – positive images and perceptions of the nation’s youth.
Part II of the dissertation examines political debates over the regulation of young Americans’ sexuality during the 1970s, focusing in particular on how both the law and definitions of “adult” sexuality were used as a means of drawing boundaries between childhood and adulthood. This part of the dissertation is divided into three chapters. Chapter Five explains how and why Americans became increasingly conscious of the fact that large numbers of American teenagers were sexually active during the early 1970s, and began to frame teenage sex as a pressing public policy issue. Chapter Six traces the development of contrasting liberal and conservative approaches to managing teenage sexuality, which were predicated on dramatically different views of sexually active youth themselves. Chapter Seven explains how and why the more conservative of these perspectives – and more negative images of sexually active youth – triumphed over liberal perspectives during the late 1970s.

Part III of the dissertation analyses late 1970s and early 1980s reforms to the drinking age, and is divided into two chapters. Chapter Eight focuses on state-level campaigns to raise the drinking age during the late 1970s and suggests that state-level campaigns for drinking age reform, such as the one waged by the Coalition for 21 in New Jersey, were often framed as an attempt to re-assert adult authority over young people whom lawmakers had granted legal adulthood earlier in the decade. Chapter Nine examines the history of the National Minimum Drinking Age Act of 1984, which imposed a drinking age of twenty-one nationwide and marked the end of 1970s reforms to the legal boundaries between childhood and adulthood.

By approving early 1970s reforms to the legal boundaries between childhood and adulthood – such as the age of majority and voting age – state and federal lawmakers
placed a tremendous vote of confidence in the nation’s youth and expressed a great deal of faith in these young people’s ability to make mature, responsible decisions for themselves. In doing so, they were responding to a growing awareness among Americans that young people’s positions and roles in American society had changed dramatically over time, while the laws that regulated their growth into adulthood had grown increasingly out of date. They were also responding to the demands for greater independence and autonomy that young people themselves had made during the 1960s. But these reforms were also an emotional, reflexive response to changing public images and perceptions of the nation’s young people during the late 1960s and early 1970s. Rarely based on a particularly careful or thorough evaluation of eighteen-year-olds’ capacity to make responsible decisions for themselves, they were above all an expression of trust in the nation’s college- and university-aged young people.

This trust was short-lived. Political debates over the legal regulation of young people’s sexuality and young people’s access to alcohol during the 1970s demonstrated that very large numbers of American adults still viewed the nation’s young people as either vulnerable, largely innocent youth, or as reckless, potentially dangerous young people whose behavior needed to be tightly controlled. The positive images and depictions of American youth that had built public and political support for early 1970s reforms proved to be exceedingly fragile, and were soon eclipsed by new images which emphasized adults’ desire to protect, control, and punish young Americans in order to keep them on the straight-and-narrow.

When they approved the National Minimum Drinking Age Act in 1984, congressional lawmakers signaled the end of 1970s-era reforms to the legal boundaries
between childhood and adulthood, and ensured that eighteen- to twenty-year-old young people would continue to be treated as children in a key area of law. Legally adults in most respects, but also “underage,” eighteen- to twenty-year-old youth would be all-but adults before the law after 1984, and young Americans who thought that they should be granted greater autonomy and rights – as well adults who supported this view – would find their appeals falling on increasingly deaf ears from the 1980s on. Increasingly disinterested in expanding young people’s autonomy and rights, or in learning about and assessing these young people’s ability to make mature, responsible decisions for themselves, most American adults would place far greater emphasis on protecting these young people – and on controlling their behavior – in the years that followed.

Collectively, 1970s reforms to the legal boundaries between childhood and adulthood undermined the idea that the law could – or should – draw a single, clear line between childhood and adulthood. Advocates of early 1970s reforms to the voting age and age of majority often framed their efforts as an attempt to standardize minimum age laws and establish a single, uniform boundary between childhood and adulthood. But the net effect of 1970s reforms was to draw young Americans’ passage into legal adulthood out; late 1970s reforms to the age of consent and the age of criminal responsibility, for example, bestowed some adult-like rights and responsibilities on young people at much earlier ages than in the past, while the National Minimum Drinking Age Act barred young people from purchasing alcohol for a full three years after they reached the age of majority in 1984. By spreading young people’s assumption of different adult rights and responsibilities over a longer period of time, lawmakers reduced the significance of reaching any particular age in individual young people’s transition into legal adulthood.
The reforms analyzed in this dissertation helped to pave the way for more flexible understandings of young people’s transition into legal adulthood – and adulthood more generally – during the late twentieth and early twenty-first centuries. 1970s debates over the legal boundaries between childhood and adulthood, in other words, anticipated the lengthy, variable, and ambiguous transitions into adulthood that growing numbers of young Americans experienced in the late twentieth and early twenty-first century. This shift towards a more prolonged transition into adulthood was primarily a product of broad social and economic changes - but the development of new ideas about “emerging adulthood,” and “early adulthood” as a distinct stage of life was as much a cultural as an economic or social development, and the lack of a clear legal line between childhood and adulthood facilitated the emergence of these concepts. 55

Historian Paula Fass has recently suggested that the same economic and social changes that have lengthened young people’s transition into adulthood were already underway during the 1950s and 1960s, and that these changes dramatically altered Americans’ attitudes towards child rearing. During this period, she suggests, growing numbers of middle-class parents grew increasingly aware that their children would need to remain in school for an extended period of time in order to retain their middle-class status. Accepting that their children would need to remain dependent on them well into their twenties, and increasingly worried about their children’s future prosperity, these parents began to “crack down” on their children, “circumscribing their range of choices, patrolling their behavior, and supervising their activities.” 56 The young people who grew

55 See, for example: Settersten et. al., “On the Frontier of Adulthood,” 4; Arnett, *Emerging Adulthood*.
up under these “new rules” began to reach the legal age of adulthood during the 1970s, and it is significant that it was at this point that American lawmakers began to alter the legal boundaries between childhood and adulthood. The upheavals and reforms of the early 1970s, in other words, appear to represent the last major example of legal reforms that were directed at fostering greater independence and autonomy in American young people and at expanding their legal rights. The shift towards greater legal restrictions on their autonomy during the 1970s and early 1980s was consistent with a pronounced shift in Americans’ attitudes towards parenting, children and youth, which saw many parents and other adult authorities – including lawmakers – begin to exercise ever-greater control over young people’s lives.\(^57\) As parents became increasingly invested in and anxious about their children’s development, growing numbers of them also had difficulty letting their children escape their control and supervision as they grew. In many ways, late 1970s reforms to the legal boundaries between childhood and adulthood represent adults’ attempts to exercise a similar degree of control over young people in their late teens and early twenties.

Lawmakers and other adults’ reliance on public images and perceptions of the nation’s young people to guide their reforms during the 1970s suggests that Americans need to be more mindful of how they think about, portray, and perceive American youth – particularly when they are debating reforms that have the potential to alter the rights and status of multiple generations of American young people. There are compelling parallels between American scholars’ response to young Americans’ increasingly prolonged transitions into social adulthood today and earlier scholars and lawmakers’

\(^{57}\) Ibid., 11–12.
responses to 1960s protests. When they assert that “it is simply not possible for most young people to achieve economic and psychological autonomy as early as it was a half century ago,” and argue that “public awareness and social policies have not yet caught up,” present-day scholars are essentially making the inverse of the argument that Mead made during the late 1960s, just prior to lawmakers’ decision to lower the voting age and age of majority to eighteen.58 Today, as in the late 1960s and early 1970s, the path that young Americans take from childhood into adulthood – however it is defined – appears to be in the midst of a dramatic, far-reaching change, and lawmakers, scholars, and the general public have begun to advocate legal reforms that would recognize this shift.59

This dissertation suggests that lawmakers – and Americans more generally – need to be extremely careful about just which “young adults” and “emerging adults” they are picturing as they consider such reforms, and to ask how representative those images are. More generally, it should encourage lawmakers, activists, and academics to be bold and think creatively about how young people’s legal status and the timing of their assumption of adult rights and responsibilities should be altered. There is no single “magic age” that is the right age for all young people to assume a specific right or responsibility, and the ages we are currently using to draw these lines often appear to have been chosen

58 Settersten et. al., “On the Frontier of Adulthood.”

arbitrarily, or to have been determined by Americans’ emotional, subjective responses to specific *depictions* of American youth.
CHAPTER TWO

OLD ENOUGH TO FIGHT, OLD ENOUGH TO VOTE? THE DEBATE OVER YOUNG PEOPLE’S QUALIFICATIONS FOR VOTING

On October 26, 1969, hundreds of college and high school students marched through the streets of Trenton, New Jersey, and converged on the New Jersey State House. They did so at a time when media coverage of American young people often portrayed them as radical protesters, who were engaged in tense and dangerous confrontations with the nation’s political and institutional authorities. When Americans turned on their televisions or read their newspapers in the late 1960s, they saw coverage of protests against the Vietnam War, against racial injustice, and against university administrations on an almost daily basis. And while some of these protest movements involved large numbers of older Americans, they were often portrayed in the news media as quintessentially youthful protests. The specter of “militant” and “radical” youth loomed large in many Americans’ minds during the late 1960s.

Only days before the march in Trenton, Vice-President Spiro Agnew had appealed to what President Richard Nixon would soon label a “silent majority” of conservative-minded Americans when he lamented that “the student now goes to college to proclaim, rather than to learn.” The lessons of the past, according to Agnew, were being “ignored and obliterated in a contemporary antagonism known as the generation gap.”¹ Like Agnew, large numbers of Americans were increasingly shocked by the radicalism, the anger, and even the physical appearance of some young protesters, and

they envisioned the threat of young radicals in a very specific way. When they saw young people who sported the baggy, colorful clothing that marked them as “hippies,” or young men who wore long hair and grew beards, many adults interpreted these stylistic choices as a badge of radical dissent.²

Trenton residents and New Jersey legislators were probably relieved, then, that the young men and women who marched through Trenton in 1969 were demonstrators of a decidedly different sort. They were clean-cut, conservatively dressed, and proudly bore hundreds of American flags, in a conscious effort to distinguish themselves from the more radical and disruptive young demonstrators that Americans were accustomed to seeing in the news. The marchers had good reason for trying to set themselves apart; rather than marching in opposition to the Vietnam War, protesting the injustice of “the system,” or defying the authority of college and university administrations, these young people were marching in support of a proposed amendment to New Jersey’s state constitution, which would lower the voting age from twenty-one to eighteen. The state’s voters were scheduled to vote on the proposal in November, and a group of young activists known as the New Jersey Voting Age Coalition (VAC) had organized the march to urge its approval.³


VAC’s members were largely successful in projecting a wholesome, non-threatening image; news coverage of the demonstration made it clear that VAC members were far from “shaggy haired, irresponsible, pot-smoking rebels” who were “hell-bent on college riots,” and local reporters described the marchers as typical of a “new breed” of young political leaders, noting that “they eschew beards. They do not dress outlandishly. They are quiet. They are sincere.”\(^4\) From the perspective of the present, it may not be immediately clear what being clean-shaven, quiet, and blandly dressed had to do with sincerity or political leadership, or why these characteristics might be interpreted as a sign of eighteen-year-olds’ readiness to vote. In 1969, however, representations like these had tremendous political and cultural significance, and the young marchers were trying to present the best possible face to an electorate that felt besieged by radical youth. As VAC chairman David DuPell told newspaper reporters shortly before the referendum, the group was primarily “fighting an image – an image of youth.”\(^5\)

New Jersey’s voters were not convinced, and nearly sixty percent of them rejected a lower voting age on Election Day. VAC activists were quick to blame voter’s perceptions of young people and the media’s portrayal of their age group for the defeat. Young anti-war protestors and radicals had certainly been in the news frequently just prior to the vote; the Weathermen’s violent “Days of Rage” protests in Chicago had made headlines nationwide in early October, and on October 15 – eleven days before VAC’s voting age march – most of New Jersey’s colleges and universities had been the scene of

\(^4\) Gregory, “18-Year-Olds;” Singleton, “We Pay… And We Die.”

large anti-war protests in support the Moratorium to End the War in Vietnam. Well aware that news coverage of these events and of other, earlier protests may have swayed voters, DuPell blamed “the way the media played up the small minority who were doing the disrupting,” for the referendum’s failure. Similarly, twenty-year-old VAC member Alvin Godfrey suggested in an interview with the Newark Evening News that “those over twenty-one have a single conception of their under-twenty-one counterparts.” Voters’ inability to look past this image, and their “belief that we all cause trouble,” according to Godfrey, were the primary reason for their rejection of the voting age amendment.

Public images and perceptions of young people were of central importance to a broader public debate over the voting age in the United States during the late 1960s and early 1970s, and youth like DuPell and Godfrey played an active role in shaping them. The young people who formed voting age lobby groups such as VAC, the Minnesota Coalition to Lower the Voting Age (MCLVA) and Let Us Vote (LUV) were well aware that many adults viewed their age group with a potent mix of fear, resentment, and suspicion. In response, they worked to counter negative public images and perceptions of their age group, consciously displaying a commitment to American values and conservative tastes that eased many adults’ fears of radical, disorderly youth. Representing themselves as mature, responsible young adults, these young people helped

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to convince lawmakers and the American public that eighteen-year-olds could be trusted with the right to vote – and that they were capable of voting responsibly.

While the young people who marched through Trenton in 1969 failed to achieve their immediate goal, then, their efforts were not wholly in vain. Along with youth suffrage activists in other states, they played an important role in gradually building public and political support for a lower voting age during the late 1960s and early 1970s. So, too, did the actions and choices of other politically active young people – like those who had campaigned for Senator Eugene McCarthy in his bid for the Democratic Party’s presidential nomination in 1968. Young activists who sought a voice in electoral politics, rejected radical activism, and worked to earn adults’ trust during the late 1960s and early 1970s ultimately, these young people helped to convince state and federal lawmakers to approve the Twenty-Sixth Amendment to the US Constitution. Passed by Congress in 1971 and ratified by the states in record time, the amendment succeeded where the New Jersey proposal – and dozens of other attempts to lower the voting age, at both the state and the federal level – had failed, granting eighteen-year-olds nationwide the right to cast a ballot.9

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9 Some states had lowered the voting age earlier; Georgia lowered its voting age to eighteen in 1943, and Kentucky followed suit in 1955. Alaska and Hawaii were admitted to the union in 1959 with voting ages of nineteen and twenty, respectively (Hawaii had lowered its voting age while still a territory, in 1958). The territories of Guam and American Samoa had adopted a voting age of eighteen in 1954 and 1965, respectively. In 1970, Alaska approved a further reduction of the voting age to eighteen, while Maine and Nebraska lowered the voting age to twenty, and Minnesota, Montana, and Massachusetts lowered it to nineteen. Frederick H. Pauls and Louise Tucker, State Action to Lower the Voting Age: A Report in Two Parts (Congressional Research Service, December 11, 1969); Lowering the Voting Age to Eighteen, S. Rep. No. 92-26, at 7 (1971).
The Twenty Sixth Amendment was a pronounced break with the past. By approving the amendment, state and federal lawmakers were dispensing with a long-standing assumption that only those over the age of twenty-one were mature and responsible enough to vote. This assumption had historical roots that extended as far back as the seventeenth century, and it had been an important component of the political philosophy of the Founding Fathers of the United States. Over the course of American history, it had played an important role in shaping both the legal boundaries between childhood and adulthood and Americans’ conceptions of adulthood more generally.\(^{10}\)

Despite its significance, however, the Twenty Sixth Amendment is one of the least-studied and most-misunderstood expansions of the franchise in American history. Only a handful of scholars have explored the history of the decision to lower the voting age in any depth, and very few historical accounts of the voting age debate have recognized its significance to a broader, longer debate over the boundaries between childhood and adulthood.\(^{11}\)


\(^{11}\) The body of historical literature on the voting age is very small. See: Cultice, *Youth’s Battle for the Ballot*; Jenny Diamond Cheng, “Uncovering the Twenthy-Sixth Amendment” (PhD Dissertation, University of Michigan, 2008); Sonja C Grover, *Young People’s Human Rights and the Politics of Voting Age* (New York: Springer, 2011); Fortunately, this is changing: Rebecca de Schweinitz has also been conducting research
The conventional narrative of the amendment – repeated so often that it has acquired “handbook status” in both scholarly and popular literature - is that lawmakers lowered the voting age in 1971 primarily because of the Vietnam War.12 Wendell Cultice, whose book *Youth’s Battle for the Ballot* was for many years the only available history of the voting age, has played a key role in popularizing this view. In his study, Cultice wrote that young people had “shot” their way into the ballot booth, suggesting a strong link between youth suffrage and young men’s service in the military.13 Often relying on Cultice’s account, numerous other writers and scholars have suggested that lawmakers approved the Twenty-Sixth Amendment out of a belief that those who were “old enough to fight” were also “old enough to vote.”¹⁴ Scholars such as Alexander Keyssar, David Kyvig, and Robert Saldin, for example, have all suggested that

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14 The phrase “old enough to fight, old enough to vote” is at least as old as World War I, and was repeatedly invoked in congressional debates over the voting age during World War II. See, for example: *Constitutional Amendment to Reduce Voting Age to Eighteen: Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, 78th Cong. 11* (October 20, 1942) (statement of Representative Emanuel Celler).
lawmakers approved the Twenty-Sixth Amendment as a response to the Vietnam War, and to the youthful dissent that it inspired.\textsuperscript{15}

From the earliest beginnings of political debates over the voting age, however, arguments based on young men’s military service, and on a presumed link between the rights and obligations of citizens, largely failed to convince lawmakers that the idea of a lower voting age should be taken seriously. State legislators had occasionally made military service-based arguments for a lower voting age as early as the 1860s. And after World War II, long-term advocates of youth suffrage like Representative Jennings Randolph (D-WV), President Eisenhower, and Georgia Governor Ellis G. Arnall – whose state was one of only two to approve a voting age of eighteen prior to 1970 – had made such arguments more and more frequently. But when they insisted that young men’s service in the military entitled eighteen-year-olds to the vote – and demonstrated that they were mature enough to vote responsibly – these youth suffrage advocates consistently struggled to attract broad public or political support. Military service-based arguments for a lower voting age had considerable common-sense and emotional appeal, but they were often logically inconsistent, and could be easily picked apart by opponents of eighteen-year-old suffrage like Representative Emanuel Celler (D-NY), who proved to be a thorn in the side of youth suffrage advocates throughout the period between World War II and 1971.

Opponents such as Celler found it easy to ridicule the notion that young men’s military service entitled eighteen-year-olds to the vote or demonstrated their qualifications for the ballot, and they had little difficulty casting doubt on eighteen-year-olds’ ability to vote responsibly. Exploiting many adults’ un-ease with post-war youth cultures, and perennial fears that young people were casting the values, morals, and achievements of their parents’ generation aside, opponents of a lower voting age often portrayed eighteen-year-olds as irresponsible, self-centered youth, who lacked the life experience and the maturity to vote responsibly.

Facing a broader lack of confidence in eighteen-year-olds’ readiness to vote, supporters of eighteen-year-old suffrage often responded by pointing to the rapid pace of technological and social change during the post-war era and the growing sophistication of the American education system. These developments, they argued, had made contemporary eighteen-year-olds more mature and better prepared to vote than the eighteen-year-olds of the past. This tactic drew on an argument that educators – and the National Education Association (NEA), in particular – had been making since World War II; that Cold War-era “citizenship education” left most young people very well prepared to cast a ballot by the time they graduated high school. These arguments, too, often failed to gather widespread political support or to convince skeptics such as Celler, who maintained that neither education nor watching television was a substitute for the experience and the maturity that young people gained between the ages of eighteen and twenty-one.

Until the late 1960s, lawmakers at both the state level and in Congress rarely showed significant interest in lowering the voting age. Throughout the period between
the start of World War II and the late 1960s, public support for a lower age fluctuated between 17 and 65 percent, but skeptical lawmakers like Celler continually cast doubt on eighteen-year-olds’ level of maturity and ability to vote responsibly. Absent a strong, organized movement to lower the voting age, and with lackluster support among lawmakers, legislation to lower the voting age was almost always voted down. This began to change, however, during the mid-1960s, when large numbers of college-aged young people began protesting on behalf of civil rights, students’ rights, and against the Vietnam War, while many more embraced the strange, shocking styles and behaviors that were the hallmarks of 1960s counterculture. Stunned by so many young people’s rejection of traditional authority and values, Americans began to worry that their society was divided by a “generation gap” between the young and the old. The dramatic changes in many young people’s behavior angered and confused large numbers of Americans. But by the late 1960s, some observers – including high-profile social scientists such as Kenneth Keniston, Richard Flacks, and Margaret Mead – had begun to argue that young people’s protests were a product of their frustrated desire to play a greater role in the political and policy decisions that would shape their future. Inspired by these theories and by the enthusiasm, commitment and maturity shown by young McCarthy campaign workers in 1968, growing numbers of legislators – ranging from Senators Birch Bayh (D-IN) and Edward Kennedy (D-MA) to Senator Barry Goldwater (R-AZ) - began to advocate lowering the voting age as a means of bridging the generation gap after 1968. State legislatures, too, began to treat the voting age issue much more seriously after 1968, while organizations such as the NEA, YMCA, and NAACP also began to actively work
towards a lower voting age, joining an NEA-founded umbrella group known as the Youth Franchise Coalition (YFC) to press the issue.

Young people’s involvement in 1960s protest movements and the suggestion that a lower voting age might quell their discontent appeared to have dramatically increased political support for a lower voting age by the end of the 1960s. But many legislators, youth suffrage activists, and journalists also continued to place emphasis on the plight of young, un-enfranchised soldiers who had been drafted to fight in Vietnam, and on the role of technological progress and education in preparing young people to vote at eighteen. While all of these factors help to explain why American lawmakers may have wanted to lower the voting age during the late 1960s and early 1970s, however, they do not explain how and why state and federal legislators – and Americans more generally – came to believe that eighteen-year-olds were capable of voting responsibly.

The political debate over the voting age differed from other, earlier suffrage debates in that an age-based restriction on voting was not itself at issue. Unlike those who had sought the vote for women, for African Americans, and for other disenfranchised groups in earlier years, youth suffrage advocates were not attempting to outlaw any age discrimination at the polls. Rather, they sought to alter the timing of young people’s assumption of the franchise. The “assumptions of developmental immaturity” that underlay the voting age itself, in other words, were not themselves being questioned. And while lawmakers sometimes acknowledged that the voting age was in itself a somewhat arbitrary distinction – that there was no “magic age” at which

young people suddenly became mature, responsible citizens – this was not to say that the
voting age could be altered on a whim, or that its placement was unimportant. Both as a
marker of legal adulthood and as a gatekeeper to electoral politics, the voting age
mattered. And as they considered altering it, legislators were still expected – and had a
responsibility – to base their decision on an evaluation of eighteen-year-olds’ capacity to
vote responsibly.

The same protests and passions that had convinced many lawmakers to advocate a
voting age of eighteen during the late 1960s had also cast serious doubt on the maturity,
responsibility, and even the morality and the loyalty of the nation’s young people in
many Americans’ eyes. Deeply shocked by the behavior, ideas, and even the style of
young protesters, large numbers of American adults were disinclined to reward what they
saw as juvenile, irresponsible behavior by granting young people the vote at eighteen.
The same doubts about eighteen-year-olds’ maturity and readiness to vote that skeptics
like Emanuel Celler had voiced throughout the post-war era, in other words, still lingered
during the late 1960s and early 1970s. In response, supporters of a lower voting age like
Bayh, Kennedy, and the NEA, as well as their counterparts at the state level – such as
California Assemblymen John Vasconcellos (D) – searched long and hard for a means of
authoritatively demonstrating young people’s ability to vote responsibly at eighteen. But
they were often frustrated in their search.

No easy or standard means of measuring young people’s ability to make
responsible decisions at a given age existed during the late 1960s and early 1970s – and
the search for one was in many ways misplaced. Young people, after all, matured at
different times and at different rates, and this process did not consistently correlate with
their chronological age. Nevertheless, lawmakers were obligated to base their decisions about the voting age on an evaluation of eighteen-year-olds’ readiness to vote, and they frequently sought out the advice and insight of experts who might help them make an informed decision. When legislators reached out to medical, psychological, and other academic experts for advice, however, they were often rebuffed, or frustrated by these experts’ unwillingness – or inability – to speak definitively about eighteen-year-olds’ capacity to vote. When high-profile experts did speak before legislative committees or otherwise wade into political debates over the voting age, they almost always did so with the caveat that they were speaking from personal, subjective experience – rather than in their capacity as experts.

Lacking an authoritative means of evaluating young people’s readiness to vote, or of justifying their decisions on the voting age, state and lawmakers ultimately took a leap of faith when they approved a voting age of eighteen. Their decisions were primarily based on their own subjective experiences with young people, on broader public images and perceptions of the nation’s youth, and on instinct, rather than on a careful and well-informed evaluation of eighteen-year-olds’ level of maturity and readiness to vote. It was by helping to shape lawmakers’ perceptions of their age group, then, that young activists like those who marched through Trenton in 1969 made a critical difference in political debates over the voting age. While they could not fully control how their age group was being portrayed and perceived in American culture during the late 1960s and early 1970s, young voting age activists did manage to foster positive images of American youth in the specific context of political debates over the voting age, and presented themselves to lawmakers as the true embodiment of the nation’s young people – offering a compelling
foil to the images of hippies and demonstrators which lawmakers saw much more frequently in the news.

Far from a knee-jerk reaction to the Vietnam War, an attempt to co-opt 1960s protest movements, or a “top-down event” driven “largely by political expediency,” the campaign to lower the voting age was an exercise in building trust and respect between American young people and American legislators – one which culminated in a broad, sweeping vote of confidence in American young people in the form of the Twenty-Sixth Amendment. This vote of confidence would have dramatic long-term effects, which would linger long after the goodwill that youth suffrage activists worked so hard to foster during the late 1960s and early 1970s had begun to fade.

“No Will of Their Own:” The Origins of the Voting Age

The Twenty-Sixth Amendment was a dramatic departure from a legal tradition that had barred anyone under the age of twenty-one from voting for most of American history. This restriction had origins in what historian Holly Brewer has called a “contest over the basis of authority” in England and in the American colonies during the seventeenth and eighteenth centuries. Colonial legislatures passed the first laws implementing a minimum voting age during this contest’s early stages: in Massachusetts in 1634, in Pennsylvania in 1682, and in Virginia in 1699. Historians long assumed that

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18 Brewer, *By Birth or Consent*, 18.

19 Ibid., 40–41.
these restrictions had deep historical roots in English common law, and that the new laws of the seventeenth century were merely codifying existing practices. Brewer has demonstrated, however, that older common law age restrictions varied widely, and were often ignored.

The institution of a uniform, consistent voting age was part of a broader redefinition of political authority launched by reformers and revolutionaries on both sides of the Atlantic after 1600. Influenced by the political theories of enlightenment thinkers like John Locke, the reformers of the seventeenth and eighteenth centuries asserted that political authority originated in the consent of the governed, rather than in the King’s inherited right to rule. This was an explosive ideology at the time, and attempts to implement it spawned three major social and political revolutions: the English Civil War, the Glorious Revolution, and, ultimately, the American Revolution. Government by consent would only function properly, however, if voters could be relied upon to make rational decisions and were free make their own choices without being subject to the influence of others. Once in power, reformers restricted voting rights to a narrow group of citizens and barred a number of different classes of people from voting, including those under the age of twenty-one. Key members America’s revolutionary elite thought it essential that only rational, self-supporting, and mature citizens be entitled to vote, and at the Constitutional Convention of 1787 James Madison warned his fellow delegates against enfranchising individuals who were not self-supporting property owners.

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20 Cultice, Youth’s Battle for the Ballot, 2; McKinley, The Suffrage Franchise in the Thirteen English Colonies in America, 35; Dinkin, Voting in Provincial America, 30–31; James, “The Age of Majority,” 22–33.

21 Brewer, By Birth or Consent, 1–16, 40–44.
Madison argued that such voters were liable to “combine under the influence of their situation” and threaten property rights, or to be manipulated by powerful private interests, becoming the “tools of opulence and ambition.”

Under the US Constitution, states, rather than the federal government, held the power to set voter qualifications. Most states incorporated the voting age into their state constitutions, and the men who drafted state constitutions during the revolutionary era largely shared Madison’s belief that unless individuals were financially and economically independent, they were, as English legal theorist William Blackstone put it, “esteemed to have no will of their own.” As a result, most states barred a number of different classes of people from voting on the basis that they had “no will.” Children were one of these groups, and the men who drafted the state constitutions of the revolutionary era shared a belief that only those who had reached the age of twenty-one could be trusted to cast a ballot responsibly and independently. In fact, the consensus on this point was so strong that legislators like Madison often used children as an easy example when they made the case for restricting the vote to a narrow, propertied elite. When John Adams sought to rationalize the disenfranchisement of poor men, for example, he did so by comparing them to children, suggesting that children had “as good judgment, and as independent minds as those men who are wholly destitute of property.” In early America, the poor, women, the un-free, and children under twenty-one were all excluded from voting for the same reason: they were considered incapable of making rational, independent decisions.

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22 Quoted in Keyssar, The Right to Vote, 11.
23 Quoted in Keyssar, The Right to Vote, 10.
24 Brewer, By Birth or Consent, 40–44.
Between the revolutionary era and the mid-twentieth century, Americans lawmakers removed most of these restrictions on voting. Non-properly men, women, and African Americans had all won the unrestricted right to vote by the end of the 1960s, after some of the most fiercely fought social and political battles in American history.\textsuperscript{25}

But as they debated voting rights for women and African Americans during the nineteenth and early twentieth centuries, Americans discussed altering the voting age only on rare occasions. These rare debates foreshadowed the difficulties that advocates of the eighteen-year-old vote would find themselves facing in later years.

In 1867, for example, a constitutional convention for the state of New York briefly considered a proposal by delegate Marcus Bickford to grant eighteen-year-old men the right to vote. Making his proposal shortly after the end of the Civil War, Bickford based his argument primarily on the assumption that military service and suffrage should go hand-in-hand. Noting that “we hold men at eighteen liable for the draft, and require of them a full man’s military duty,” Bickford called on the convention to “acknowledge them to be men” by granting them the right of suffrage. But he also anticipated some of the objections that his proposal raised, and mounted a spirited defense of eighteen-year-old young men’s capacity to vote responsibly. Insisting that the voting age was not “fixed in nature” and could be altered to suit changing social and cultural conditions, Bickford argued that Americans were living in a “fast age” where men matured “a great deal earlier than formerly.”\textsuperscript{26}

\textsuperscript{25} For a general history of these suffrage struggles, see: Keyssar, The Right to Vote.

The similarities between Bickford’s rhetoric and those of later youth suffrage advocates are striking. A century later, legislators and activists who supported a lower voting age would still be making much the same arguments about the relationship between military service and voting rights, insisting that the voting age was an arbitrary, outdated boundary and suggesting that rapid technological and social change was causing young people to mature earlier than they had in the past. Like Bickford, however, later voting age activists would also struggle to overcome lawmakers’ negative perceptions of eighteen-year-old youth. Bickford’s fellow delegates had roundly mocked the idea of enfranchising “half grown boys,” and warned that a lower voting age would exacerbate what they perceived as a broader trend towards “the relaxation, if not the total overthrow” of parental authority.27 Similarly dismissive attitudes towards both military service-based arguments and the idea of a lower voting age more generally would pose a near-insurmountable challenge to voting age activists for many years to come.

“Old Enough to Fight, Old Enough to Vote?” Rights, Obligations, and Military Service

In the twenty-first century United States, citizenship confers a wide variety of rights on individual citizens in return for comparatively few obligations. For most American citizens, the practical obligations of citizenship are few: Americans must pay their taxes, obey the law, and serve on juries when called upon to do so. Though they may grumble when their taxes are due, few Americans question their duty to fulfill these obligations. Even Americans who are exempt from some of them, however, still benefit from a wide variety of civic, political, and social rights that they are entitled to as

27 Ibid., 490.
citizens. It is easy for many Americans to forget, in this context, that these rights depend on their own and other citizens’ willingness to perform their obligations, and that the burdens of citizenship have not always been so light.28

Between 1940 and the early 1970s, Americans were much more conscious of the connection between citizens’ rights and obligations. For much this period, few Americans questioned the idea that male citizens had a duty to serve in the military, or that the state was justified in compelling them to do so. The United States fought the major conflicts of the twentieth century – including World War II, Korea, and Vietnam – with armies of men who had been drafted through the Selective Service System, and it was not until the 1960s that support for the draft began to crumble. The state did not, of course, require that everyone fight, and Americans recognized that the link between rights and obligations was not direct. Even those who did not serve, in other words, theoretically received most of the same rights as those who did, with African Americans being a major exception in reality. But granting rights to citizens who had not fought for the state was one thing: compelling individuals to fight without granting them the rights of full citizens was another.

In the 1940s, the massive military manpower needs generated by World War II led the United States to begin drafting individuals who were denied a wide range of citizens’ rights, including African Americans and citizens below the voting age. Civil

rights activists made important gains during and after the war by arguing that African Americans’ military service entitled them to all of citizenship’s rights. Their arguments helped to generate support for A. Philip Randolph’s “Double V” campaign to win both the war and civil rights at home, and it informed African Americans’ assertion of a “right to fight” during the war. While civil rights activists used this logic of rights and obligations to strengthen their moral position and to build resolve during World War II, however, youth suffrage campaigners found their arguments for a lower voting age falling curiously flat.  

Congress had authorized a draft in 1940, well before the United States entered the war. Initially, legislators had set twenty-one as the minimum draft age, in keeping with the voting age and the common law age of majority of twenty-one. By 1942, however, the United States was facing a severe shortage of military manpower, and military officials were anxious to begin drafting younger men, based on their belief that younger soldiers were likely to be healthier and stronger than older recruits, and to have a greater “flair for soldiering.”

Faced with a choice between drafting younger men or drafting fathers – who were at that point still exempt from the draft – most members of Congress, President Roosevelt, and the American public more generally found the choice to be an

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30 “Manpower: An Army of 7,500,000 Men with Draft of 18-Year-Olds is First Step in Solution,” *Life*, October 26, 1942, 29.
easy one in 1942, and Congress approved a lower draft age by a wide margin that October.\textsuperscript{31}

Almost immediately, several lawmakers responded by proposing legislation to lower the voting age to eighteen as well. Senator Arthur H. Vandenburg (R-MI) and Representative Jennings Randolph (D-WV) were among the first – and the most vocal – legislators to suggest that if eighteen-year-olds were to fight, they should also be permitted to vote. The pair were unlikely allies: a former newspaper publisher, Vandenberg had been among the most vocal isolationists and critics of Roosevelt’s foreign policy in the years before the war, and he was also a staunch opponent of the New Deal. Randolph, in contrast, was a loyal New Dealer and a former educator, whose parents had named him after William Jennings Bryan. Both men, however, shared a belief that it was unfair and unjust to compel young men to fight for their country before they were old enough to vote.

When Vandenberg asserted that “if young men are to be drafted at 18 to fight for their country, they ought to be entitled to vote at 18 for the kind of government for which they are best satisfied to fight,” his rhetoric hinted at his opposition to Roosevelt, but his argument also had a common-sense appeal.\textsuperscript{32} Randolph, too, believed that young people who were “old enough to fight” were also “old enough to vote,” and insisted throughout his long involvement in the voting age debate that voting was “a right of all persons on


\textsuperscript{32} 77 Cong. Rec. 8316 (1942) (statement of Senator Arthur H. Vandenberg).
whom we impose the responsibilities of citizenship.” Both men were appealing to the ideal of the “citizen soldier.” They subscribed to the theory, in other words, that those who fought for the state were entitled to all of the rights and duties of citizens in return.

The notion of the citizen soldier was an old one, which had roots in both classical and revolutionary era republicanism, and it had been a constant presence in American political thought for most of the nation’s history. As Manfred Berg has suggested, the citizen soldier tradition has often been invoked to build support for expansions of the franchise in the United States – especially during or in the aftermath of military conflicts. Americans who subscribe to the notion of the citizen-soldier, according to Berg, have tended to believe that military service “gives entitlement” to suffrage, and that any violation of this principle “violates the very idea of American democracy.” Berg and other scholars have noted, however, that this connection between service and suffrage has always been an idealized, theoretical one, rather than a formal principle or rule.  

In making their case for a lower voting age, Randolph, Vandenberg and their allies in congress often relied on emotional appeals to their fellow lawmakers’ sense of fairness. Invoking images of selfless, brave, and heroic youth, they quoted statistics to demonstrate the scale and significance of young people’s war efforts, and told the stories of individual soldiers who had died in combat. Representative Harley M. Kilgore (D-

33 Nomination and Election of President and Vice President and Qualifications for Voting: Hearings Before the Subcommittee on Constitutional Amendments of the Community on the Judiciary, United States Senate, 88th Cong. 187 (June 8, 1961) (statement of Senator Jennings Randolph).


35 Constitutional Amendment to Reduce Voting Age, 4 (statement of Representative Jennings Randolph).
WV), for example, told his fellow lawmakers that “if months in the jungle of New Guinea, if wounds in battle, if the hazards of the German sky” did not entitle eighteen-year-olds to the vote, then “democracy loses all meaning and turns to mockery and ashes.” Young men’s service in the battles of Salerno, Sicily, and Guadalcanal, he argued, should “end all arguments about the right and capacity of youth to participate in the affairs of government.”

Emotional appeals such as Kilgore’s were an effective means of arousing sympathy for young, un-enfranchised soldiers, but they did little to actually demonstrate eighteen-year-olds’ maturity and responsibility, and they were hardly a calm, rational argument for lowering the voting age. The emotional edge of these arguments sometimes worked to youth suffrage advocates’ disadvantage in Congress, where skeptics such as Democratic Representative Emanuel Celler - who would prove to be one of the most vocal and most persistent opponents of a lower voting age between World War II and 1971 – had little difficulty undermining such appeals. A Democrat from Brooklyn, Celler would later play a key role in drafting landmark civil rights legislation such as the Voting Rights Act, and was a firm defender of voting rights. Celler was extremely skeptical, however, of eighteen-year-olds’ capacity to vote responsibly, and was adamant that the traditional voting age had been “handed down over the centuries” because it worked, and was therefore not to be meddled or trifled with.

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37 *Constitutional Amendment to Reduce Voting Age*, 11 (statement of Representative Emanuel Celler).
In Celler’s view, eighteen-year-olds were simply too young and too immature to properly evaluate the “intricate questions of economic and government, the politics and strife” that characterized political campaigns, and he warned Americans that the “starry-eyed enthusiasm” of young people could be easily manipulated, noting that both Hitler and Mussolini had used youth movements as the “fulcrum of their power.”

Irritated by youth suffrage advocate’s simplistic assertions that military service and suffrage should go hand in hand, Celler was fond of asserting that voting and fighting were “as different as chalk is from cheese.” He urged his fellow lawmakers not to entangle the “sentimental issues” that Kilgore, Randolph, and Vandenberg had raised with “the fundamentals of democracy.”

A skilled debater, Celler had little difficulty refuting Randolph’s arguments for a lower voting age during a House Judiciary Committee hearing in 1943. Taking the presumed link between military service and suffrage that underlay Randolph’s arguments to its logical extreme, Celler asked – with thinly veiled sarcasm – whether young women and other Americans who were not being conscripted ought to be dis-enfranchised, since they did not serve. He also presented Randolph with a hypothetical situation in which the “exigencies of war” turned against the United States, and forced the government to begin drafting sixteen-year-olds. Asking Randolph whether he would, in such a situation, advocate allowing sixteen-year-olds to vote, Celler forced him to admit that “there is a

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38 Statement of Emanuel Celler, in “Should the Legal Voting Age Be Reduced to 18 Years?” *Congressional Digest* 23 (August 1944), 203-205.

39 Ibid.
point below which we should not go,” effectively undercutting the argument that suffrage and military service should always be closely linked.\textsuperscript{40}

While they made a compelling emotional case for granting eighteen-year-olds the right to vote, then, congressional youth suffrage advocates had difficulty making a convincing political and philosophical argument for a lower voting age during World War II. They were further hampered by the fact that many opponents of a lower draft age had emphasized the \textit{immaturity} of eighteen-year-old young men, and by the fact that a great many Americans did not see eighteen-year-olds as fully mature, responsible adults during the 1940s. During the political and public debate over the draft age, activists and lawmakers who opposed drafting eighteen-year-olds had portrayed eighteen-year-olds as immature, vulnerable young people. Prominent psychologists Dr. Edward Strecker and Dr. George Stevenson, for example, had both warned the Senate Committee on Military Affairs in 1942 that eighteen- to twenty-year-olds were still developing mentally, and therefore could be left “damaged and maladjusted” by military service.\textsuperscript{41} And while North Carolina Democratic Representative Harold Cooley was speaking for a small minority of congressional legislators when he criticized the Roosevelt administration for trying to draft “boy scouts” who were “still tied to their mothers’ apron strings,” he nonetheless voiced a viewpoint that many American parents shared.\textsuperscript{42}

\textsuperscript{40} \textit{Constitutional Amendment to Reduce Voting Age}, 1-5 (colloquy between Representative Jennings Randolph and Representative Emanuel Celler).

\textsuperscript{41} \textit{Lowering the Draft Age to 18 Years: Hearings Before the Committee on Military Affairs, United States Senate}, 77th Cong. 88 (1942) (statement of Dr. George Stevenson); \textit{Lowering the Draft Age to 18 Years}, 96 (letter from Dr. Edward A. Strecker).

\textsuperscript{42} Frederick R. Barkley, “House By 345 to 16 Lowers Draft Age to Take Boys of 18,” \textit{New York Times}, October 18, 1942.
Facing repeated defeats in Congress and in multiple state legislatures, advocates of a lower voting age had reason to be discouraged by the end of World War II. Events in the state of Georgia, however, gave them cause for hope. There, a campaign led by Georgia’s newly-elected Governor, Ellis G. Arnall, convinced both the state’s legislature and its electorate to approve a constitutional amendment that lowered the voting age to eighteen in 1943. Arnall and his supporters were successful, in part, because Georgia was in the midst of a minor political revolution, in which the state’s young, white college students had played a major role. When Arnall’s predecessor, Eugene Talmadge, had forced a purge of his political opponents at the University of Georgia in 1941, the state’s colleges had lost their accreditation, and both Arnall and the state’s white college students – many of whom were too young to vote – had launched a campaign to unseat him. The state’s young people had enthusiastically embraced Arnall’s candidacy, and campaigned for him in large numbers. When Arnall sought to lower the voting age shortly after the election, then, he was both responding to the support that he had received from young people, and could rely on his young followers to help build support for voting age reform.  

Arnall’s campaign in Georgia had a dimension that Randolph and Vandenberg’s efforts lacked; the active, highly visible participation of large numbers of young people, who had recently demonstrated their interest in politics and their capacity to participate

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43 Harold P Henderson, *The Politics of Change in Georgia: A Political Biography of Ellis Arnall* (Athens: University of Georgia Press, 1991), 42–3; “Suffrage Jr.,” *Time*, August 16, 1943, 22; Patrick Novotny, *This Georgia Rising: Education, Civil Rights, and the Politics of Change in Georgia in the 1940s* (Macon, GA: Mercer University Press, 2007), 37–106. Arnall had faced criticism that the voting age measure was an attempt to gain political advantage, and accusations that it was an attempt to undermine segregationist poll taxes.
responsibly in elections. Having convinced Georgians to lower the voting age in 1943, Arnall quickly found himself serving as something of a national spokesman for the eighteen-year-old vote – and when he spoke about the issue, Arnall was careful to blend military service-based arguments for a lower voting age with a broader declaration of confidence in eighteen-year-old young people.

In 1943, for example, Arnall told a congressional committee that he could not understand “why any person . . . could require young people to go out and die for our land and yet deny them the simple right to participate in saying what kind of government it is that they want.” But he also stressed that eighteen- to twenty-year-old young people were entitled to vote because they were capable of doing so responsibly. Eighteen-year-olds, he suggested, possessed “a power of understanding that transcends that of a 21-year-old man or woman of a generation ago.” Arnall took every opportunity to shift the focus of the debate onto eighteen-year-olds’ maturity, responsibility, and ability to participate constructively in elections, and when he did so, he could point to the behavior of his own young supporters in Georgia as evidence. His support for a lower voting age, in other words, was based as much on his experience of – and faith in – the young, white college students of his own state as it was on a perceived connection between suffrage and military service. When Arnall declared that “I believe in American youth,” he was making an emotional appeal for lawmakers to trust American eighteen-year-olds,

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44 *Constitutional Amendment to Reduce Voting Age, 7* (statement of Governor Ellis G. Arnall).

and could point to young activists who had supported him as evidence that they had earned it.\textsuperscript{46}

Arnall’s rhetoric and his campaign to lower the voting age in Georgia had demonstrated that it was possible to convince lawmakers and voters to approve a lower voting age, but it also suggested that doing so required much more than just military service-based arguments. Outside of Georgia, however, most lawmakers, journalists, and members of the public would continue to frame the issue as question of whether being “old enough to fight” also made eighteen-year-olds “old enough to vote” both during and after World War II. Public and political discussion of the issue during World War II did increase public support for a lower voting age, and the number of Americans who supported allowing eighteen-year-olds to vote rose from 17\% in 1939 to 52\% in 1943.\textsuperscript{47} But the fact that public support declined rapidly after the war – sinking to 35\% in 1947 – suggests that much of this was “soft” support, which was primarily motivated by sympathy for young draftees.\textsuperscript{48} For the most part, the issue remained a low priority one for lawmakers and for much of the American public during World War II – there was, after all, a war on. And apart from Arnall’s campaign in Georgia – which was in many respects the product of specific, local circumstances – rising public support for the idea did not generate substantial political support for a lower voting age, either during or in the years after World War II.

\textsuperscript{46} Ibid.


State and federal lawmakers gave little serious thought to lowering the voting age between the end of World War II and the Korean War, when President Eisenhower revived interest in the issue by calling on Congress to grant eighteen-year-olds the right to vote. Eisenhower’s case for a lower voting age was simple and straightforward – and ignored the lessons that youth suffrage advocates such as Arnall and Randolph had learned during World War II. “For years,” he told members of Congress in 1954, “citizens between the ages of eighteen and twenty-one have, in times of peril, been summoned to fight for America. They should participate in the political process that produces this fateful summons.”

In response to Eisenhower’s proposal, Senator William Langer (R-ND) tabled a constitutional amendment to lower the voting age to eighteen – but struggled to gain significant popular or political support for his bill. In the House of Representatives, Celler was once again among the most vocal opponents of voting age reform. Recycling much of his wartime rhetoric – including his assertion that voting and fighting were like “chalk and cheese” – Celler asked “if a person is too old to fight, is he too old to vote? Does the President mean that if a person votes, he must also fight?” Insisting that eighteen-year-olds were not capable of voting responsibly, had “not yet had to face life’s major problems and complexities,” and were likely to “take the extreme point of view” in political debates, Celler even went so far as to propose a constitutional amendment to enshrine the traditional voting age of twenty-one in the US Constitution.

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Langer’s bill appeared to be a low priority for congressional Republicans, and was fiercely opposed by Southern Democrats, who saw a federal voting age amendment as a clear infringement of state’s rights. Despite polls that seemed to show a considerable degree of support for the idea – a Gallup poll reported that of 63% of Americans favored a voting age of eighteen in 1953 – broad political support for the bill never materialized.\(^\text{51}\)

Ultimately, Langer’s bill was defeated by a vote of 34 to 24, with more than a third of the Senate not voting. The bill had never come close to passing, and its failure prompted one newspaper to refer to congressional Republicans’ attempt to implement President Eisenhower’s wishes as a “rather mild and bungling” effort.\(^\text{52}\) Lawmakers appeared to have felt little to no public pressure to pass the bill, and the *New York Times* suggested that it had “aroused little enthusiasm among the politically more experienced groups, including the two major parties, national and state legislators, veterans, labor and women’s organizations, and others.”\(^\text{53}\)

Clearly, most lawmakers and much of the press had sided with Celler rather than with Eisenhower or Langer. Opponents of Eisenhower’s proposal frequently expressed a lack of faith in eighteen-year-olds maturity, and their ability to cast a ballot responsibly. One un-named Republican leader, for example, told reporters that he had “two kids in that age bracket – great kids – but I wouldn’t want to trust the Government to them.”\(^\text{54}\)

Similarly, the *New York Times* suggested that lawmakers were quite right to not risk

\(^{51}\) Gallup, “Sentiment to Cut Voting Age.”


\(^{53}\) “Eighteen Is Too Young.”

granting young people “the responsibilities of national sovereignty” before they had
assumed “the personal responsibilities of legal majority.” Teenagers, the Times warned,
had “proved themselves the easiest victims of demagogues” in other countries, and had
helped bring tyrannical rulers like Lenin, Mussolini, and Mao Tse-Tung to power.\textsuperscript{55}

Once again, the argument that young people who were “old enough to fight” were
“old enough to vote” had largely failed to convince either lawmakers or the American
public that eighteen-year-olds were ready to vote. Responding to one of Eisenhower’s
eyearly proposals for a lower voting age, the Wall Street Journal had dismissed this
argument as “a beautifully sentimental non sequitur” and insisted – much like Celler –
that “the qualifications for military service and for casting a ballot are not identical.”\textsuperscript{56}
Langer and his allies in Congress had made little effort to prove otherwise. In fact,
several legislators complained that the congressional hearing on Langer’s bill had been
“skimpy and inadequate,” and that Congress was “not in possession of all the facts” that
would have allowed them to properly judge eighteen-year-olds’ readiness to vote.\textsuperscript{57}
Skeptical of eighteen-year-olds’ ability to vote responsibly, and feeling very little
pressure to change their mind, lawmakers had dismissed Langer’s bill without very much
thought. Similarly dismissive attitudes would continue to keep both legislators and the
American public from seriously considering a lower voting age throughout the decade
that followed.

\textsuperscript{55} “Eighteen Is Too Young.”
\textsuperscript{57} 83 Cong. Rec. 6963 (1954) (statement of Senator Richard B. Russell); 83 Cong.
“Ready to Build You Rockets:” Citizenship Education, Technological Progress, and the Voting Age

While World War II and the military conflicts of the early Cold War era generated significant public sympathy for young, un-enfranchised soldiers, the voting age debates of this period also exposed many Americans’ fundamental lack of confidence and trust in eighteen-year-old young people. Fears of communist infiltration, adults’ discomfort with 1950s youth cultures, and a broader, more generalized lack of confidence in eighteen- to twenty-year-old young people’s maturity and responsibility kept many Americans – and many lawmakers – from taking the idea of a lower voting age seriously throughout the period between World War II and the late 1960s. Three years after the failure of Langer’s voting age amendment, an editorial in the *Saturday Evening Post* drove home the depth of the problem. The editorial warned that the United States was already saddled with a “heap of voters” who were “without responsibilities,” and whose grasp of politics was on “the level of the grab bag or the popularity contest.” Granting eighteen-year-olds the vote, it suggested, would only expand this pool, and succumbing to the “old enough to fight” argument for a lower voting age was likely to be a slippery slope.

Speculating as to how the young people of the future might respond to being enfranchised, the *Post* presented a fictional conversation between two young voters in 1964. Shallow and superficial, the two teenagers compared the merits of political candidates’ wardrobes, rather than comparing their policies. One of them, for example, characterized his local Republican leaders as “crazy, real-gone boys,” while his friend preferred the Democrats because they looked “cooler in Bermudas and knee sox.”

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58 “Keeping the Voting Age a Shade Above the Cool Cats Demands Bipartisan Solidarity!” *Saturday Evening Post*, February 2, 1957, 10.
Facing this kind of skepticism, Americans who supported a lower voting age had great difficulty convincing American lawmakers, journalists, and the American public more generally that eighteen-year-olds had the capacity to vote responsibly. Repeatedly finding that their “old enough to fight” arguments failed to convince other legislators, youth suffrage advocates looked for other ways to demonstrate eighteen-year-olds’ maturity and responsibility. Between World War II and the mid-1960s, growing numbers of educators and lawmakers who favored a lower voting age began to argue that the American education system – and Cold War-era “citizenship education,” in particular – was producing mature, responsible, and well-informed young graduates who were more than capable of voting. Other youth suffrage advocates pointed to the rapid technological and social changes of the post-war era in order to suggest that American youth were maturing more rapidly and learning faster than the young people of the past. These arguments had considerable public and political appeal, and were particularly useful to educators who felt themselves to be facing undue scrutiny from the anti-communist right. 59 But they were also extremely difficult to prove.

American educators had been drawing links between their vocation and the voting age since just prior to World War II. In 1939, for example, an advocacy group known as the Education Policies Commission (EPC) had published a series of papers and statements stressing the importance of citizenship education in a time of war. A joint venture of the NEA and the American Association of School Administrators (AASA), the EPC spent much of its time defending progressive education from right-wing attacks

during the 1930s, 1940s, and 1950s. By suggesting that schools were training capable, well informed, and responsible citizens, the EPC was attempting to ward off political attacks against the teaching profession – but it was also expressing teachers’ faith in their product. American schools, according the EPC, were producing graduates who possessed an “active and intelligent loyalty to democracy.” During and after World War II, the group urged lawmakers to lower the voting age so that young people’s civic education could be kept “bright by immediate use,” rather than atrophying in the three years between when most students graduated high school and when they turned twenty-one.60

While the organization did not take an official position on the issue until the mid-1960s, prominent members of the National Education Association often made similar arguments during World War II and the post-war decades. In 1943, for example, NEA Journal editor Joy Elmer Morgan wrote that high school graduates were “among our most thoroughly informed citizens,” and were “well equipped” for the responsibility of voting. Lowering the voting age, Morgan suggested, would be “the logical climax to the amazing growth of the American high school.”61 During the 1950s and 1960s, educators began to argue that making young people wait years between their graduation from high school and casting their first vote was counterproductive, and risked un-doing much of the good that citizenship and civics education programs accomplished. In 1950, for

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61 Joy Elmer Morgan, NEA Journal, February 1943, 35.
example, the NEA’s Citizenship Committee warned that students often forgot what they had learned during civics lessons during these “lost years,” and encouraged educators to find ways to “bridge this gap.”

Educators’ suggestion that a public education left young people well prepared to vote responsibly had not played a major role in World War II-era political debates over the voting age, but lawmakers who supported a lower voting age began to take note of – and repeat it – during the 1950s. In response to Eisenhower’s 1954 proposal for a lower voting age, for example, Senator Wayne Morse (I-OR) had told members of Congress that if eighteen-year-olds did not “have the maturity of judgment and mental ability to vote after the intensive educational efforts we have made during the course of many years, then we are simply confessing the failure of our educational system.”

This argument was further reinforced by the Presidential Commission on Registration and Voter Participation in 1963, when it recommended lowering the voting age to eighteen. Tasked with determining the causes of low voter turnout and recommending measures to increase voter participation by President Kennedy, the commission suggested that young people were too far removed from the “stimulation of the educational process” by the time they turned twenty-one, and that their interest in public affairs had often waned in the interim. Forcing young people to wait years after graduation, the commission suggested, meant that many young people were “lost as

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voters for the rest of their lives.”64 By the late 1960s, youth suffrage advocates were making this argument regularly. During a debate over the voting age in California in 1969, for example, California Assemblyman Charles Briggs (D) suggested that young people were imbued with the “firm habit of citizenship” through civics classes, and were ready to vote when they graduated high school.65

Youth suffrage advocates also began to suggest that broader social and technological changes had allowed young people to learn more, faster than the young people of the past during the post-war decades – and that they were ready to vote at a younger age as a result. During the debate over Langer’s voting age amendment in 1954, for example, Senator Everett Dirksen (R-IL) had echoed the arguments made by Marcus Bickford nearly a century earlier when he asserted that Americans were living in an “accelerated age” where “things move swiftly.” Growing up with TV, radio and magazines, according to Dirksen, had provided young Americans with “information and knowledge” that made them far better prepared to vote – and far more capable of voting responsibly – than young people who had grown up in the “backwoods days,” and live on “bacon and corn pone.”66

Dirksen’s argument drew strength from many Americans’ sense that they were living in a time of unprecedented social and technological change during the post-war


65 Minimum Voting Age Hearing, April 9, 1969 (transcript), LP89:34, California State Assembly Constitutional Amendments Committee Records, California State Archives, 10-11.

era. Youth suffrage advocates relied on similar arguments more and more often during the 1950s and 1960s. By the late 1960s, many lawmakers seemed to take it for granted that technological change – and mass media, in particular – made young people better-informed and better-prepared to vote than the youth of the past. At times, these arguments seemed to stretch the point. In 1968, for example, California Assemblyman John Vasconcellos told a California Assembly committee hearing that because the average American youth had “watched television for 18,000 hours” by they turned eighteen, they had been given a “window to the world” which earlier generations had lacked, and were therefore better prepared to vote at an earlier age.67 California NAACP youth adviser Robert Robertson went even further in his remarks before the same committee, blending his awe at technological change, his respect for young people, and his admiration for American public schools together. “These people are scientists,” Robertson told legislators, “and by the time they’re eighteen they’re ready to build you rockets.” Denying such intelligent, highly skilled young people the vote, Robertson insisted, was both profoundly and unfair and counter-productive.68

These were certainly ringing declarations of confidence in eighteen-year-old youth and their capacity to vote – but they were also wholly subjective. When they were prompted to support the assertion that young people’s schooling and their exposure to new technologies had left them better prepared to vote than the youth of the past, youth suffrage advocates often had difficulty proving their case. Often, they fell back on their

67 *Assembly Committee on Elections and Constitutional Amendments, Joint Interim Hearing with Assembly Committee on Judiciary, September 9, 1969* (transcript), LP89:36, California State Assembly Constitutional Amendments Committee Records, 2-4.

personal experiences interacting with young people and on their subjective perceptions of American youth as evidence. Langer, for example, supported his claims about eighteen-year-olds’ readiness to vote by telling congressional lawmakers about his experience participating in a television forum with young people. The experience, he suggested, had left him “very deeply impressed with the grasp of knowledge and seriousness of these youngsters,” and dispelled any doubts that he’d had about eighteen-year-olds’ readiness to vote.69 Legislators who supported a lower voting age often raised such experiences as evidence to support their views – drawing, for example, on their personal experience dealing with Boy State participants, or on past teaching experiences to support their claims.70

No matter how much faith Americans placed in technological progress, American public schools, or young people themselves, then, youth suffrage advocates struggled to find evidence that they could use to authoritatively demonstrate young people’s readiness to vote during the 1950s and 1960s. In political debates over the voting age, youth suffrage advocates such as Langer often seemed to be pitting their personal, subjective perceptions of eighteen-year-old youth against those of skeptics like Celler – with legislators and activists on both sides of the argument finding very little hard evidence to support their view. After almost twenty years of debate over the issue, Jennings Randolph - now a senator, having been elected to the Senate in 1958 – had grown weary of the usual arguments. Speaking to a congressional committee about his most recent

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70 Constitutional Amendments: Hearings before a Subcommittee of the Committee on the Judiciary, United States Senate 82nd Cong. 60 (1952) (statement of Senator Harley M. Kilgore).
voting age bill in 1961, Randolph frankly admitted that there was “little factual evidence to support the positions of either side” in the political debate over the voting age, and that lawmakers’ assertions about the eighteen-year-olds’ ability to vote were “inconclusive and speculative.” Randolph recognized that neither the assertion that eighteen-year-olds were well prepared to vote nor the assertion that they weren’t were “presently capable of being factually validated.” Instead of repeating the same military service, education, and technology-based arguments that had been repeated many times over by 1961, Randolph tried a new tack, asserting that lawmakers had a moral and philosophical duty to lower the voting age. As a nation, he suggested, the United States had “travelled a long road from the belief in voting as a privileged of the few to the conviction that voting is a right of all persons.” It was, he suggested, “time to complete the journey” by allowing eighteen-year-olds to vote.

Randolph’s argument had considerable appeal. But his suggestion that the nation’s eighteen-year-olds were the last group of Americans who needed to be enfranchised rang hollow in an era when millions of African Americans – while technically enfranchised – were still effectively barred from voting in the south, and when civil rights activists were actively struggling to overcome racist polling and registration practices. More generally, Randolphs’ argument overlooked a broader problem that had plagued the movement for a voting age of eighteen since its inception during World War II: where other suffrage expansions had been fought for – and won – by working class Americans, by women, and by African Americans, young people

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71 Nomination and Election of President and Vice President, 178 (statement of Senator Jennings Randolph).
72 Ibid.
themselves had had very little involvement in political debates over the voting age, and did not appear to be on the verge of making a large scale, organized demand for the right to vote. Absent broad, popular faith in eighteen-year-olds’ capacity to vote responsibly, or vocal demands for the vote from young people themselves, the political debate over the voting age had begun to stagnate by the early 1960s. Randolph himself admitted that there was “no great tide of popular demand” for a lower voting age and that his bill had little chance of success. That was about to change, however, and within a few short years American young people would force lawmakers to start taking the idea of a lower voting age much more seriously.

New Momentum: The Generation Gap and 1960s Protests

In December 1964, a Life magazine report on a series of student protests at the University of California, Berkeley took students there to task for “carrying on in a way that makes panty raids look decorous.” The protests were being organized by a student group known as Berkeley Free Speech Movement (FSM), and had opened a new chapter in the history of student protest in the United States. Originating in a dispute over civil rights activists’ ability to canvass and collect money in a small corner of campus – where such activities had long been tolerated – the FSM protests had flared up suddenly and escalated quickly, mounting an unprecedented challenge to school administrators’ authority. Hundreds of students who were angered by the university’s attempt to limit on-campus activism and frustrated by the its regulation of student behavior more generally threw their support behind the FSM, and defied university authorities by turning out to

demonstrations in unprecedented numbers. Caught off guard by the depth and breadth of students’ discontent, university administrators had inflamed the situation by attempting punish the FSM’s ringleaders, and the situation rapidly spun out of their control. In December, the protests culminated when FSM activists occupied a university administration building, and the police arrested more than 800 students as they tried to clear the building.

The fact that Life compared the FSM protests to a panty raid in 1964 was telling. Clearly, the panty raids of the 1950s – which had seen large numbers of male students “raid” female-only dormitories – were still considered to be the benchmark of student disorder in 1964. But while these raids had indeed been a significant challenge to the authority of campus administrators and to the strict rules that regulated student conduct at most universities, newspaper reporters and college administrators alike had often treated them as inherently juvenile, even playful manifestations of student unrest, and they had been notably short-lived, transient phenomena.\(^74\) As Life’s coverage made clear, the FSM protests were something quite different – something new. Unlike the panty raiders of the 1950s, FSM protestors were not just throwing their campus into disorder temporarily. They had numerous, serious grievances and they were trying to fundamentally alter the power relationship between students university administrators.

\(^74\) As Beth Bailey has written, the “panty raids” of the 1950s “shone a spotlight on the anxieties of post-war America,” and were the subject of widespread public concern. They were not, however, as unique as news media often made them out to be. Rather, they were “just the latest elaboration of a long tradition of college riots” reaching back to the eighteenth century, if not earlier. Beth L. Bailey, *Sex In the Heartland* (Cambridge, MA: Harvard University Press, 2002), 46.
The FSM protestors’ actions at Berkeley left the university’s faculty and administrators reeling, and Americans were shocked to see images of police roughly dragging limp, stubbornly uncooperative students from the halls of a prestigious university in publications such as *Life*. By 1964, they had grown used to seeing civil rights demonstrators arrested en-masse and roughed up by police in the South. But very few Americans had ever expected to see similar scenes unfold at a prestigious university like Berkeley. “Seriously confused” as to how “an argument over whether student groups could put up tables and collect money” had resulted in hundreds of arrests, the American public struggled to understand the protests.75

As they attempted to explain the roots and goals of the protests to a confused public, some journalists made it clear that many FSM protestors were applying what they had learned during civil rights protests in the South the previous summer, and defended students’ insistence on their right to free speech on campus. Others took issue with the university administration’s inept handling of the crisis, or noted sympathetically that students’ protests had also grown out of their frustration with the impersonal, bureaucratic administration of a modern “multiversity.”76 More alarmist observers, however, referred to the student’s protests as “full-scale revolutionary action,” and Berkeley President Charles Kerr was widely quoted when he assailed the protests as “an


instrument of anarchy and political aggrandizement,” darkly hinting that at least some of
the protestors had been “impressed with the tactics of Fidel Castro and Mao Tse-tung.”

Kerr’s allegations of communist influence were largely without substance, but he
was far from the only American to perceive the protests as a somewhat sinister,
threatening development. Worrying that the demonstrations were a sign of a broader,
systemic problem, journalist Gene Marine told readers of The Nation that “something
must be seriously wrong” for a university to have been turned over to the Oakland Police,
and Life warned its readers that FSM-style protests were “likely to recur,” and “may have
echoes on other campuses.” But were the protests were a lark – “a rebellion in search of
a cause” – or “a genuine insurrection against society as now organized?” Opinions
varied. Writing a follow-up article for Life in 1965, reporter Shana Alexander suggested
that the young leaders of the protest could be framed as less polished, much more
unkempt analogs of Martin Luther King, Jr., and noted that “you can call this anarchy of
civil disobedience, depending on whose side you’re on.”

The student protestors had their defenders, and many journalists, educators, and
intellectuals were critical of how Berkeley administrators had handled the protests. But
large numbers of Americans were even more critical of the protestors. The Los Angeles
Times seemed to speak for many Californians when it asserted that the FSM’s leaders had
“absolutely no interest in compromise, fair play or reasonable agreement.” The

77 Alexander, ‘You Don’t Shoot Mice.”
78 “Campus Agitation vs. Education,” Life, January 22, 1965; Marine, “The
Students Strike, 482.”
79 “Campus Agitation vs. Education.”
80 Alexander, “You Don’t Shoot Mice with Elephant Guns.”
protestors, according to the *Times*, were attempting to turn the university into “a jungle” wherein they could “wage war on responsible authority and order” with impunity.  

Similarly, California’s Superintendent of Public Instruction called the protests “unwashed, obscene” coercion, and suggested that the “obvious will of the people” was for university officials to take “stern and prompt action” against demonstrators. Many intellectuals found the protests just as troubling. Philosopher Sidney Hook, for example, condemned the “extremism” of FSM leaders, and – somewhat hyperbolically – described the protests as having come perilously close to “bloodshed and possible loss of life.” If students were permitted to “get away” with such tactics while protesting a “minor” rule, he warned, “their demands – and their conduct – will grow wilder and more unreasonable.”

The protests at Berkeley were just the beginning. Similar demonstrations and protests spread to campuses across the United States after 1964, as large numbers of students nationwide took up the banner of the civil rights, anti-war, black power and students’ rights movements, and fought to wrest greater control over their own lives and their campus from college and university administrators. By 1968, protestors had grown significantly more radical and bolder than those who had sat in at Berkeley’s Sproul Hall four years earlier, and a particularly intense confrontation between students and administrators at Columbia University left many Americans wondering where – or when

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student protests would end. Like the Berkeley protests, the Columbia demonstrations had begun over a single issue: the university’s proposal to build a new gymnasium complex in Morningside Heights, and its somewhat imperious relationship with that area’s poor, black population. But the protest had quickly spun out of administrators’ control, creating an unprecedented level of disruption and animosity. By the end of the demonstrations, the protestors had occupied five different buildings for six days, ransacked the office of the university’s president, and briefly held three university officials hostage. Essentially shutting down campus and forcing the suspension of classes, the demonstrators were removed only through the coordinated efforts of approximately 1,000 police officers, in an operation that left well over 100 students injured and saw nearly 700 of them arrested.84

Concerned that “mini-revolutions” like the Berkeley and Columbia demonstrations were spreading and growing increasingly disruptive, many Americans began to develop a deep-seated fear that universities were coming apart at the seams during the late 1960s, and that young people were rejecting some of the most basic and important values of their parents’ generation.85 Responding to the Columbia demonstrations, one reporter remarked that many of the protestors had “seemed far more interested in a bloody confrontation … than in any meaningful negotiations,” while others urged universities not to accept “guerrilla warfare” as a valid tactic for seeking change.86 Writing in the conservative journal National Review, Mark Edelson lamented

85 “Lifting a Siege.”
that it was “getting harder to tell the difference between students and thugs,” and suggested that students’ protests were little more than an over-blown – yet potentially dangerous – temper tantrum. For “all their noise,” and their “para-criminal turbulence,” the Review suggested, student protestors were “basically dispirited children. This generation is really lost.”87 Growing numbers of Americans began to worry that an entire generation of young Americans had been allowed to grow up – as Columbia president Grayson Kirk put it – “in the belief that they have no obligation to obey rules and laws except those that please them.”88 Pondering the wide variety of groups and doctrines that made up the New Left in 1969, US News and World Report suggested that the common denominator among such groups “seems to be anarchy, an open hostility to law and order,” and that “the democratic process itself seems to be the main target.”89

Disruptive student protests certainly caused widespread public and official concern over the demonstrators’ rejection of traditional academic, political, and even police authority. But young people who weren’t occupying university buildings or attending protests sometimes provoked just as much unease. To many adults, young Americans’ enthusiastic embrace of 1960s counterculture could seem just as threatening – and just as dramatic a renunciation of conventional authority and values – as marching in the street. Young people’s decision to dress, talk, and behave in new, unfamiliar ways, in this view, was often a bold political statement or an attack on moral and aesthetic values that adults took for granted. Such decisions were often intended – and even more

frequently perceived – as a rebellious, even a revolutionary act. As *US News and World Report* columnist David Lawrence wrote in 1967, young people’s behavior often seemed to signal “contempt for the sobriety and restraints of the past.” Describing 1960s counterculture as a world where “what is bizarre is extolled,” Lawrence warned that it reflected “the rise of a rebellious spirit,” which risked developing into a “gang psychology.”

Few images of 1960s youth were as unsettling to writers like Lawrence and to conservative adults more generally as that of the “hippie” – a stereotyped image of young people who had “dropped out” of conventional society that burst explosively into popular consciousness in 1967. In many Americans’ minds, the hippie personified everything that was wrong with American youth during the 1960s, exhibiting a shocking immaturity, irresponsibility, hypocrisy and lack of moral sense. The hippie, according to one report, was “easy to spot”:

> In most cases, he needs a shave, a haircut and a bath. He makes every effort to look bizarre. The typical hippie has probably been in college at one time or another. He is allergic to steady jobs. He has no political interests. He is not an activist in any sense. He describes his goal in life as serenity. And the means of achieving it is self-contemplation.

Dirty, strange, lazy and self-centered, the hippie, in this view, contributed almost nothing to society while living off the labor of others. Hippies were often portrayed as near-nihilists, and in 1967 Catholic magazine *America* claimed that “a hippie who is for something – always excepting LSD, sex unlimited, rock ‘n’ roll and not paying bills – is

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just not a hippie.” Other portrayals, however, sometimes suggested that hippies were mostly ordinary, affluent young people who were playing a part. One investigative report on the hippie scene, for example, described a “hippie bar” where young men with dirty feet, greasy clothes and tangled hair nonetheless paid a dollar to enter and seventy-five cents for a beer, and were called “sir” by the bartenders who served them. 

Accounts like these were often sensationalized, and in truth the hippies were not a single, coherent group of people; the ranks of young people who might be perceived as hippies ran the gamut from otherwise ordinary young men who emulated their favorite rock star by growing a beard or wearing long hair to radical political activists and artists living in communes. From many conservative adults’ perspective, however, these differences were less significant than the challenges that a wide range of youthful behaviors seemed to mount to their values and their understanding of the proper social order. To these adults, individual choices which might seem insignificant by today’s standards – such as the decision to grow long hair, to wear bell bottomed pants, or to wear platform shoes – represented a serious challenge to the status quo, and an act of major rebellion. The fact that many “hippie” hairstyles made “the boys look like girls,” for example, was deeply unsettling to many adults, and many Americans were in emphatic agreement with Walter Cronkite when he asserted in 1967 that “the hippies are a symptom of something that is terribly wrong with us and what we offer young people.”

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The fact that many Americans were acutely uncomfortable with 1960s counterculture and felt a deep-seated resentment towards young anti-war, civil rights, and students’ rights activists might well have been expected to further inhibit political support for a lower voting age during the 1960s. Lawmakers’ skeptical view of eighteen-year-olds entitlement and capacity to vote had made it all-but impossible for youth suffrage activists to make any progress in earlier years, and this seemed unlikely to change at a time when many young people were mounting disorderly protests and rejecting conventional lifestyles. After 1966, however, growing public concern over the disorder and disruption caused by young protestors, academics’ efforts to understand and explain these upheavals, and legislators’ attempts to neutralize them began – almost paradoxically – to have the opposite effect, re-invigorating the movement for a lower voting age.

As social scientists such as Kenneth Keniston, Richard Flacks, and Margaret Mead sought to understand and explain the sudden explosion of youthful dissent that had taken so many Americans by surprise during the 1960s, they delivered an important boost to lawmakers and activists who sought a lower voting age.95 These social scientists were

among the most influential scholars to suggest that the sudden explosion of youthful dissent was the product young people’s frustrated desire to participate in the political process and to help make the decisions that would shape their future. Turning Americans’ shock and discomfort at young people’s rejection of traditional authority and conventions on its head, these scholars argued that American youth were – as Flacks put it – “attempting to fulfill and renew the political traditions of their families.” The young rebels of the 1960s, in this view, were attempting to uphold, rather than to undermine, some of the most basic and most sacred of American values, and were causing disruption only because the political establishment – and adults more generally – had ignored their concerns.

Keniston was among the first scholars to propose this theory in terms that American lawmakers, youth suffrage activists, and the American public could easily understand. Keniston argued that the stereotypical image of the young dissenter as a “long-haired, dirty and unkempt” individual who was “profoundly disaffected from his society” was inaccurate. Most student activists, he insisted, were not “alienated,” and to label them as such was to overlook “the more basic commitment of most student activists to other ancient, traditional and creedal American values.” Young activists, Keniston argued, were not rebelling against traditional American values, but rather because “current political realities fall so far short” of the ideals that they saw as “central to the American creed.”

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96 Flacks, “The Liberated Generation,” 68.
97 Keniston, “The Sources of Student Dissent,” 110-111.
Youthful protests, in this view, were a positive development, rather than a sign that society was coming apart at the seams. They showed that young people had not completely lost faith in the political system or in the possibility of effecting meaningful change. Protesting only made sense, Keniston noted, if young people were convinced that “demonstrations are effective in mobilizing public opinion, [and] bringing moral or political pressure to bear.” In his view, America was at a tipping point during the 1960s. If young activists continued to grow frustrated by “political ineffectuality,” they were likely to “withdraw from active social concern into a more narrowly academic quest for personal competence,” and a “considerable reservoir of the most talented young Americans will have been lost to our society and the world.” In that case, Keniston warned, “the field of dissent would be left to the alienated.” If, on the other hand, adults allowed and encouraged young people to effect change, then the “possibilities for constructive change” were “virtually without limit.”98

Growing numbers of scholars, journalists, and legislators began to share Keniston’s view of youthful protests after 1967. In 1969, for example, Margaret Mead published an editorial in Science and gave a series of lectures in which she linked a similarly positive view of young protesters to rapid social and technological change. “No generation,” she suggested, “has ever known, experienced, and incorporated such rapid changes,” or “watched the sources of power, the means of communication, the definition of humanity” change “before their eyes.” Young people, she suggested, “know more about change than any generation has ever known.” Portraying the generation gap as a “deep, new,” and unprecedented, Mead suggested that it was no longer acceptable for

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98 Keniston, “The Sources of Student Dissent,” 135.
adults to try to mold young people in their image. Rather, she suggested, adults should encourage – and follow – the younger generation when they saw “the tasks which their unaccustomed elders are performing as poorly done” and were compelled to find “a better way.” Keniston’s theory was a somewhat easier pill to swallow than Mead’s, but each of these scholars were encouraging adult Americans to take young people’s rebellion more seriously, and each of them suggested that the only way to bridge the generation gap was to grant young people a voice in making the decisions that affected them.

The theory that young people’s protests were caused by their lack of a political voice – and could be countered by giving them one - was further bolstered by the spectacle of Senator Eugene McCarthy’s campaign for the Democratic Party’s presidential nomination in 1968. McCarthy’s campaign attracted the active support of hundreds of college and university students, and offered hope that the generation gap could be bridged. For the most part, McCarthy’s young supporters were drawn to him by his vocal opposition to the Vietnam War, but he was an outsider candidate in more ways than one, and at least some of the young people who campaigned for him did so out of a belief that he might breathe new life into a stilted, unresponsive party and political system. According to historian George Rising, McCarthy himself had been acutely aware of this fact, and his desire to defuse radical political protests “by directing them through

his campaign into electoral channels” was one of his primary motivations for entering the campaign.  

Volunteering to work in McCarthy’s campaign offices and to pound the pavement canvassing voters, young political activists turned out in unprecedented numbers to support his campaign in the New Hampshire primary – and quickly attracted the attention of the press. They were often portrayed in the media as reformed hippies and radicals who had gone “clean for Gene” by shaving their beards, cutting their hair, and dressing respectably to support their candidate. Portraying the campaign as a case of “hippies and housewives” working cooperatively, and sometimes referring to the campaign as a “children’s crusade,” the news media portrayed young people’s involvement in McCarthy’s campaign as an unprecedented, groundbreaking event – and the New York Times went so far as to suggest that McCarthy’s campaign was running on “student power.”  

While historian Dominic Sandbrook has suggested that the both the number of young people who worked on the McCarthy campaign and the significance of their efforts have been somewhat exaggerated, there can be little doubt that the young campaign workers who poured into New Hampshire in 1968 were perceived as highly significant. After he had won the primary, McCarthy himself suggested that “we’ve

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really bridged the generation gap” – and he was far from the only person to suggest that the campaign was a sign of many young people’s growing interest in electoral politics.¹⁰³

Media coverage of McCarthy’s campaign was a timely reminder that not all American young people were marching in anti-war demonstrations, occupying their school’s buildings, or “dropping out” to live as itinerant hippies during the 1960s. And while McCarthy campaign workers were often portrayed as hippies-come-clean, they also included large numbers of young people who had been straight from the beginning. “Serious, sophisticated people,” who were extremely politically aware, these young campaigners demonstrated that many young Americans had never lost faith in American democracy.¹⁰⁴ These young people also had their counterparts on the right; throughout the 1960s, many American young people enthusiastically supported the war in Vietnam, campaigned for conservative politicians, and joined conservative organizations on campus.¹⁰⁵ Young conservatives and “straight” liberals, however, were often eclipsed by their more left-wing, attention-grabbing counterparts in the public eye, and it was the possibility that a candidate like McCarthy might bring young people who had lost faith in the American back into the fold that so fascinated lawmakers and the press in 1968.

Many reporters portrayed McCarthy’s campaign as a critical turning point – it could either be the beginning of the end for 1960s protests, in this view, or leave young

¹⁰³ Herzog, McCarthy for President, 98
¹⁰⁴ Sandbrook, Eugene McCarthy, 180.
people even more disillusioned and alienated than they had been before. One *Los Angeles Times* report, for example, declared that McCarthy’s “legions of followers” had caused a “reexamination of America’s entire electoral system,” and warned – after McCarthy’s eventual defeat – that “where they go from here” was a matter of grave national concern. Suggesting that many young people had viewed the McCarthy campaign as the “last chance for the establishment to prove that traditional political methods could accomplish something,” the author warned that McCarthy’s followers might now flow back onto the streets.\(^{106}\) McCarthy himself seemed to share some of these fears, and after the 1968 Democratic convention he mused that it would be difficult for “those who have been adults to go back to being children.”\(^{107}\)

Observing McCarthy’s campaign, growing numbers of lawmakers began to recognize that young, politically engaged young people could be a powerful force in electoral politics, while youth suffrage activists were able to point to the young people who had supported McCarthy as evidence of young Americans’ desire to participate in elections. By demonstrating young people’s ability to contribute constructively to electoral politics, the McCarthy campaign would play an important role in building popular and political support for a lower voting age, as would the theories of academics such as Keniston and Mead. In the short term, however, the continued and accelerating protests of more radical young people continued to dominate public perceptions of the nation’s youth and kept many Americans from supporting a lower voting age.

Ultimately, both views of American young people played an important role in the debate

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\(^{107}\) Ibid.
over the voting age; it was many lawmakers’ sense that American youth were at a crossroads - and could either hit the campaign trail or march in the streets – that led many of them to work towards a voting age of eighteen.
CHAPTER THREE

LET US VOTE: THE CAMPAIGN FOR A LOWER VOTING AGE

1968 was a key turning point in the history of political debates over the voting age. The protests at Columbia University, and the violent clashes between protestors and police which erupted at the Democratic National Convention in Chicago that year, had sparked widespread fear that the generation gap was becoming a chasm. Growing numbers of Americans had begun to fear young dissidents’ dissatisfaction with the status quo was beginning to threaten social order. At the same time, however, the young people who had worked on Eugene McCarthy’s primary campaign, and the gradual percolation of Keniston’s ideas into both popular and political discourse offered many Americans hope that the generation gap could be bridged, by granting young people greater opportunities to participate in political decision-making. The result of these developments was a new willingness – on the part of many lawmakers, journalists, academics, and other adults – to take the idea of a lower voting age seriously. Suddenly, political proposals for a lower voting age appeared to have much greater momentum – and to acquire much broader support.

In May of 1968, President Johnson gave lawmakers and activists who were working to lower the voting age a high-profile endorsement, when he suggested in a commencement speech at Texas Christian University that “the great majority” of young people had already demonstrated “their maturity, their desire to participate, and their zeal for service,” and suggested lowering the voting age.¹ A month later, the President

repeated his suggestion in a message to Congress, making many of the same arguments for lower voting age that had been in circulation for decades. Eighteen-year-olds, Johnson argued, were shouldering the same responsibilities and civic duties of adults – including the obligation to serve in the military – while rising college enrollments, mass communication technologies and greater opportunities to travel had left young people very well prepared to vote by the time they turned eighteen. Alluding obliquely to student and anti-war protests, Johnson suggested that young people were asking for “the opportunity to give of their talents and abilities, their energies and enthusiasms” to “the great tasks of their times,” and suggested that this request should be answered by granting them the right to vote. Young people’s dissent, the President argued, was best answered “by a national affirmation of our faith in them.”

Major media outlets also began to treat the voting age issue much more seriously in 1968, dropping the mocking, dismissive tone that had characterized many earlier discussions of the subject. A September, 1968 editorial in *Life* magazine, for example, dismissed the current voting age as an “archaic custom,” and suggested that it was high time eighteen-year-olds be permitted to vote. Showing the influence of both Keniston’s ideas and of McCarthy’s campaign, the editorial suggested that “part of youth’s discontent today lies in its feeling that American institutions give it no voice.” Young people, *Life* suggested, had “literally made Eugene McCarthy,” were busy “changing the style of American university life,” and ought to be given a political voice. Writing in the

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New York Times Magazine, Cornell University political science professor Andrew Hacker expressed a similar point of view in 1968, suggesting that young people had “shown themselves ready to accompany their elders into the polls.” Drawing on the same belief that Americans were witnessing profound, dramatic social change that social scientists such as Keniston and Mead had expressed, Hacker suggested that the United States had reached a point where “the voice of adult experience” was no longer “the sole custodian of truth and reason.” Many young people, he argued, had “a sharper and more detached understanding of their society” than their elders. In these circumstances, he suggested, it was both common sense and “prudent” to “absorb as much of their energy as possible” into conventional politics.4

The new, more serious tone in public discussions of the voting age was accompanied – in both Congress and state legislatures – by a dramatic shift behind the scenes. Both the Democratic and the Republican parties endorsed the idea of a lower voting age in their party platforms in 1968, and in Congress, lawmakers such as Senator Birch Bayh (D-IN) and Mike Mansfield (D-MO) had begun gathering support for a new amendment to lower the voting age. State legislatures, meanwhile, were being flooded with new voting age legislation, the volume of which quickly dwarfed that of earlier proposals. California’s legislature, for example, had considered isolated proposal to lower the voting age periodically since the end of World War II, voting on one or two such proposals in 1947, 1953, 1955, 1957 and 1959. California lawmakers’ interest in the matter appeared to have waned briefly during the early 1960s, and the legislature considered only two proposals for a lower voting age between 1960 and 1967. In that

year, however, six different lawmakers had proposed a lower voting age for California, and over the next two years the legislature would consider nine more. At the same time, state lawmakers began to receive a growing number of letters and petitions – often with hundreds or even thousands of signatures – from young students. Many young people who wrote to legislators echoed the sentiments of one Sylmar, California high school student, who suggested that students were anxious to “prove to the adult community” that they were “more responsible in our actions than the recent school demonstrations indicated.”

Key interest groups also began to take the idea of a lower voting age much more seriously in 1968. In July of that year delegates to the NEA’s annual convention voted overwhelmingly for the organization to express its “faith in our product” by lobbying for the voting age to be lowered to eighteen. In its coverage of the decision, the *NEA Reporter* declared that “there has been no generation of young adults … so eager and so well qualified to participate” as the eighteen- to twenty-year-olds of 1968. One answer to the “small but vocal minority of direct action nihilists” among youth, the *Reporter* suggested, was to “open the way to democratic action at the polls.” That fall, the head of the NEA’s legislative commission, John M. Lumley, suggested that it was a “highly propitious” time to take action on the voting age issue, when “both political parties have approved the concept in their platforms, both major candidates are active advocates of

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this change, youth interest in politics is at a new high (and intensity) and the national polls show two-thirds of the public favoring voting for 18, 19, and 20-year-olds.\textsuperscript{8}

In order to advance its members’ goal of lowering the voting age, the NEA created and provided the initial funding for the Youth Franchise Coalition (YFC) in the fall of 1968. Designed to be a single-issue lobby group that would work toward lowering the voting age on behalf of a “loosely-knit confederation” of organizations – including the NEA, the YMCA, the NAACP, Young Democrats and Young Republicans – the YFC was, practically speaking, largely funded and organized by the NEA. With a small staff and chronically short of funds, the organization nonetheless played an important role in the political debate over the voting age, acting as a go-between between congressional legislators such as Bayh and a variety of other organizations and activists who were working to lower the voting age, and helping to co-ordinate and guide the efforts of state-level youth suffrage organizations.

The YFC’s early briefing and policy statements made the NEA and other YFC members’ reasons for seeking a lower voting age abundantly clear. A proposed policy statement for the group, for example, began with a declaration that:

\begin{quote}
In the past year, as never before, American youths have had an unquestioned influence in the electoral process. From the towns of New Hampshire to the streets of Chicago, the impact of their involvement was intensely felt. However, when the decisions were finally made, the same youths who had campaigned vigorously and worked tirelessly were denied the right to participate in the decisions. They could not vote.\textsuperscript{9}
\end{quote}

\textsuperscript{8} John M. Lumley, Confidential Memorandum, Sept 26, 1968, File Implementation of Resolution 68-37, Box 2706, National Education Association Records (NEA Records), Special Collections Research Center, The George Washington University.

\textsuperscript{9} “A Proposal for Establishing a Youth Franchise Coalition,” File 9 YFC Board Memos, Box 2699, NEA Records.
Lowering the voting age, the YFC suggested, would have “a therapeutic effect on our nation,” and demonstrate young people’s capacity and desire “to work within the system, rather than outside the system.” The issue that had been “hovering over American politics” for years, without “any strong opposition or any really committed support” had, in this view, abruptly become one of the most important issues of the day in 1968. YFC spokespersons continually stressed that denying eighteen- to twenty-year-olds the right to vote could only “feed the flames of hostility and recrimination.” An early draft of the organization’s statement went further, suggesting that “the American political system cannot survive as a viable representative democracy” so long as college-aged youth were excluded from it. And in behind-the-scenes memos, some YFC staff members suggested the unthinkable. According to YFC researcher Alan M. DiScuillo, youthful protests had the potential to degenerate into a “seething blood bath,” if the nation did not “show overt signs of faith in her youth and a willingness to heed their ideas,” and it was imperative that steps be taken to “channel the intelligence, enthusiasm, and social awareness” of youth into productive channels “before it cuts itself off from the mainstream.”

Born out of the sense that Americans were facing an unprecedented crisis brought on by youthful dissent – and by a fear that this dissent might destabilize the American

\[\text{\footnotesize \textsuperscript{10}} \text{Ibid.} \]
\[\text{\footnotesize \textsuperscript{11}} \text{Ibid.; Minimum Voting Age Hearing, April 9, 1969 (transcript), LP89:34, California State Assembly Constitutional Amendments Committee Records, California State Archives, 83-89.} \]
\[\text{\footnotesize \textsuperscript{12}} \text{“YFC Statement of Purpose,” File 6 Project 18 Membership Promotion YFC, Box 2699, NEA Records.} \]
\[\text{\footnotesize \textsuperscript{13}} \text{Alan DiScuillo, “Washington Area Steering Committee,” File 1 YFC Board Meeting, Box 2700, NEA Records.}\]
political system itself – the YFC nonetheless professed great faith in American young people, suggesting that the current generation of eighteen-year-olds were “the best educated, the most informed, and more concerned with the issues of the day” than “any generation in our history.”14 YFC members, supporters, staff and spokespeople repeated all of the same arguments for a lower voting age that had been marshaled and repeated ad nauseam for decades – but circumstances had changed, and YFC’s founders were both motivated – and helped – by a widespread perception that American society was facing an unprecedented crisis.

Other Americans had been just as moved by the events of 1968, and were beginning to press for a lower voting age more actively and urgently than ever before. As he opened hearings of the Senate Judiciary Committee’s Sub-Committee on Constitutional Amendments in May of 1968, for example, Senator Bayh made it clear that the three different voting age bills under consideration – one of which was co-sponsored by more than 40 senators - were in large part a response to youthful protests. Highlighting the energy and passion of young activists, he suggested that the question facing lawmakers was one of “whether we should ignore it, perhaps leaving this energy to dam and burst and follow less-than-wholesome channels,” or “whether we should let this force be utilized by society through the pressure valve of the franchise.”15

The 1968 hearings were the first time that Congress heard directly from young people while considering a lower voting age, when representatives of the Young Democratic Clubs of America, the Young Republican National Federation, and the

14 “YFC Statement of Purpose.”
15 Lowering the Voting Age to Eighteen: Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, United States Senate, 90th Cong. 2-3 (1968) (statement of Senator Birch Bayh).
National Student Association (NSA) appeared before the committee. NSA president Edward Shwartz sounded a particularly urgent note in his testimony, suggesting that the United States had arrived at a crossroads “in the relations between students and their government, students and their society, and students and their university:”

If our institutions respond sensitively and sensibly to student demands, then what appears to be a major crisis will translate itself into a period of enormous constructive youth activity. If, on the other hand, public indignation at the forms which student protest has taken yields attempts at political and educational repression . . . then the riots of this spring will only grow in size, scope, and intensity.\(^\text{16}\)

Young Democrat president Spencer Oliver’s statement mirrored Schwartz’s – though Oliver struck a somewhat less strident tone. Noting that the right to vote was “the fundamental and basic requirement for citizen participation,” Oliver suggested that “when this channel is closed, young people will turn, and are turning, to other methods to make their voices heard.” And while he decried disorderly, violent protests, Oliver sympathized with young people who felt they had no other option. “What else can they do,” he asked; “their feelings are strong, deep, emotional. They see things in a different light than many, or most, of their elders.”\(^\text{17}\)

At the state level, other young people repeatedly told lawmakers much the same thing. In 1969, for example, one high school student warned California legislators that “whenever a large number of people exists outside the normal channels of politics” and were “unable to share in the decisions that shape their lives,” the atmosphere became “potentially explosive.”\(^\text{18}\) Legislators in California, in New Jersey, and in dozens of other

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\(^{16}\) Ibid., 45-46.

\(^{17}\) Ibid., 20.

\(^{18}\) *Minimum Voting Age Hearing, April 9, 1969*, 41.
states often seemed to agree, and California Assemblyman Wade Deddeh spoke for many of his colleagues when he suggested that lowering the voting age would “alleviate some of the frustrations and despair” that young people often felt about their government. Many students, he suggested, had come to feel that “they can express themselves only with protest and demonstration” and needed to be given a more effective and direct voice in politics.\textsuperscript{19}

Young people, lawmakers, and political activists seemed to be lining up to support a lower voting age in record numbers in 1968, and to be doing so with unprecedented energy. But youth suffrage activists still faced major challenges. In Congress, Emanuel Celler – now Chairman of the House Judiciary Committee – still presented a formidable obstacle. Since assuming the committee’s chairmanship in 1955, Celler had steadfastly refused to hold hearings on the voting age issue, and had held any and all voting age bills in committee, guaranteeing – as a frustrated Barry Goldwater put it in 1970 – that they would “rot and die” there.\textsuperscript{20} Many lawmakers at both the state and the federal level were still extremely reluctant to support a lower voting age, and voters in Maryland, Nebraska, and North Dakota resoundingly rejected state constitutional amendments to lower the voting age in 1968 – prompting one young voting age activist to complain that “this is the of kind issue where people tell you they’re for it . . . but then they get in the voting booth and vote against you. People are afraid of change.”\textsuperscript{21}

\textsuperscript{19} Minimum Voting Age Hearing, April 9, 1969, 6.


Even as it seemed to be cresting, then, public and political support for a lower voting age also faltered. Large numbers of Americans still doubted eighteen-year-olds’ readiness to vote, and youth suffrage activists still had great difficulty convincing skeptical lawmakers and voters that eighteen-year-olds could be trusted to vote responsibly. The 1968 Congressional hearings – and Schwartz’s dark warnings of more, bigger riots – had done little to help. Bayh’s subcommittee had heard testimony from more than 30 different representatives, senators, state governors and other politicians, and from a handful of student activists, but it had not heard from any experts or scholars who might be able to speak authoritatively about eighteen-year-olds level of responsibility and maturity, or their readiness for the right to vote. For the next several years, it would be state lawmakers and state-level activists who would do much of the difficult work of convincing both legislators and the American public that eighteen-year-olds were mature enough to vote – and could be trusted to do so responsibly.

**Debating the Voting Age in California**

In 1969, lawmakers in California confronted the problem of evaluating young people’s capacity to vote head-on, mounting a wide-ranging series of hearings on the voting age in an attempt to gauge both public and experts’ opinions on the matter. Responding to a sudden rash of voting age legislation that had been tabled in the legislature, the California Assembly’s Interim Committee on Elections and Constitutional Amendments – chaired by Republican Assemblyman Paul Priolo – held a series of eight different hearings in cities across the state during 1969, which were intended to gather “wide exposure to variations in public opinion” and the opinions of experts from across
the state. These hearings were the most in-depth and the most thorough study of the voting age issue undertaken by any state legislature, or by Congress, during the voting age debate. To a large extent, they focused specifically on the problem of evaluating young people’s readiness to vote, and their readiness to shoulder other adult rights and responsibilities.

Early on in its discussions, the Priolo committee decided that if eighteen-year-olds were capable of voting, they were also likely capable of holding other adult rights and responsibilities. Convinced by Republican Assemblyman Charles J. Conrad that eighteen-year-olds were either “completely responsible” – and therefore ought to “get the works” of adult rights and responsibilities – or not, the committee broadened the scope of its inquiry to focus on whether eighteen-year-olds were ready for all of the legal rights and responsibilities of adults. Not everyone was pleased with the committee’s decision, and some youth suffrage activists interpreted it as an attempt to undermine support for a lower voting age. NEA spokesman Monroe Sweetland, for example, warned that taking an “all or nothing” approach to lowering the voting age was likely to “fuzz up and confuse the issue endlessly,” distracting both the legislature and the public with “collateral and non-germane issues.” Ultimately, however, committee members struggled to enforce their decision; the majority of witnesses who appeared before them wanted to talk about the voting age and had little to say about the age of majority. Priolo largely gave up prodding witnesses for their opinions about other “adult” rights and privileges after the first few hearings.

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22 1969 Interim Report, 16.
23 Minimum Voting Age Hearing, April 9, 1969, 16-17.
24 Ibid., 1969, 84-88.
Witnesses who appeared before the committee raised many of the same arguments for a lower voting age that had been put forward during earlier political debates. A veritable parade of student witnesses and educators, for example, emphasized the role of the public school system in preparing young Americans to vote, echoing one student who suggested that eighteen-year-olds were “more informed now than in any time in history,” and that the eighteen-year-olds of 1969 were “the best qualified, best educated, and the most mature generation that this nation has ever seen.”25 Other witnesses brought up young men’s service in the military as an argument for lowering the voting age, while others suggested that a lower voting age might help neutralize youthful protests. Assemblyman John Vasconcellos, for example, testified in support of his own bill, telling the committee that eighteen-year-olds were “ready, willing, able and eager to participate meaningfully in our society … yet we allow them no voice.” The result, he suggested, was that “their frustration takes them to the streets,” instead of into the ballot booth.26

The vast majority of Californians who appeared before or wrote to the committee did so in support of a lower voting age, and at the fifth hearing, in Los Angeles, Priolo made a point of noting that only “two people in five hearings” had thus far opposed a lower voting age.27 But committee members were clearly reluctant to take many of the most-repeated arguments for a lower voting age at face value. When a junior college student named Dennis King quoted Marcus Bickford’s assertion that young Americans

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25 Ibid., 44, 70.
27 Interim Hearing – Los Angeles, November 6 and 7, 1969 (transcript), LP89:42, California State Assembly Constitutional Amendments Committee Records, 28.
were living in “fast age” in his testimony, for example, he was interrupted by Assemblyman Robert H. Burke. “What you’re saying,” Burke told him, “is this is an argument that has been going on at least 102 years, and the same argument has been given for at least 102 years.” The repetition, Burke claimed, suggested that the argument “isn’t particularly true.”\(^{28}\) When a teacher asserted that the students they interacted with every day were “the most promising and hopeful sign that this society has,” Assemblyman John Hayes protested that he had “heard that in every commencement address” he attended, “including my own.”\(^{29}\)

The committee went to great lengths to solicit the testimony of experts, particularly on the question of whether eighteen-year-olds had the capacity to vote – or to bear other “adult” rights - responsibly. Committee staff wrote to a wide range of medical, psychological, and academic experts, asking them specifically to comment on the question of whether eighteen-year-olds were “sufficiently mature emotionally, intellectually, etc.” to accept “the full responsibilities of adulthood.”\(^{30}\) Committee members often seemed disappointed, however, by experts’ responses. Most interested in hearing from psychologists, the committee was often rebuffed in its attempts to get them to testify, and those who did often began their testimony with a disclaimer.

When Dr. Cameron Pennock of the Memorial Counseling and Suicide Prevention Centre in Long Beach appeared before the committee, for example, he stated at the outset

\(^{28}\) Minimum Voting Age Hearing, September 9, 1969, LP89:36, California State Assembly Constitutional Amendments Committee Records, California State Archives, 49-50.

\(^{29}\) Ibid., 58-59.

\(^{30}\) Letter to Dr. Roland Atkinson, Jr., from Stuart C. Hall, Oct 10, 1969, LP89-43, Records of the California Committee on Elections and Constitutional Amendments.
that his testimony was based on his “personal opinion” and observations, rather than on careful research, and that he planned to dodge the question of whether young people were “sufficiently mature” to vote entirely.\textsuperscript{31} Child Psychologist Rita Rogers also avoided making a direct assessment of eighteen-year-olds’ readiness for legal adulthood, and suggested that such an assessment might not even be possible or helpful, since “functional adulthood” had nothing to do with age.\textsuperscript{32} UCLA psychologist Dr. John M. Suarez, for his part, wrote a letter to the committee in which he declined to testify, suggesting that he was uncomfortable doing so because of a “lack of objective data” on eighteen-year-olds’ level of maturity. It was, Suarez suggested, “virtually impossible to cite studies or tests” that meaningfully or consistently measured young people’s maturity, and he was skeptical that other psychologists would be able to provide meaningful or helpful advice, since the concept of “adult responsibility” was “basically a legal one, without well-defined equivalent in the social sciences.”\textsuperscript{33}

Political scientists were much more willing to testify before the committee – but they stayed largely silent on the question of eighteen-year-olds’ level of maturity or their capacity to vote responsibly. Instead, these scholars focused on reassuring what one of them referred to as “practical politicians” that lowering the voting age would not cause a large-scale political realignment, and on suggesting that a lower voting age might help to bridge the generation gap. University of Southern California political science professor Totton J. Anderson, for example, stressed that young people were not a “monolithic bloc

\textsuperscript{31} Interim Hearing – Los Angeles, 13-14.

\textsuperscript{32} Statement of Rita R. Rogers, LP89-43, Records of the California Committee on Elections and Constitutional Amendments.

\textsuperscript{33} Statement of John R. Suarez, LP89-43, Records of the California Committee on Elections and Constitutional Amendments.
vote.” Young Americans’ political views, he suggested, were usually well established by the time they turned eighteen – and often mimicked those of their parents.³⁴ Lucien Marquis, a political science professor at Pitzer college, seemed to draw on Keniston and Mead’s arguments when he suggested that young people “want to implement and to carry to a larger conclusion” the ideals of freedom, equality, and justice “with which they have been imbued by their parents and their school.” Youth, he suggested, continued to stand “in the mainstream of American values,” believed in the same “basic set of moral principles” as their parents’ generation, and had a great deal to contribute to the political process.³⁵

In all, the Priolo committee heard from one professor of law, one professor of social welfare, two psychologists, five political scientists, one sociologist and one professor of medicine. Compared to the number of expert witnesses who had been invited, however, the number of academic and other experts who testified before the Priolo committee was relatively small – and their numbers were dwarfed by the six juvenile justice workers, nine legislators, six private citizens, and other witnesses who testified. The single largest group of witnesses was made up of students, more than forty of whom spoke to the committee in person, and many of whom presented petitions signed by hundreds of other young people in their schools and communities. Representatives of various interest groups – ranging from the NAACP and the NEA to the California Federation of Women’s Clubs and the clergy - also turned out in large numbers, with representatives of nearly twenty different groups giving the committee advice.

³⁵ Ibid., 103-105.
Most of the professors and academics who testified – including the psychologists whom the committee had been most interested in hearing from – had taken care to note that their testimony was informed by their “personal experience,” rather than their work as researchers or as academics, and many of the teachers and public officials who testified before the committee also stressed that they were presenting a personal opinion. 36

Having set out to settle the question of whether or not eighteen-year-olds were ready to vote – or to shoulder other adult rights and responsibilities – the committee was left without an authoritative answer. And in their final report, committee members did not take a definitive stance on the question they had set out to settle, instead recommending that the legislature convene another select committee to “engage in further study” of minimum age laws and “the optimum age of statutory responsibility.” 37

Even as they avoided endorsing a lower voting age or age of legal responsibility, however, the members of the Priolo committee nonetheless noted that they had been deeply impressed by the “maturity and capability” of the young people who had testified before them. 38 Committee members’ comments over the course of the hearings made it clear that they had been sizing up student witnesses – and suggested that their methods of doing so were highly subjective. After hearing from student and other youth witnesses, committee members had often drawn attention to the fact that these witnesses had appeared with “haircuts, ties, shirts, and shoes,” as if witnesses’ appearance was as – or even more – important than what they had said. 39

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38 Ibid., 15.
witnesses and committee members themselves had frequently focused the discussion onto different *images* of California’s young people, urging each other not to “get hung up on a stereotype,” or to penalize mature, responsible young people for a “stereotype” that cast all young people as hippies and demonstrators.\(^{40}\)

Committee members were impressed by the young people who had appeared before them, but they were also uncertain how representative these young people were, and they worried about how the *public* viewed eighteen-year-old youth. Committee members joined federal lawmakers such as Bayh and Randolph and the youth suffrage activists of the YFC in stressing that public images and perceptions of young people were of vital importance to political debates over the voting age. As Vasconcellos had suggested from the outset of the Priolo committee’s hearings, legislators’ inability to accurately or authoritatively measure young people’s readiness for the ballot left them little choice but to either *trust* American eighteen-year-olds or not. According to Vasconcellos, too many adults were “afraid to let go, to trust the young people in our midst.”\(^{41}\) Neither lawmakers nor the American public were likely to do so, however, when – as Randolph put it in 1969 – “the spotlight… is on the militant demonstrator and the beatnik.” By the end of the 1960s, young youth suffrage activists had been told repeatedly that it was up them to challenge such images, and that “the burden of proof rests on you.”\(^{42}\)

\(^{40}\) *Minimum Voting Age Hearing, April 9, 1969*, 12.

\(^{41}\) *Minimum Voting Age Hearing, April 9, 1969*, 78.

Let Us Vote: Youth Suffrage Organizations

Young students packed the Civic Auditorium in Stockton, California on January 11 of 1969, many of them waving signs with messages like “Support free LUV,” “LUV in 72,” and “LUV is what’s happening.” Some of them sported T-Shirts and waved a large banner that made the meaning of these somewhat cryptic messages more clear: “LUV: Let Us Vote.” The students, mostly from Stockton’s University of the Pacific, were there to kick off Let Us Vote, “a national campaign to lower the voting age” that University of the Pacific junior Dennis Warren had founded a month earlier. The students applauded thunderously when talk show host Joey Bishop (of The Joey Bishop Show) appeared to introduce pop stars Tommy Boyce and Bobby Hart. The pair took the stage surrounded by the “lovely LUV-ettes:” six young women wearing LUV t-shirts, who danced alongside Boyce and Hart as they performed the “official LUV campaign song” which they had written for the occasion:

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It’s been a long time getting here
A change is coming and it’s very near
A way to change things peacefully, and live together in harmony
Let Us Vote! It’s time we all made a contribution
Let Us Vote! It’s the Solution
L-U-V, talkin’ bout you and me, changing things peacefully
We’re old enough so L-U-V
Let Us Vote, we’re all in the same life boat
We can help to keep it afloat
We’re old enough so Let Us Vote 44

The song was short and simple, but it contained some potent arguments about the eighteen-year-old vote, echoing many of the same assertions that Senator Bayh, Edward Schwartz, and other witnesses had presented at the 1968 Senate Judiciary Hearing and at

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the hearings of the Priolo committee in California. It held out the vote as “a way to change things peacefully,” and as a solution to the disorders and unrest that had rattled so many Americans in 1968, while also warning of the consequences of not lowering the voting age. The song seemed to suggest that if Americans refused the “way to change things peacefully,” it was unlikely that peace and harmony would prevail, while the suggestion that “we’re all in the same lifeboat” underlined the seriousness of the threat to social and political disorder facing the United States in 1969. This grim imagery was countered by the song’s more positive assertions that the figurative lifeboat could be kept “afloat” with the support of eighteen-year-old voters, and that it was time “we all made a contribution.” The tune began with a short musical introduction featuring a rapid drum beat and blaring trumpets that invoked a military march, before transitioning into an upbeat and catchy, if somewhat repetitive, pop melody.

LUV appeared in the wake of the presidential election that put Richard Nixon in the White House, and at the end of a year that many Americans were eager to bring to a close. By the end of 1968, Americans had witnessed the assassinations of Martin Luther King Jr. in April, which sparked riots in cities throughout the United States, and the assassination of Robert F. Kennedy in June. In April and May, students at Columbia University in New York City had occupied University buildings in a tense stand-off with university authorities. *Life* magazine had described the protest as “an invitation to anarchy” that “cannot be tolerated,” and one *New York Times* writer had worried that the student demonstrations of 1968 made earlier sit-ins seem tame, and were a sign of a new militancy amongst radical American students.  

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rioting engulf the streets of Chicago at the Democratic National Convention in August, when scenes of Chicago police beating protesters outside the convention were broadcast across the nation. In the wake of the Chicago demonstration, a Washington Post poll found that eighty-one percent of Americans believed that “law and order has broken down in this country,” and increasingly put the blame for these disorders on students and anti-Vietnam War demonstrators. The increasing intensity and violence of many anti-war and student’s rights demonstrations seemed to be threatening even greater disorder and violence to come. Little wonder, then, that LUV chose to use imagery of a lifeboat in its theme song, and to emphasize peace and harmony.

LUV was one of several voting age lobby groups run for and by young people – though not always started by them – which fought for a lower voting age during the late 1960s and early 1970s. Most of these organizations were state-level groups, with names like “Oregonians for Go 19” and the “Minnesota Coalition to Lower the Voting Age,” but LUV billed itself as a national youth suffrage organization. The politically astute young people who formed these organizations did so both to support specific legislation and to counteract what they saw as the greatest obstacle to a lower voting age: the public’s perception that young people were to blame for the violence and disorders of 1968. Self-consciously presenting themselves as more wholesome, responsible, and mature examples of American young people, they attempted to convince the American public and the media that the vast majority of young people were not radical protestors or demonstrators, and could be trusted with the right to vote. In what were essentially

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carefully managed public relations campaigns, these youth suffrage groups sought to fix American young people’s image problem, providing what Warren later described as “a completely different image . . . a counterpoint,” that would make American legislators, and the American public, want to lower the voting age.\(^47\)

LUV quickly drew national attention, thanks in large part to the support of Joey Bishop, who invited Warren onto his show, broadcast a portion of the kick-off rally, and accepted a post as the group’s “honorary chairman.”\(^48\) In later years, Warren said that LUV’s goal was to “generate publicity and circulate sound arguments” rather than to establish a truly national political organization. In this goal, LUV was largely successful.\(^49\) At a time when many middle class voters were disillusioned with the “militant youths who fought the police in Chicago” and the students who had “turned college campuses into battlegrounds,” *Time* magazine suggested that Warren – with close cropped hair, suit and tie, and a rhetorical skill that had won him national debating tournaments – was “the very antithesis of the stereotyped student radical.”\(^50\)

LUV walked a fine line between “hippie” and “hip” culture, incorporating some elements of more radical young people’s countercultural style into its public image, and even in its choice of name. Drawing on a broader, more positive celebration of all things


\(^{50}\) “Youth: Can LUV Conquer All?”
young and youthful that was sweeping through mainstream American culture during the late 1960s, LUV represented itself, and the eighteen-year-old vote, as a source of cultural and political rejuvenation.\footnote{Thomas Frank, \textit{The Conquest of Cool: Business Culture, Counterculture, and the Rise of Hip Consumerism} (Chicago: University of Chicago Press, 1997), 104-5; Peter Braunstein, “Forever Young: Insurgent Youth and the Sixties Culture of Rejuvenation,” in \textit{Imagine Nation: The American Counterculture of the 1960s and 1970s}, ed. Peter Braunstein and Michael William Doyle (New York: Routledge, 2002), 243-259.} Boyce and Hart, for example, appeared wearing the same long hair and “rebel garb” that had been shocking a few years earlier, but that Madison Avenue executives were appropriating by the late 1960s.\footnote{Frank, \textit{The Conquest of Cool}, 106, 111–113.} Surrounded by LUV-ettes who wore LUV shirts and short–but not too short–skirts, Boyce and Hart appeared on ABC singing lyrics like “talkin’ bout you and me, changing things peacefully, we’re old enough so L-U-V,” while tongue-in-cheek slogans like “support free LUV” exploited Americans fascination with the sex lives of young Americans – all without being so explicit or so suggestive as to risk causing offense. For all the use it made of youthful styles and images, LUV was also very careful to avoid representing itself as countercultural, and LUV organizers kept the group’s image meticulously clean. Warren was a perfect foil for Boyce and Hart. Always pictured in a tie, clean cut, and conservatively dressed, he described himself as a pre-law student, and came across as well-informed, intelligent, and mature in media interviews. LUV organizers, in other words, engaged in a delicate balancing act, using the imagery and language of youth to build energy and excitement while avoiding images and language that might be construed as rebellious, and turn conservative adults off.

LUV’s willingness to walk this line meant that the group attracted a lot of attention: it had a public profile and enjoyed media attention that other youth suffrage
groups did not. By February, Warren was telling news media that LUV “had caught the imagination of a lot of the public,” and in March of 1969 LUV campaign coordinator Jerry Weaver boasted that “the name is known around the country, and the exposure is increasing.” LUV received an “avalanche” of mail as a result of television appearances, much of it from young people who volunteered to set up local LUV chapters throughout the United States. By February of 1969 the group claimed that it was corresponding with 327 college chapters and 3,000 high school divisions. Since there is minimal evidence that such a high number of local LUV chapters were politically active, however, it is likely that the majority of these “chapters” were small and short-lived.

In many ways, LUV’s profile was a factor of its political and media connections. Senator Bayh himself had provided the impetus for the formation of LUV when he visited the University of the Pacific’s campus in December 1968, and challenged Pacific students “to start a grass-roots movement for electoral reform.” Asked to attend a “coffee-table discussion” with Bayh as part of the university’s debate team, Warren had volunteered to start one, and had received considerable guidance from both Bayh and

53 “Youth: Can LUV Conquer All?;” Memo from Jerry Weaver to LUV Board of Directors, March 5, 1969, LUV Records; Carter, “Joey Bishop Honorary Head of Young Voter Movement,” January 23, 1969.

54 Jerry Weaver to LUV Board of Directors, March 5, 1969.


University of the Pacific officials in getting LUV organized. It was Bayh, for example, who had put LUV in touch Joey Bishop.⁵⁷

Not all of the groups that young people formed to lobby for a lower voting age during the late 1960s were so well connected – and unlike LUV, many of them played a much more active role in specific political debates over the voting age, fighting “in the trenches” during state-level voting age debates. The New Jersey Voting Age Coalition (VAC) and the Minnesota Coalition to Lower the Voting Age (MCLVA), for example, had a significantly lower profile nationally than LUV, but exerted an important influence over the voting age debate in their home states. David DuPell, a twenty-two-year-old business major at Rider College, founded VAC in November of 1968. An article in the Trenton Evening Times noted that DuPell had “received information” on the voting age issue from US Representative James Howard, a Democrat serving New Jersey’s 3rd Congressional district, but it is unclear if Howard encouraged the formation of VAC in the same way that Bayh encouraged the formation of LUV. Certainly, VAC took on a life of its own in a very short time, thanks to DuPell’s dedication. He would spend the next three years devoting much of his time to VAC, taking a year off school to coordinate the 1969 referendum campaign. DuPell also seems to have been responsible for VAC’s impressive staying power, keeping the organization alive and active through 1971, despite New Jersey voters’ rejections of a lower voting age amendment in both 1969 and 1970. Unbowed these defeats, DuPell told a reporter in 1971 that “I’m not going to give

up until there’s an 18-year-old vote here.” At peak, the group claimed to have 1,000 active members in chapters at high schools and colleges throughout the state.

MCLVA was also founded in November of 1968. At a meeting organized by Republican State Senators William Frenzel and Robert Brown, members of the state’s Republican and Democratic youth wings as well as a half-dozen other youth civic and political groups agreed to form the group as a bi-partisan, single-issue coalition. According to Jan Bear and Kathleen Davies – two MCLVA members who later wrote a short history and analysis of the group’s campaigns as a university project – the bi-partisan coalition that founded MCLVA did not last, and group members “who felt a strong affiliation toward their senior parties” either left or were forced out of the group within a short time. Thereafter, MCVLA worked independently from either political party, and was managed by a dedicated team of young organizers, including the group’s executive director, Wayne Gilbert. Made up of young students much like LUV’s Dennis Warren and VAC’s David DuPell, MCLVA became one of the largest and most effective youth suffrage organizations in the United States, with more than 100 chapters in high schools and colleges throughout the state. The group mounted a well-organized and coordinated campaign to win voter approval of a nineteen year-old vote amendment in 1970.


60 Organizational Manual, File 1 Organizational Materials, Minnesota Coalition to Lower the Voting Age (MCLVA) Records, Minnesota Historical Society.
State-level groups like VAC and MCLVA were acutely conscious that a change in the voting age would require voter approval of an amendment to the state constitution, and they were well aware that many voters held a low opinion of their age group. Both VAC and MCLVA were even more careful than LUV to present themselves as non-threatening, conventional, and essentially conservative youth. Before they could present their case to voters, however, youth suffrage campaigners first had to convince state legislators to pass amendments through the legislature. The MCLVA’s Bear and Davies described this task as “an uphill battle,” which was hindered by their own political inexperience, and by “conflicts with ‘elder statesmen’ who were prejudiced against young people.”61 Youth suffrage activists were determined, however, to convince state legislators to pass voting age legislation, and persisted even when failure seemed likely. Like the young people who had impressed Priolo’s committee in California, VAC and MCLVA activists often focused on shifting lawmakers’ perceptions of their age group. MCLVA packed legislative hearings on voting age legislation with “conservatively dressed young people,” for example, who “listened to the proceedings quietly and attentively” and gave exceedingly well-prepared and rehearsed testimony.62 When VAC member Margaret Lathrop testified before the New Jersey State Senate’s Judiciary Committee she went to great lengths to stress that VAC members were neither violent nor radical, telling the committee that:


62 Ibid., 5; “‘Vote’ Editorial,” File 5 News Releases and Speeches, MCLVA Records.
We are not looking for disturbances, we are not looking for violence; we are looking recognition that we have problems and we have something to say about solving them, and we are not going to do it in a violent way.\(^6^3\)

Lathrop’s statement demonstrates how concerned she and her fellow VAC organizers were about being mistaken for more disruptive youth. She disavowed violence three times in a single sentence, and characterized VAC’s goal in modest terms: young people, she suggested, simply wanted recognition that they had “something to say” about the political issues that affected them.

VAC and MCLVA’s spokespersons used many of the same arguments that legislators had heard many times before. Newark State College student Christopher Musicar, for example, echoed the “pressure valve” argument that had been made repeatedly in congressional hearings and at the hearing’s of Priolo’s committee in California, asserting that students were “asking for a chance to express themselves within the framework of the democratic system,” rather than through protests.\(^6^4\) The arguments that young youth suffrage activists raised, however, often seemed to be less important than how they presented themselves, and how they interacted with lawmakers. When the New Jersey Assembly’s Republican caucus threatened to derail the 1969 voting age amendment, for example, Du Pell rounded up twenty-five of the most polite and articulate young people he could find and brought them directly into the State House, where they “buttonholed key legislators in the State House corridors and in the assembly chambers” until they agreed to approve the measure late in the evening.\(^6^5\) On another

\(^{63}\) Public Hearing Before the New Jersey Senate and General Assembly Judiciary Committee on Senate Concurrent Resolution No. 34 (transcript), March 27, 1969, New Jersey State Library, 49.

\(^{64}\) Ibid., 45

\(^{65}\) Herb Wolfe, “Youth Wants to Vote” The Bergen Record, October 5, 1969.
occasion, VAC enlisted hundreds of students from nearby colleges to fill the New Jersey Assembly’s galleries during a key vote.\(^66\) Such tactics might have been perceived as disorderly or high pressure – but most lawmakers do not appear to have perceived them this way. Rather, several of them noted that they had been struck by the maturity and good conduct of the young people who sought to sway them.

When legislators in both New Jersey and Minnesota ultimately passed amendments to lower the voting age, youth suffrage organizers shifted gears, knowing that their work would not be complete until voters ratified the amendment at the polls. Both groups focused on building a network of local chapters throughout the state, training high school and college students as campaign volunteers. DuPell toured high schools and colleges, encouraging students to start local VAC chapters, while MCLVA circulated an “Organizational Manual” to help interested students set up and run local chapters, and published a newsletter, titled the “Vote Yes Voice,” to keep them informed. “The time for rhetoric,” the manual proclaimed, “is over. Each of us must now couple our concern and campaign with hard work.” MCLVA’s campaign was an extremely well organized one. MCLVA ran a speakers bureau and held training sessions for speakers, circulated a lesson plan for high school teachers, held a fundraising telethon and “businessman’s lunch” to raise funds, and even hired a marketing agency to help design publicity.\(^67\)

MCLVA campaigners focused largely on mounting a Eugene McCarthy-style “get out

\(^66\) “Students Seek Vote,” Trenton Evening Times, April 29, 1969.

the vote” campaign, using the large numbers of young people they had recruited to identify likely supporters and get them to the polls on Election Day.

Both groups were acutely aware – sometimes to the point of being paranoid – that voters would react negatively to any reminder of student protests or hint of radical influence among youth suffrage campaigners. Both the press and young voting age activists seemed to feel that the success of state-level voting age campaigns depended almost entirely on whether student demonstrations occurred close to the election.68 MCLVA told local organizers to recruit “competent, straight looking” volunteers to speak to potential supporters, and circulated publicity that was designed to change voters’ perceptions of Minnesota’s young people. In order to avoid being mistaken for outside agitators or confused with more radical groups like SDS, MCLVA emphasized its state-based identity, referring to its own membership as “young Minnesotans” and “young citizens of Minnesota” in its press releases, and emphasizing the positive role that younger voters could play in state, rather than national, politics.69 The group even circulated suggested editorials in which they claimed that the “fiery, long-haired, drug-ridden, disrespectful nondescripts bent on destruction” who attracted so much public attention made up less that one percent of young people. One of these editorials argued that condemning all eighteen-year-olds because of a few protestors “would not only be gravely unfair to them, but harshly unjust to ourselves. Because these are our sons and

daughters.” Clearly, MCLVA were bothered by adult’s tendency to think of all American youth as demonstrators and radical students, and saw the task of changing this perception as their greatest challenge.

MCLVA members had until 1970 to organize support for the voting age amendment, but New Jersey’s voters went to the polls in 1969. In spite of VAC’s best efforts, New Jersey’s voters voted against a lower voting age by a margin of almost sixty percent in November of 1969. Both DuPell and the New Jersey press blamed the public’s inability to look past student demonstrations for the defeat. DuPell vowed to try again, and against all odds VAC did manage to mount a second campaign only a year later - this time for an amendment that would lower the voting age to nineteen. VAC spokesman James Shue told state legislators in 1970 that New Jersey voters’ rejection of the 1969 voting age amendment was “a decision based more on emotion than on logic.” Voters, he suggested, had mistakenly seen young people “as disruptive and irresponsible, and never really became familiar with the facts,” in part because “the good deeds of the young don’t make the headlines of the evening news.” Despite VAC organizers’ efforts, however, public resistance to the idea of a lower voting age remained strong, and voters rejected the 1970 referendum too.

New Jersey voters’ rejection of a lower voting age was part of a larger pattern. Between 1955 and 1970, nearly every attempt to lower the voting age through state-level legislation met with defeat at the polls: voters rejected voting age amendments in South Dakota and Oklahoma in 1952, in South Dakota again in 1958, in Idaho in 1960, in Michigan in 1966, in Maryland, Nebraska, and North Dakota in 1968, and in Ohio and

70 “Vote,” File 5 News Releases and Speeches, MCLVA Records.

71 *Public Hearing on Senate Concurrent Resolution 5*, 12.
New Jersey in 1969. In 1970, the pattern began to change, when voters in Minnesota, Montana, and Massachusetts approved a voting age of nineteen. For most of 1969 and 1970, however, voting age campaigners throughout the United States assumed that they were facing widespread public resistance to the idea of a lower voting age, even in states where legislators supported the idea. The failure of the 1969 referendums in New Jersey and Ohio caused considerable consternation amongst the political advocates of a lower voting age. Speaking to a congressional committee in 1970, YFC spokesman Clark Wideman suggested in 1970 that the defeat of state-level referenda “had cast a negative atmosphere on the whole issue” and that this had made it “extremely difficult to interest individuals and organizations” in working towards a lower voting age. The YFC blamed these losses on the public’s anger over student protests and young people’s role in civil disturbances, and noted that the Ohio referendum failed in eleven of the fourteen counties where major colleges or universities were located.

The Twenty-Sixth Amendment

The state-level defeats of 1969 and 1970 convinced many youth suffrage activists – and especially the YFC – that a federal constitutional amendment offered the best and most likely to succeed means of lowering the voting age. Having suffered repeated defeats at the state level, even in states where they had won broad support among


73 *Lowering the Voting Age to 18: Hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, United States Senate, 91st Cong. 56* (1970) (statement of Clark Wideman).

74 Ibid., 59 (statement of Alan M. DiScuillo).
legislators, YFC organizers were acutely aware that a federal amendment would require ratification by state legislatures, rather than by voters.\textsuperscript{75} Working closely with Bayh, Randolph, and Senate Majority Leader Mike Mansfield (D-MO), the YFC concentrated on organizing a new set of congressional hearings in 1970, deliberately avoiding the “usual parade of political candidates” as witnesses in favor of national leaders and experts who could testify to “the necessity of the vote” and make “good hearing record.”\textsuperscript{76}

Chaired by Bayh, and hearing from a set of witnesses that the YFC had clearly helped to assemble, the 1970 hearings of the Senate Judiciary Committee’s Subcommittee on Constitutional Amendments certainly put the 1968 hearings of Bayh’s sub-committee to shame. The committee’s hearings lasted for four days, and featured high-profile witnesses such as Margaret Mead, psychologist Dr. W. Walter Menninger – whose father, William C. Menninger, had helped to found the Menninger clinic and compiled an early forerunner of the \textit{Diagnostic and Statistical Manual of Mental Disorders} – and San Francisco State University (SFSU) President S.I. Hayakawa, whose interactions with protestors at SFSU had earned him nationwide fame in 1968.

Most of these witnesses repeated the same arguments that had been raised in earlier hearings and discussions of the voting age. These arguments were now so familiar, however, that some witnesses seemed loath to repeat them. Deputy Attorney General Richard G. Kleindienst, for example, told the committee that “the traditional arguments for and against a lower voting age are well known and oft repeated. They

\textsuperscript{75} Ibid., 45 (statement of Ian R. MacGowan)

\textsuperscript{76} YFC Bulletin, Jan 12, 1970.
have been stated and restated until they are almost incapable of novel recitation.”

Similarly, National Businessmen’s Council representative Stephen L. Boardo joked that the common arguments for and against a lower voting age “have come to sound more like a Viennese waltz than a Sousa march. They do not stir anybody anymore.” This palpable sense that legislators had heard all of the arguments that were to be made for a lower voting age led some witnesses to direct their comments at lawmakers – and at Americans more generally – instead. Dr. Menninger, for example, spent almost as much time analyzing adults’ opposition to a lower voting age as he did commenting on the voting age itself. Many adults, he suggested, were “made anxious by the visible struggles of teenagers, with their impulses of sex and aggression, and upset by their challenging, provocative behavior.” It was for this reason, according to Menninger, that state-level referendums continued to fail:

The reluctance of so many people to express openly their distress with enfranchisement of 18-year olds points to underlying emotional issues as profoundly affecting people’s attitudes. There may be a fear of facing our own inadequacies, acknowledging our discomfort that we, too, have not yet created the ‘perfect’ world. Having struggled to achieve a ‘place in the sun,’ the older generation is reluctant to past the torch.

Mead made a similar point. Basing her testimony, in part, on her book *Culture and Commitment* – which was published the same year – Mead also rehashed some of the arguments for a lower voting age that youth suffrage advocates such as Randolph had been making since World War II. Pointing to a “a grievous discrepancy between what

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77 *Lowering the Voting Age to 18*, 78 (statement of Richard G. Kleindienst).
78 Ibid., 120 (statement of Stephen L. Boardo).
79 Ibid., 25 (statement of W. Walter Menninger). Menninger was quoting his brother, Roy C. Menninger.
80 Ibid., 28.
we ask of young men – and some young women – and the political roles we permit them to play,” for example, Mead seemed to be invoking the same military-service based argument that legislators had been hearing for decades.\textsuperscript{81} Mead also lent greater authority to the argument that young people were better prepared to vote than they had been in the past, suggesting that “the distance between 21 and 18 has been physically as well as educationally altered in many ways.”\textsuperscript{82} But it was Mead’s suggestion that young people were “some of our best informed citizenry, in step with the rapid changes in technology and organization which are the mark of our period of history” which was the centerpiece of her testimony – and of her book.\textsuperscript{83} Young people, she suggested, had “never known a world without space, without the bomb, and the responsibilities that go with seeing that the world is not blown up. They have never known a world without TV and without the computer.”\textsuperscript{84} While they still lacked expertise and experience, Mead suggested that young people “can bring something very definitely to us, in questioning the past and in establishing a partnership between younger people and older people.” Mead had suggested in her book that there were no longer any “elders who know what the children know,” and in her testimony before Bayh’s committee she told lawmakers that adults needed young people as “partners in the urgent task of catching up with the times in which we live.”\textsuperscript{85}

\textsuperscript{81} Ibid., 222 (statement of Margaret Mead).
\textsuperscript{82} Ibid., 223.
\textsuperscript{83} Ibid., 223.
\textsuperscript{84} Ibid., 224.
\textsuperscript{85} Ibid., 223.
By 1970, statements like Mead’s had become commonplace in the political debate over the voting age, and lawmakers and youth suffrage advocates alike had largely given up on the task of definitively or authoritatively proving young people’s capacity to vote. Even eminent experts such as Dr. Menninger had been careful to hedge their testimony before the committee to avoid taking a definitive stance on the question, and to make it clear that their comments were both personal and subjective. Menninger, for example, had told the committee that his “discussions” with high school and college youth had left him “impressed” by their maturity, and recounted how his conversations with educators had confirmed his “impressions” that young people as young as eighteen were well prepared to vote.86

Increasingly conscious that their decisions would have to be based on their faith and their trust in eighteen-year-old youth, rather than on a simple evaluation of their capacities, congressional legislators heaped praise on eighteen-year-old young people, and on American youth more generally, as they prepared for a vote on new voting age legislation in 1970. In both the House of Representatives and in the Senate, as well as before Bayh’s committee, dozens of lawmakers from across the United States repeatedly rose to declare their personal faith in American young people, and to paint them in a positive light. Senator Joseph Montoya (D-NM), for example, rose in the Senate to say that he was “mightily impressed by this generation of young people,” and to declare that most American youth were very far from the “small group who are wrapped up in the world of hard narcotics,” or the “small group of professional protestors” who snagged the headlines. It was “my feeling,” Montoya suggested, that “the overwhelming majority of

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86 Ibid., 25 (statement of W. Walter Menninger).
this generation” was “responsible, concerned, and involved.” Similarly, Senator James Allen (D-AL) told his fellow lawmakers that “I feel that your young people are better qualified …. more knowledgeable,” and better equipped to vote than “I ever was at that age.” And Representative Sam M. Gibbons (D-FL) told his fellow members of Congress that they faced “not so much a constitutional issue as an issue of faith – faith in the great majority of American youth.” Congress, Gibbons suggested, “should demonstrate to our young people that we have the faith in them that we want them to have in us.”

The Twenty-Sixth Amendment’s passage into law was an unusual one, thanks in large part to Congress’ most stubborn opponent of a lower voting age, Emanuel Celler, and to Senator Edward Kennedy, who orchestrated a complicated set of both legislative and legal actions which allowed Congress to do an end-run around Celler’s Judiciary Committee – which was still refusing to recommend any voting age legislation to the House of Representatives. As Bayh’s sub-committee hearings were ongoing, Kennedy had called for a voting age rider to be attached to the renewal of the Voting Rights Act of 1965, suggesting that the recent Supreme Court case of Katzenbach v Morgan – which upheld the act’s restrictions on literacy requirements for voting – gave Congress broad power to bar voter classification methods which it found discriminatory. Asserting that eighteen- to twenty-year-olds were being unreasonably barred from voting because of their age, Kennedy advocated amending the voting rights act to set the voting age at eighteen nationwide.

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Kennedy’s proposal caused considerable debate. Legal experts were divided as to whether such legislation would be constitutional, with Harvard Law School professors Archibald Cox and Paul Freund defending Kennedy’s actions, while a group of scholars at Yale Law School - represented most vocally by the dean of the school, Louis Pollack - opposed it, suggesting that a nationwide change of the voting age could only be accomplished by constitutional amendment.  According to the *Washington Post*, the maneuver was “highly dubious,” but Kennedy justified his proposal on the basis that action at the state level had so far yielded little success, despite polls showing widespread support for a lower voting age. In advocating the amendment, Kennedy made it clear that “although 18-21 year-olds are not subject to the same sort of discrimination in public services confronting Puerto Ricans in New York, the discriminations, actual and potential, worked against millions of young Americans in our society are no less real.”

Given the increasing number of government programs that were designed to benefit youth, Kennedy suggested that “we can no longer discriminate against our youth by denying them a voice in the political process that shapes these programs.”

Kennedy had certainly won the support of the Senate’s Democratic leadership, and it was Mansfield who introduced a provision to amend the Voting Rights Act by adding Title III, which set the voting age at eighteen for all elections nationwide. In March of 1970, the Senate adopted Mansfield’s amendment by a vote of 64 to 17, and the

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92 *Lowering the Voting Age to 18*, 167 (statement of Senator Edward Kennedy).
House of Representatives followed on June 17, with Celler begrudgingly agreeing to let the legislation pass, for fear of jeopardizing the Voting Rights Act. President Nixon signed the revised act on June 22, 1970.

To no one’s surprise, the new law faced an immediate constitutional challenge. In fact, this was exactly the outcome that Kennedy and Mansfield had intended; the act itself contained provisions encouraging the attorney general to provoke a court challenge, and had suggested that judges who were called upon to rule on the voting issue had a duty to expedite such cases “in every way.”93 The resulting case took the form of a challenge by Oregon, Texas, Idaho, and Arizona, which challenged the constitutionality of the measure and argued that the Attorney General had no right to enforce it. Oregon v Mitchell, as the case became known, was heard in October of 1970, and the Supreme Court delivered its decision on December 21. The result was a split decision, which ruled that the voting age amendment was constitutional so far as it affected voting at the federal level, but struck down the law’s effect on state-level voting. In effect, the court ruled that Congress could set the voting age for presidential and federal elections, but could not dictate the minimum voting age for state and local offices.94

Shortly after the Supreme Court delivered its verdict, Bayh’s sub-committee commissioned a study to ascertain the impact of the decision. The study reported that as a result of the Oregon v Mitchell decision, 47 states now faced the possibility of having to administer the 1972 election under a system of dual-age voting, with 18-year-olds casting federal ballots only, and the rest of the electorate casting both federal and state ballots. The report suggested that “such a system of dual-age voting is morally indefensible and

93 Vose, Constitutional Change. 357-8.
patently illogical; how can we deny younger voters a voice in local affairs when we allow them the right to participate in the selection of the nation’s highest officials?”

In addition, the study’s survey of election officials throughout the United States suggested “dual-age voting may also be dangerously complicated and inordinately expensive as well,” with officials estimating a cost of at least 10 to 20 million dollars to establish a separate voting and registration system for 18-year-olds. The report concluded by suggesting that “the time has come to lower the voting age to 18 in every election across the land – because it is right. And if the many problems of dual-age voting force us to confront the question more promptly, so much the better . . . The Congress should complete its action at the earliest possible date, and send the amendment to the states for ratification.”

As a result of the Oregon v Mitchell decision, the widespread political support needed to pass a constitutional amendment, which had previously seemed so elusive, coalesced in a very short period of time. On January 25, 1971, Jennings Randolph introduced yet another joint resolution proposing a constitutional amendment, only this time he had 86 cosponsors joining him in tabling the measure. The resolution met little resistance, and was passed by the Senate unanimously on March 10, 1971. In the House of Representatives, an identical measure was introduced by none other than Emanuel Cellar, who had kept similar amendments from reaching a floor vote in the house for the past decade and a half by refusing to report them out of committee. Suggesting that

95 Constitutional Amendments Subcommittee of S. Committee on the Judiciary, 92nd Cong., Lowering the Voting Age to 18: A Fifty State Survey of the costs and Other Problems of Dual-Age Voting 1 (1971).

96 Ibid, 2.

97 Ibid, 5.
attempts to stop the measure were now “as useless as a telescope to a blind man,” Cellar urged his fellow representatives to adopt the measure. The House resolution was approved by a vote of 400 to 19 on March 23 of 1971.\textsuperscript{98}

The Twenty-Sixth Amendment was ratified by the states in record time. Connecticut, Delaware, Minnesota, Tennessee, and Washington all ratified the Amendment on the same day that Congress had approved it, and Hawaii and Massachusetts followed the next day. Ohio was the 38\textsuperscript{th} state to ratify the Amendment, on July 30, 1971. In most states, the debate on ratification was brief, and focused on the need to ratify the amendment in order to avoid costly re-organization of voting procedures that would be needed to accommodate dual-age voting in the 1972 elections. Kennedy’s gambit of amending the Voting Rights Act had, with the help of the Supreme Court, paid off, allowing advocates of a lower voting age to do an end-run around their political opposition, and placing most state legislatures in the untenable position of having to spend money to keep their young voters from voting in state elections, while allowing vote in federal and primary elections.

Conclusion

On July 5, 1971, President Richard Nixon appeared in the East Room of the White House, surrounded by members of a 500-strong group of young people between the ages of fifteen and twenty. They were members of Young Americans in Concert, a choral group about to embark on a tour of Europe, and President Nixon had invited them to witness the certification of the Twenty-Sixth Amendment to the US Constitution.

\textsuperscript{98} S. Rep. No. 93-450, at 13-24 (1973); 91 Cong. Reg. 7533 (statement of Representative Emanuel Celler)
Nixon chose three eighteen-year-old members of the group to sign the amendment with him as witnesses. They were Julianne Jones, Joseph Loyd, and Paul Larimer. Well-dressed and photogenic, members of the group appeared to be thrilled by the experience, and cheered when the signatures had been completed. Addressing them, and the eleven million Americans between the ages of eighteen and twenty-one who the amendment enfranchised, Nixon expressed hope that they would “infuse into this country some idealism, some courage, some stamina, some high moral purpose” as they exercised their right to vote. “The country,” Nixon told them, “needs an infusion of new spirit, an infusion of youth.”

Nixon had made headlines a year earlier by describing student protesters as “bums” who were “blowing up the campuses” and “burning books,” complaining and causing trouble when they should be grateful for being the “the luckiest generation ever.” The President projected a very different attitude towards young people during the certification ceremony, emphasizing that the young people around him were about to leave on a tour of Eastern Europe, and expressing confidence that they “represent America at its best,” even as he took the opportunity to lecture them a little about the “things that we in the United States would like the people of Europe to hear from our young people.” In the President’s eyes, American youth had apparently gone from being “bums” to ambassadors in a very short space of time.

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100 Nixon, “Remarks at a Ceremony Marking the Certification of the 26th Amendment to the Constitution.”
Nixon knew, of course, that there were many different kinds of young people in the United States, and when he expressed admiration for these young singers it did not mean that he had forgotten about, or forgiven, the demonstrators who continued to protest Nixon’s policies and to cause disorder throughout the United States. But the President’s thoughts and words about young people mattered, and his decision to personally certify the amendment and praise the promise and idealism of American youth was indicative of a change in attitudes towards American young people that had been essential to the political process that created the amendment itself. During the late 1960s and early 1970s, more and more legislators, and more and more Americans, began to believe that they could trust American eighteen-year-olds to vote responsibly.

There were many reasons for this shift. Young people’s social and cultural roles had changed dramatically during most adult American’s lifetimes, and many felt that young people were better prepared to vote at eighteen than twenty-one-year-olds had been in earlier years. No matter how thoroughly Emanuel Celler mocked it, the argument that young men’s military service entitled them to vote still held an emotional and common-sense appeal that helped to build support for the Twenty-Sixth Amendment. Fundamentally, however, American legislators had made the decision to lower the voting age based on their subjective evaluation of American young people’s maturity, and on their perceptions of American eighteen- to twenty-year-olds in general. For a short period during the early 1970s, a significant majority of both state and federal lawmakers had been impressed by the images that sprang into their minds and the young people whom they met as they considered lowering the voting age to eighteen, and they had seen fit to trust the nation’s eighteen- to twenty-year-old youth with one of the most important
legal rights of adult citizens. These positive images and interactions would continue to influence lawmakers for a few more years, prompting legislators in many states to lower the legal age of majority as well. In the long run, however, they proved to be exceedingly fragile.
CHAPTER FOUR
HALF LEGAL: LOWERING THE LEGAL AGE OF MAJORITY

In January of 1971, Los Angeles Times reporter Mary Lou Loper visited the University of Southern California (USC) campus, to ask eighteen- to twenty-year-old college students there what they thought of ongoing political debates over the voting age. Loper arrived at USC shortly after the Supreme Court had announced its decision in the case of Oregon v. Mitchell, which had upheld congressional legislation that lowered the voting age in federal elections, but ruled that Congress did not have the power to alter the voting age for state elections.¹ The decision had placed young Americans between the ages of eighteen and twenty-one in a curious legal position. In most states, they were permitted to cast a vote for president and members of congress, but not for their governor or state representatives, and were therefore only partially enfranchised. Eventually, the decision would lead to the speedy passage and ratification of Twenty-Sixth Amendment, granting eighteen-year-olds the vote in all elections nationwide. But the young people Loper spoke to at USC that day were stuck, for the moment, between federal laws that treated them as adult voters, and state laws that barred them from the polls as children.

One of the first people Loper asked about the decision was Jim Lacy, USC’s eighteen-year-old freshman class president. Lacy was quick to argue that Oregon v. Mitchell had placed eighteen- to twenty-year-olds in an unacceptable position. “We are half legal,” said Lacy; “If an 18-year-old can vote for President, he should be able to vote for other officials.” This was an eminently reasonable response, and few Americans would have quarreled with him. But Lacy did not stop there, and a great many

Americans would certainly have have taken serious issue with what he said next. The split voting age produced by *Oregon vs Mitchell*, Lacy told Roper, was just one of many untenable inconsistencies that congressional lawmakers had produced by passing legislation to lower the voting age. An eighteen-year-old, he asserted, should be able to “buy liquor, conduct his own financial matters legally, [and] buy a car on credit,” as well as vote.\(^2\) These were all things that young Californians could not do until they reached the age of twenty-one, and they were issues that voting age activists had often deliberately avoided raising, fearing that they would sap public support for a lower voting age.\(^3\) Lacy was adamant, however, that the law should treat eighteen- to twenty-year-old young people consistently. “Make the 18-year-old an entirely legal person,” he demanded, “or push everything back to 21, including the draft age.”\(^4\)

Clearly, Lacy was expressing more than just his disappointment at being unable to vote in state-level elections. He was also expressing broader frustration at a legal system that treated him a child in some areas of the law and an adult in others – and he was not alone in his belief that these inconsistencies were unjust. Growing numbers of young people like Lacy – as well as a good many adult lawmakers and journalists – were beginning to make similar arguments during the early 1970s, as the political debate over the voting age and the ratification of the Twenty-Sixth Amendment brought renewed


\(^3\) *Minimum Voting Age Hearing, April 9, 1969* (Transcript), California State Assembly Constitutional Amendments Committee Records, LP89:34, California State Archives, 83-89.

\(^4\) Loper, “How Teens View Vote Privilege.”
public attention to a wide range of other minimum age laws. The perception that a lower voting age left eighteen- to twenty-year-olds “half legal” led young people such as Lacy and many state lawmakers to seek additional legal reforms during the early 1970s, which would ensure that eighteen-year-old young people were treated as adults in all areas of law.

In the months and years that followed the ratification of the Twenty-Sixth Amendment, legislators in many states responded to these concerns by approving sweeping new “age of majority” legislation. These bills re-wrote a wide range of statutes to grant eighteen-year-old young people all – or almost all – of the legal rights and responsibilities of adult citizens. The reforms were a dramatic departure from the common law age of majority, which had previously defined young people under the age of twenty-one as children. Many states built significant exceptions into 1970s age of majority reforms, retaining a higher drinking age, for example, or preserving eighteen- to twenty-year-olds’ entitlement to specific benefits that had previously been reserved for minors. For the most part, however, the age of majority laws of the early 1970s effectively lowered the legal age of adulthood in most states, and it is thanks to them – and to the Twenty-Sixth Amendment – that eighteen serves as the legal age of adulthood in most states today.

Despite its significance, 1970s age of majority legislation has garnered very little study by either legal scholars or historians. In general, scholars have assumed that the

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new age of majority laws of the early 1970s were a knee-jerk response to the Twenty-Sixth Amendment, and were approved almost as an afterthought to the new, lower voting age.⁷ There is considerable truth to this assertion, and many states did pass legislation to lower the age of majority almost immediately after the amendment had been ratified. Many did so with minimal legislative hearings or debate, in part because lawmakers assumed that their preceding discussions of a lower voting age had largely settled the question of whether eighteen-year-olds were ready for “adult” rights and privileges. And as they discussed the issue, lawmakers like California Republican State Senator Paul Priolo and Texas Democratic State Senator Robert Gammage – each the driving force behind legislation to lower the age of majority in their respective states – had repeatedly and strenuously insisted that the law should treat young people consistently and fairly in order to build support for their bills. They believed, in other words, that once the voting age had been reduced to eighteen, lowering the age of majority was a simple matter of consistency and common sense.

A closer and more careful examination of state-level debates over the age of majority, however, suggests that it is a mistake to view 1970s age of majority reforms as a simple – or an inevitable – consequence of the Twenty-Sixth Amendment. State legislators’ approval of omnibus age of majority legislation during the 1970s was a historically unprecedented effort to alter hundreds of minimum age statutes simultaneously, and to dramatically alter the timing of young Americans’ entry into legal

adulthood. The debates over these laws were often emotional and intense, and their passage was anything but a foregone conclusion.

As the first two chapters of this dissertation argued, political and public support for a lower voting age had in large part hinged on positive public images and perceptions of eighteen- to twenty-year-old youth. Rather than grounding their decision to lower the voting age on a sober and in-depth assessment of eighteen-year-olds’ capacity to vote responsibly, legislators – and Americans more generally – had taken a leap of faith, **trusting** eighteen-year-olds to use the ballot wisely, based on their own subjective perceptions of eighteen-year-old youth. The sense of optimism and the goodwill towards young people that had characterized the later stages of political debate over the Twenty-Sixth Amendment certainly helped to build support for a lower age of majority as well. But state-level debates over the age of majority also revealed deep cracks in the political coalitions that had made the amendment possible, and exposed the fickle attitudes of many Americans towards young people in their late teens and early twenties.

As most participants in late 1960s and early 1970s debates over the voting age had viewed it, voting was a quintessentially wholesome activity. It was easy for Americans to feel a sense of pride when they imagined their eighteen-year-old children, students, or neighbors voting. The legal age of majority, however, regulated some decidedly less wholesome and much more controversial facets of legal adulthood. Lawmakers and voters who had no trouble imagining eighteen-year-olds voting did not always find the prospect of eighteen-year-olds drinking in bars, visiting strip clubs, or getting married without their parents’ consent as palatable, and their divergent response to these different “adult” rights and privileges often made a lower age of majority a
difficult sell. Opponents of a lower age of majority such as Texas State Senator Tom Creighton – Gammage’s principal adversary in Texas’ age of majority debate – warned that a lower age of majority would only embolden rebellious young people like those who had challenged traditional authority and morality during the late 1960s and early 1970s. Framing a lower age of majority as an infringement on parents’ right to control their own teenaged children’s activities, opponents stoked fears that eighteen-year-old “adults” were likely to be led astray by new temptations, putting both themselves and others at risk, and precipitating a broader crisis of social and moral order.

Political debates over the age of majority demonstrated that many Americans still carried deep-seated anxieties about young people’s morality, maturity, and capacity to make responsible decisions. Worried about keeping young adults safe, distrustful of youth who they viewed as irresponsible and impulsive, and often deeply resentful of young people who they saw as unfairly privileged, many Americans were vehemently opposed to granting additional “adult” rights and privileges to eighteen-year-olds. Decrying the “permissiveness” of a society which they felt coddled its children and young people to an excessive degree, and unwilling to see young adults enjoy privileges and rights which they did not think most young people had earned – by taking on adult roles and responsibilities – they mounted spirited and highly emotional campaigns against a lower age of majority. Their opposition demonstrated that the Twenty-Sixth Amendment had not resolved Americans’ deep-seated ambivalence towards American young people, and had not ended a broader, ongoing debate over the proper role and place of young people in American society. In spite of the utopian and celebratory rhetoric that lawmakers and journalists had used to celebrate the ratification of the
Twenty-Sixth Amendment, in other words, Americans were still deeply divided in how they viewed the nation’s young people, and over the timing of young people’s assumption of “adult” rights and responsibilities.

Ultimately, the positive images and perceptions of American young people that had played a key role in building support for the Twenty-Sixth Amendment persisted just long enough to allow lawmakers such as Priolo and Gammage to pass legislation that lowered the age of majority. Tapping into Americans’ sense of fairness – and into the optimism, goodwill, and trust in young Americans which had characterized the later stages of early 1970s voting age debates – lawmakers like Gammage, Priolo, and their counterparts in other states were able to convince state legislators that the laws which defined legal adulthood ought to be consistent, and that eighteen-year-olds should be treated as legal adults.

The broad political coalitions and positive perceptions of young people that had made a lower voting age possible, however, had undeniably begun to show cracks – or even to crumble – during early 1970s debates over the age of majority. Thus, lawmakers who supported a lower age of majority often had to overcome a considerable amount of public opposition, and the reluctance of many of their fellow lawmakers. In many states, age of majority legislation passed only because lawmakers incorporated exceptions into new age of majority laws, continuing to set the minimum age for some of the most controversial adult rights and privileges – like the ability to purchase alcohol – at twenty-one. Some age of majority legislation also preserved eighteen- to twenty-year-olds’ ability to claim various minors’ benefits, or to be treated as minors by the criminal justice system. And in some states, lawmakers such as Priolo grounded their campaign for a
lower age of majority in the argument that if eighteen-year-olds could vote, they should be made to carry all of the burdens and responsibilities of legal adults as well. Some of the lawmakers who supported a lower age of majority, in other words, were less interested in expanding young people’s rights and autonomy than they were in expanding their duties and liabilities. Like Priolo, their rhetoric sometimes framed a lower age of majority as a punitive measure.

After briefly discussing the broader history of the age of majority, this chapter explores how and why political debates over the voting age brought other minimum age laws into question, provoked broader public discussions of legal adulthood, and ultimately prompted state legislators to consider granting eighteen-year-olds other adult rights. The debates over the age of majority in two states – California and Texas – are then examined in depth, as case studies of two very different ways that a lower age of majority could be framed during the early 1970s.

**From “Infants” to Adults: Understanding the Age of Majority**

At first glance, the age of majority appears to be a rather simple concept. In theory, it represents a “bright line” division between childhood and adulthood, which defines anyone below the age of majority as an “infant” before the law, and anyone over the age of majority as an adult. The lawmakers, experts, and activists who participated in 1970s debates over the age of majority – as well as the journalists who reported on these debates – often quoted the definition found in the standard legal reference of the day, *Black’s Law Dictionary*. *Black’s* defined the age of majority in simple terms, as “the age

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at which, by law, a person is entitled to the management of his own affairs, and to the
enjoyment of civic rights.”

The concept of the age of majority seems straightforward enough when it is
defined in such simple and direct terms. But this clarity evaporates when the history of
the age of majority, and the statutes which define it, are examined more closely. Both
during the age of majority debates of the 1970s and in more recent years, legal scholars,
lawmakers, and journalists alike have often assumed that the common law age of
majority had its origins in medieval Europe. Reporting on early 1970s age of majority
reforms in 1971, for example, Wall Street Journal writer Walter S. Mossberg described
the common law age of majority as having “become the legal age of adulthood in the far
recesses of history.” The age of majority, according to this narrative, originated as the
age at which young men had been deemed capable of bearing arms and wearing armor.

Historical sources such as Frederic Maintland’s The History of English Law, however,
suggest that there was “more than one ‘full age.’” According to Maintland, under early
English law “the young burgess is of full age when he can count money and measure

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9 Because Black’s was considered the standard legal reference, this was the
definition used by the Council of State Governments in their 1972 report, The Age of
Majority, and by numerous other parties to 1970s age of majority debates. Henry
Campbell Black, Black’s Law Dictionary; Definitions of the Terms and Phrases of
1968); Virginia Grace Cook, The Age of Majority (Lexington, KY: Council of State

10 Walter Mossberg, “Coming of Age: Wooing Young Voters, More States

11 See, for example: Scott, “The Legal Construction of Adolescence,” 558; Cook,
The Age of Majority, 6; T. E. James, “The Age of Majority,” The American Journal of
Legal History 4, no. 1 (1960): 26; Report of the Committee on the Age of Majority
cloth; the young spokesman when he is 15, the tenant by knight’s service when he is 21 years old.”

Writing in 1960, legal historian T.E. James found some evidence that the age of majority for knights and noblemen had risen from fifteen to twenty-one at some point between the ninth and twelfth centuries, and that the weight of armor – and the requirements of military training more generally – might explain this shift. James’ article on the age of majority in *The American Journal of Legal History* appears to be the most likely source of the “weight of armor” theory that voting age activists had referred to during the voting age debates of 1960s and 70s. Activists like LUV founder Dennis Warren had cited this theory frequently, in an attempt to show that the traditional voting age of and age of majority were arbitrary – and outdated – distinctions. These activists, however, appear to have oversimplified James’ argument; James himself had noted that an individual’s profession and station in society likely altered the age at which courts deemed them legally responsible, that there were competing age thresholds under ecclesiastical law and for marriage without parental consent, and that borough courts often evaluated individual young people’s ability to make decisions on a case-by-case basis.

While most of the participants in 1970s debates over the age of majority assumed that the common law age of majority had deep historical roots, then, there is considerable


13 James, “The Age of Majority” James’ article was widely cited, both by the British Committee on the Age of Majority and by American lawmakers and voting age activists.

14 Ibid., 22, 33.
evidence that it was a far more flexible and variable boundary than they assumed. More recent scholarship has gone further, demonstrating that the common law age of majority was in reality a rather recent historical invention, and was far from a monolithic, unchanging boundary. Historian Holly Brewer, for example, has shown that many minimum age laws were honored more in the breach than in the observance prior to the eighteenth century. According to Brewer, the common law age of majority was far more the a product of the Anglo-American “revolution in authority” of the seventeenth and eighteenth centuries than of medieval and early modern law. This revolution, according to Brewer, included a campaign to restrict suffrage, office holding, and the management of property to mature, rational, and independent men – and it was in this context, rather than during the medieval and early modern era, that lawmakers and courts began to use chronological age to set firm, inflexible legal boundaries between infancy and adulthood.15

Similarly, historian Nicholas Syrett has recently shown that even the firmer age limits established by American lawmakers were often surprisingly flexible, and had varied far more than most 1970s legislators realized. According to Syrett – whose research focuses on the statutory age of marriage – both the minimum marriage age and the age of majority varied considerably in the nineteenth and twentieth century United States. In particular, many states set these age limits differently for young men and young women, allowing young women to get married without parental consent at an earlier age than young men. According to Syrett, this discrepancy sometimes enabled

individual young women to exert their independence several years earlier than young men, even as it re-inscribed women’s status as dependents. What’s more, these age limits were in continuous competition with other age limits, such as the minimum age for military service or independent employment, which “made young men and women adult-like” long before they reached the age of majority.

Brewer and Syrett’s studies suggest that the age of majority is a far more flexible and historically contingent concept than most Americans assumed it to be during the early 1970s. Far from the absolute, authoritative, and unchanging boundary which Emanuel Celler had argued it represented during political debates over the voting age, the history of the age of majority suggests that this boundary was in many ways a cultural and legal fiction, which had been repeatedly altered and inconsistently applied over the course of its history.

A similar loss of definition occurs when the actual statutes that defined the age of majority prior to the 1970s are examined carefully. Few states had a singular “age of majority” statute in 1970. Instead, each state had incorporated the common law age of majority into many different statutes in separate areas of law. These statutes had usually been passed piecemeal and over a considerable length of time. Far from a singular,

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18 Constitutional Amendment to Reduce Voting Age to Eighteen: Hearings Before Subcommittee No. 1 of the Committee on the Judiciary, House of Representatives, 78th Cong. 4 (October 20, 1942) (statement of Representative Emanuel Celler).
monolithic age limit, then, the age of majority was more of a convention that shaped other laws than a formal law itself. As a report by the Council of State Governments put it in 1972, the age of majority did not “constitute a distinct and codified body of law,” and majority laws were “scattered throughout the statutes.”

While it may have the appearance – and be defined – as a “bright line” between legal infancy and adulthood, then, in practice the age of majority appears to have been a rather more amorphous, ill-defined, and flexible boundary. It was far from a monolithic boundary, and young people did receive some adult privileges and responsibilities long before they turned twenty-one. Many states, for example, held young people criminally responsible for their behavior at age eighteen or even earlier, while most states allowed young people to drive and to consent to sex well before their twenty-first birthday. It mattered, however, that lawmakers, legal scholars, journalists and Americans more generally perceived the legal age of majority as the primary and most significant legal boundary between childhood and adulthood; by altering it, lawmakers were consciously attempting to alter the timing of young people’s entry into legal adulthood during the early 1970s, effectively transforming eighteen- to twenty-year-olds from “infants” to “adults” in the eyes of the law.

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“A Glaring Double Standard:” The Origins and Context of 1970s Age of Majority Debates

When legislators granted eighteen-year-olds the right to vote in 1971, they awarded eighteen- to twenty-one-year-olds one of the most important rights of adult citizens. By doing so, they called the legal status of these young people more generally into question. Americans on both sides of the voting age debate had accepted that voting was indeed an “adult” right, and once lawmakers had granted it to eighteen-year-olds, it became more difficult to argue that eighteen-year-olds ought to be treated as children in other areas of law. One of the most common and most influential arguments for a lower voting age, after all, had been that inconsistencies between different minimum age laws – such as the draft age and voting age – were unjust. But by eliminating the difference between the voting age and draft age, legislators had created a whole new set of similar inconsistencies. Their actions brought renewed public attention to the many other areas of life where the law still treated eighteen-year-olds as children, and helped to spark a broader debate over the legal age of majority. Far from ending political debates over college-aged young people’s legal status, the Twenty-Sixth Amendment had dramatically undermined a wide variety of other minimum age laws, prompting young people like USC’s Jim Lacy to demand that lawmakers make eighteen-year-olds into “entirely legal” citizens.\(^\text{22}\)

While lawmakers’ approval of the Twenty-Sixth Amendment was certainly the primary impetus for early 1970s age of majority legislation, it would be a mistake to suggest that these reforms were solely a response to the new, lower voting age. The legislators who approved an age of majority of eighteen during the early 1970s were also

\(^{22}\) Loper, “How Teens View Vote Privilege.”
responding to broader, longer-term changes in young people’s status, roles, and behavior – and to changing public images and perceptions of the nation’s youth. Rather than an exclusive *product* of the Twenty-Sixth Amendment, in other words, lawmakers’ decision to lower the age of majority is best understood as a *concurrent* response to the same social and cultural changes that had led them to approve a lower voting age.

Legislators in the United Kingdom had provided an early example for American lawmakers, when they approved the *Family Law Reform Act* in 1969, and lowered both the age of majority and the voting age simultaneously. Parliament approved the act in 1969, but British lawmakers had been studying the issue since 1965, when the Lord Chancellor had established the Committee on the Age of Majority, and appointed by High Court Judge John Latey as its chair. In the Committee’s final report – which it published in 1967 – the Latey Committee had urged an across-the-board reduction of the age of majority, and called upon Parliament to grant eighteen-year-olds all of the legal rights and responsibilities of adults. Its recommendations were based on an in-depth study assessment “of the young today, how they live, what they need, what they are like, and how mature they are,” and on the Committee’s finding that “the young are often a great deal more sensible and level-headed” than their elders, and were well-prepared for adult responsibility by the time they reached school-leaving age.²³

The committee’s findings anticipated some of the key themes and conflicts that would emerge in American debates over the legal boundaries between youth and adulthood. In its final report, for example, the Latey Committee had stressed the importance of public perceptions of young people, noting that “it is easy for those not

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closely in touch with young people to get an entirely wrong idea of what they are like.”

When picturing older teenagers and youth in their early twenties, according to the Committee, too many Britons conjured up images of “pop fans screaming at airports, gangs roaming the streets, and longhaired rebels being rude to their headmasters.”

Noting that these images often elicited an “automatic shudder” in many adults, the committee blamed these misconceptions on the sensationalism of the press, on older people’s tendency to “automatically equate with delinquency such things as bright clothes, long hair, and the liking of ‘pop music.’” In reality, the Committee suggested, there was “nothing anti-social” about these behaviors.24 These images, it suggested, were the product of a “hysterical concentration on the delinquent minority” of young people, and they painted a wholly inaccurate picture of the nation’s youth. Denying the majority of – quite competent – young people adult rights because of how their age group was perceived, in this view, was “much more likely to make them irresponsible than to help them.”25

By identifying public perceptions of eighteen-year-olds as long-haired “delinquents” as the primary bar to a lower age of majority, and by dismissing these negative images as inconsistent with the facts, the Latey Committee had shown that that public and political resistance to lowering the age of majority – and the negative perceptions of young people that underpinned this resistance – could be overcome. And by implementing the Committee’s recommendation in 1969, Parliament demonstrated that the age of majority was not immutable, and could be altered through legislation much like any other law. Parliament’ actions, however, had been preceded by the Latey

25 Ibid., 27.
Committee’s lengthy, in-depth study of the issue. The Committee’s investigations had lasted many months, and it had heard testimony from numerous institutions and witnesses, ranging from the British Medical Association and the Church of England to key representatives of “business, finance, and trade.” Parliamentary lawmakers chose to lower the age of majority, in other words, in response to the “most impressive amount” and the “very great weight” of evidence collected by the Latey Committee.\(^\text{26}\)

British lawmakers’ decision to lower the age of majority was also only one aspect of a much broader project of social reform carried out by Harold Wilson’s Labor government. And while both the Latey Committee’s report and the “instant adulthood” bestowed on British eighteen-year-olds in 1969 made headlines in the United States, the American press often framed these policies as part of a tide of “permissive legislation” pushed through by Wilson’s government.\(^\text{27}\) The political and cultural context of the United States – where “permissiveness” was rapidly becoming a dirty word – was decidedly different.

With very few exceptions – California’s joint hearings on both the voting age and the age of majority in 1969 being the most notable – state legislatures that were considered lowering the age of majority rarely embarked on fact-finding investigations or consultations along the lines of the Latey Committee’s. And when they did seek broad public input or the opinion of experts, legislators often had difficulty developing the kind of authoritative consensus that the Latey Committee had developed in England. In the

\(^{26}\) Ibid., 26–31.

United States, political debate over the age of majority was far more polarized, and characterized by conflict between two contrasting views of American youth; one which defined eighteen-year-olds as mature, responsible young people, and one which saw them as immature, entitled children who posed a serious threat to traditional values. The first of these perspectives framed eighteen- to twenty-year-olds more or less as mature adults, who were being unjustly discriminated against on the basis of their age, and whose freedom was being restricted by archaic, outdated laws. In the latter view, however, eighteen-year-olds were vulnerable, immature young people, who required close adult – and preferably parental – supervision and control in order to prevent them from endangering themselves, endangering others, or engaging in immoral, self-destructive behavior. Granting eighteen-year-olds “adult” rights, in this view, would put innocent young people at risk, undermine parental authority, and embolden the young people who had been challenging “traditional” morals and authority during the late 1960s and early 1970s.

There was very little common ground between these two perspectives, and Americans on different sides of the issue held almost completely polarized views of the nation’s eighteen- to twenty-year-olds. Advocates of a lower age of majority such as Gammage – who believed not only that the law should treat eighteen-year-olds consistently, but that eighteen-year-olds were more than capable of making “adult” decisions for themselves – used much the same language and imagery that voting age activists had used to build support for the Twenty-Sixth Amendment, praising eighteen-year-olds’ maturity, responsibility, and idealism. There were still a great many Americans, however, who interpreted the dress, actions, politics and behavior of the
young people around them – and the young people they saw in the media – as signs of a sick society.

To conservative critics like psychologist Bruno Bettelheim, for example, greater expansion of young people’s autonomy and rights was the exact opposite of what both the nation’s youth and the United States more generally required. Branded “Dr. No” and “the counter-Spock” by the *New York Times* in 1970, Bettelheim was among the most prominent leaders of a major backlash against “permissive” child rearing practices, educational philosophies, and legal reforms during the early 1970s. Bettelheim won widespread attention by asserting that the young people who had demanded greater “freedom and participation” during the late 1960s and early 1970s were in reality expressing a “desperate need for controls from the outside, since without them they cannot bring order to their own inner chaos.” Rather than arguing that technological progress and an increasingly complex society was allowing young people to mature earlier – as social scientists like Kenneth Keniston and Margaret Mead had done during the late 1960s – Bettelheim asserted that the adolescents of the early 1970s were “crying out for a manhood which is postponed” by over-education and a lack of meaningful employment.28

What young Americans needed, in Bettelheim’s view, was not greater latitude and independence, but a firm hand and some good hard work. This perspective became increasingly popular among conservative Americans during the early 1970s, and formed an important component of a broader counter-reaction against the “permissiveness” of the 1960s. Championed by President Nixon and Vice-President Spiro Agnew during the

1970s elections, by far-right religious conservatives like Hal Lindsay, and by other members of Nixon’s “silent majority,” the backlash against permissiveness during the early 1970s was multi-faceted.²⁹ It was at once a rejection of the sexual revolution, of civil rights and black power activism, of student and anti-war protests, and of 1960s counterculture.³⁰ At heart, however, it was an attempt to restore what Agnew referred to as “respect for authority,” and to roll back the social and cultural changes of the 1960s. Writing about sexual permissiveness, for example, Alan M. Kriegsman described the push-back against permissiveness as a growing sentiment that “things have gone ‘too far,’” and that it was “time to call a halt” before “all sense of decency” was “lost forever in a sea of muck.”³¹

Clearly, many of those who championed anti-permissiveness during the early 1970s understood themselves to be fighting a broader collapse of social and moral order. Like Agnew, however, most of them understood students, liberal educators, and parents who failed to discipline their children as their primary foes. Freudian and neo-Freudian theories about the impact of childhood experiences on young people’s personality and character, in other words, were deeply embedded in the campaign against “permissiveness.” It was imperative, in this view, that children and young people be disciplined for small rebellions and infractions, lest they learn that “anything goes,” and become incapable of exercising self-discipline and self-control. As one teacher

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complained in a letter to the *Washington Post* in 1972, permissive parents and teachers were fostering “back-talking, cockey (sic) children and teenagers who have no sense of embarrassment or shame for any of their actions,” and whose progress towards becoming “good responsible adults” was “less than questionable.”

The most alarmist opponents of permissiveness believed that if left unchecked, it was a short step from “permissiveness to disintegration” – of traditional values, of adult authority, and of American society itself. They often used apocalyptic rhetoric and imagery in their arguments, asserting that “the disintegration of order in American society” was already underway, and that there was hardly any basis for optimism. But they also offered a deceptively simple solution: discipline. In Agnew’s view, for example, the problems American society faced in 1970 were primarily the product of an “unconscionable and ultimately cruel leniency” on the part of parents, educators, and other adult authorities. There was, he argued, “no greater need in the American body politic today than the need for discipline.” And while his pronouncements were often mocked by politicians and journalists to his left, Agnew’s rhetoric appealed to a broad range of conservative-minded American who desperately wanted to see someone make young people behave. As one harried teacher wrote to the *Washington Post* in 1972,

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young people needed to be taught how to be “polite, respectful, and – most importantly –
in a capacity to feel ashamed of wrong action.”

The ideas of conservative critics like Agnew and Bettelheim help to explain why
the choices which so many young people made during the late 1960s and early 1970s –
many of which seems minor or even trivial today – inspired so much revulsion and
unease among conservative adults. In the social and cultural context of the time, young
people’s decision to swear, to wear “hippie” clothes, to grow a beard or long hair, or to
sport a peace symbol were freighted with political meaning. Adults often interpreted
these stylistic choices as a wholesale rejection of traditional morals and authority, and
many Americans fervently believed that such small steps could lead to moral bankruptcy
if left unchecked.

In the social and historical context of the 1970s, then, many Americans perceived
behavior that would be regarded as relatively minor expressions of youthful autonomy
and independence today as pathological, and as a sign of moral decline. It was not
surprising, in this context, that many conservative lawmakers and voters would resist a
reduction in the age of majority. Lowering the legal age of adulthood, after all, involved
both an expansion of young people’s autonomy and a corresponding reduction in adults’
authority over them. The ratification of the Twenty-Sixth Amendment, however, was
proof that legislators were sometimes willing to trust eighteen- to twenty-year-old young
people with “adult” responsibilities. The image of the rebellious hippie or the sick rebel
were far from the only images of American youth that legislators, journalists, and
political activists could draw on as they debated a lower age of majority, and the debate

36 Woster, “‘Permissiveness’ in Schools.”
over the Twenty-Sixth Amendment had led even led some of the country’s most conservative lawmakers and politicians to embrace more positive depictions and assessments of the nation’s young people.

The contrast could be jarring. Agnew, for example, had mounted a very public and uncompromising campaign against permissiveness during the 1970 election, and denounced the report of the Presidential Commission on Campus Unrest— which had advocated a lower voting age— as “more pablum for the permissivists” in 1971. But a few months later, he proclaimed his belief that “great bulk of our young people” were ready for adult responsibilities at age eighteen, and called for a lower age of majority. Nixon, too, raised eyebrows when he asserted American youth had “passed from its stormy of night of recent years” into “a bright new morning” in 1972, in a speech which one reporter characterized as “an expression of confidence” in his young audience’s “present capacities,” as well as of “faith in their future judgment.” This from the same President Nixon who had quite recently called student demonstrators “bums” and denounced their “self righteous moral arrogance.” Nixon and Agnew were attempting to find a balance between two very different views of the nation’s young people, drawing on both positive and negative assessments of American youth when appealing to different constituencies.

Clearly, Americans were deeply divided in how they viewed the nation’s young people during the early 1970s. As a result, state-level debates over the age of majority

38 Ibid.
were often highly emotional conflicts, which pitted rights-based arguments for treating young people consistently and fairly against a moralistic, socially conservative argument for keeping young people under adults’ control – both for their own protection, and to uphold traditional values. Faced with such polarized, contradictory, and politically loaded perceptions of American young people, lawmakers who advocated a lower age of majority during the early 1970s often framed their efforts as an attempt to ensure that the law treated young people consistently. This commonsense approach to age of majority legislation had the unique advantage of appealing both to Americans who thought that the discrepancy between the age of majority and voting age was unfair to young people, and to Americans who felt that eighteen-year-olds were being unfairly privileged by this discrepancy.

Media coverage that highlighted the “half legal” status of eighteen- to twenty-year-olds in the wake of the Twenty-Sixth Amendment helped to make the case for a lower age of majority during the early 1970s. Journalists, in fact, had begun to point out that awarding the ballot to eighteen- to twenty-year-olds had placed them in a unique and problematic legal position almost immediately after the ratification of the Twenty-Sixth Amendment. Throughout the early 1970s, reports in major newspapers and periodicals noted that the amendment had granted eighteen-year-olds one of the most important aspects of adult citizenship, and seemed to suggest that these young people were fully competent, adult members of society. In most other areas of law, however, these same young people were still considered minors, incapable of making decisions responsibly for themselves. Some Americans felt that this placed undue hardship on young people, but others alleged that eighteen- to twenty-year-olds were being unfairly privileged by laws
that awarded them the right to vote while continuing to grant them the legal protections of minors. Regardless of whether it was viewed as an advantage or disadvantage, it was clear that eighteen- to twenty-year-olds were now subject to what one *Los Angeles Times* writer termed “a glaring double standard,” in that “the law considers them both children and adults.”

Media coverage tended to focus on some of the more problematic, and more absurd, inconsistencies in eighteen-year-olds’ legal status. Press reports pointed out the absurdity of laws that allowed a nineteen-year-old to be a member of a town’s alcoholic beverage commission when they could not themselves drink, permitted them to consent to an abortion but not an emergency appendectomy, or that prevented eighteen year-olds from serving on the juries which they would face if charged with a crime. Three months after the Twenty-Sixth Amendment was ratified, *Washington Post* writer Jurate Kaziskas questioned the logic of allowing eighteen-year-olds to adopt children, get tattooed, place bets at race tracks, and carry concealed weapons, while barring them from drinking or signing contracts. A month later, the *Wall Street Journal* put human – and sympathetic – face on the inconsistencies in age limit laws by telling the story of Steve Moses, a GI from Michigan who suffered severe injury after stepping on a landmine in Vietnam, and was sent home. Seeking treatment for his injuries in his hometown, Moses told the *Journal* that doctors had told him he could not consent to treatment. He had been forced to ask his stepfather to sign a consent form for him. “They treated me like a child

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40 Ellet, “18 to 21.”
41 Ibid.; Patterson, “Age of Majority Confusing Jumble.”
because of my age,” Moses stated, “I felt like a kid being taken to the doctor, even though I’d just been to war. It made me mad.”

These reports generated considerable public sympathy for young people such as Moses, and made a convincing case for lowering the age of majority. Where earlier variations in age limit laws had been justified as exceptions to the legal age of adulthood, these reporters seemed to be suggesting that the Twenty-Sixth Amendment had rewritten that rule altogether, unequivocally marking those between eighteen and twenty-one as adults. In this context, almost any age limit law that specified an age limit of greater than eighteen could be construed as unfair, and the more jarring differences in age limit laws began to look like a serious injustice. One reporter’s statement that “confusion will reign” as long as minors continued to be defined as persons under twenty-one, in other words, appeared to be a widely held sentiment in 1971.

Not all media reports portrayed the young people who were caught between legal youth and adulthood during the early 1970s in such a sympathetic light. Some of those who criticized the discrepancy between the voting age and other minimum age laws did so rather more resentfully. Young people between the ages of eighteen and twenty-one, in this view, were being unfairly privileged by laws which granted them the right to vote, while continuing to enjoy the legal protections and entitlements that the law extended to children. In August of 1971, for example, William Ellet of the Los Angeles Times began his discussion of the issue by writing about Richard, an eighteen-year-old Californian who was “caught in legal limbo between childhood and adulthood.” Ellet pointed to the same kinds of contradictions that other journalists had noted, noting that Richard could

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43 Mossberg, “Coming of Age.”
44 Patterson, “Age of Majority Confusing Jumble.”
fight in the military, vote, work, and pay taxes, but not drink, sign contracts, or serve on a jury. Ellet also pointed out, however, that Richard was an affluent, long-haired eighteen-year-old, who drove a sports car, surfed, and owned a motorcycle— all signs of privilege and affluence that the reader was clearly meant to resent. The article drew attention to the fact that Richard’s “curious mix of rights and restrictions” had its advantages, allowing him to “avoid the consequences of adult dealings” because there was “always Daddy to depend on.”

Rather than arguing that Richard should have his autonomy curtailed, however, Ellet advocated making youth like him “complete citizens,” and individuals “with complete adult prerogatives.” Like it or not, he suggested, young people were already making “emphatically un-childlike” decisions every day. For those who were disinclined to trust young people with the responsibility, or for whom the image of Richard was difficult to stomach, Ellet held out the prospect that lowering the age of majority might “produce an uncomfortable independence for the young which even affluence may not be able to soften,” an adjustment that “might do something to correct” their “privileged ignorance of the young.” This “privileged ignorance” was the target of many who advocated a lower age of majority, and Ellet was not alone in suggesting that, as Tom Wicker of the New York put it, “letting them qualify a little sooner might even teach them that life is no snap on either side of the age of maturity, whatever it is.”

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45 Ellet, “18 to 21.”
46 Ibid.
Ellet’s article made it clear that many conservative-minded Americans sometimes supported a lower age of majority *despite* their more negative perceptions of eighteen-year-old youth, and their skeptical assessment of these young people’s readiness for adult status. At least some of the lawmakers who supported a lower age of majority, in other words, likely did so out of spite or resentment, rather than out of faith in eighteen-year-olds’ ability to make responsible decisions, or out of a belief that they deserved greater legal rights and privileges. In states such as California – where the primary sponsor of the state’s age of majority legislation was a conservative Republican – this punitive rationale for a lower age of majority appears to have played a key role in the legislature’s decision to grant eighteen-year-olds legal adulthood.

This convergence of interests between liberal and some conservative state legislators allowed many states to pass age of majority legislation quite quickly. By the end of 1971, eight states had passed legislation lowering the age of majority to eighteen. Sixteen states followed suit in 1972, and by 1975 – four years after the ratification of the amendment – every state except for Mississippi had dispensed with twenty-one as the age of majority, while a handful of states – Alabama, Montana, Wyoming, and Nebraska – had opted place their age of majority at nineteen. But the rapid progress of age of majority legislation belied the difficulty of the task that faced state legislatures in drafting and passing these bills. The sheer number and complexity of the statutes involved was daunting. The New York legislature, for example, determined in 1971 that changing the age of majority would require the modification of 1,437 different sections of the state’s statutes, while Nevada’s Legislative Council Bureau identified 40 different age limits that would need to be modified in the state’s legal code. In several states, legislators resorted
to using computers to find all of the statutes that the new law would need to revise.\textsuperscript{48} Legislators in Vermont furnished other states with a cautionary tale early on, when their bill, passed hurriedly at the end of a legislative session, overlooked several key statutes that had to be fixed through subsequent legislation.\textsuperscript{49}

Legislators who tabled age of majority legislation faced more than organizational headaches. Their bills often aroused spirited opposition from a variety of different interest groups, on both sides of the political spectrum. The quick progress of age of majority legislation suggests that the idea had the necessary political support to be passed quickly and efficiently in most states, but this does not mean that there was no debate. In fact, opposition to these statutes was intense, and emotions ran high in the political struggles over them.

The intensity of the debate was partly due to the fact that there were very few sources of experience or authority that politicians could call upon for advice. Just as in the voting age debate, state legislators had difficulty finding legal scholars, developmental psychologists, or other potential sources of authoritative knowledge about young people’s maturity who were willing to wade into the debate. A Council of State Governments report prepared in 1972, for example, noted that the issues involved were “wide ranging and controversial,” and suggested that because “factual evidence on both sides is either not available or of insufficient weight to be credible,” legislative decisions were instead being based on “subjective considerations.”\textsuperscript{50}

\textsuperscript{48} Kaziskas, “‘Instant Adulthood’ for 11-Million Youths?”
\textsuperscript{50} Cook, \textit{The Age of Majority}, 1.
Seizing on this lack of authoritative evidence, opponents of age of majority laws argued that they might have unpredictable and undesirable consequences. The most vocal opponents of new age of majority legislation tended to be those who opposed a lower drinking age. Singling out the drinking age provisions of age of majority legislation, conservative legislators in state after state argued that permitting eighteen-year-olds to drink alcohol would increase drunk-driving fatalities, and warned that access to alcohol would corrupt a good many vulnerable and impressionable youth. Members of the public, too, often vehemently opposed a reduction in the drinking age, and many legislators reported receiving hundreds of letters demanding that the drinking age be maintained at its current level as they debated age of majority legislation. That socially conservative and safety-conscious lawmakers and voters would oppose a lower drinking age was not altogether surprising, but legislators who proposed a lower age of majority were often caught off-guard by some educators, juvenile justice workers, and social workers’ opposition to their bills. These public servants often warned that a lower age of majority would revoke many eighteen- to twenty-year-olds’ access to benefits – including welfare payments, child support, and special treatment by the courts.

Lawmakers often responded to these concerns by incorporating exceptions into new age of majority legislation. In California, for example, legislators approved a lower age of majority but left the drinking age untouched, and incorporated a number of revisions into the law which would preserve existing child support and welfare arrangements, as well as eighteen- to twenty-year-olds’ access to funding for education. These exceptions gave lie to the argument that lowering the age of majority was a matter

\[51\] Kaziskas, “‘Instant Adulthood’ for 11-Million Youths?”
of treating young people consistently across all areas of law, and they suggest that the new age of majority laws of the 1970s were the product of considerable fine-tuning. Far from a knee-jerk, automatic reaction to the Twenty-Sixth Amendment, these laws were carefully crafted instruments of policy – and of politics. They lawmakers who drafted and revised them did so with very specific types – and images – of young people in mind.

A “Special Class of Citizens:” California Conservatism and the Legal Status of Youth

When he signed the Twenty-Sixth Amendment in July of 1971, President Nixon was careful to note that one of the three eighteen-year-olds who he had invited to sign the document with him – as additional, ceremonial witnesses – was from California. As he read the young man’s name and home state, the President interjected that “I don’t think this was an accident” that “we have one from California.” The remark drew chuckles from his audience.  

The state of California had played an important role in the political debate over the voting age; the birthplace and primary center of LUV’s activities, it had served as the backdrop for many of the images and depictions of young people which voting age activists had used to build public and political support for a lower voting age. But images of California and images of American young people had overlapped in American culture throughout the post-war era; California had served as a crucible for youth culture, as a symbol of youth’s promise, and as the setting for some of the most disturbing depictions of youth-run-amok for decades. As historian Kirse Granat May has argued, California

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was both the setting and the source of several “ideal” youth culture and lifestyles over the course of the post-war era, and served as a symbol for the promise of the future throughout the post-war era. But California was also the state where students had launched the first major student’s rights protests of the 1960s, the epicenter of “hippie” counter-culture and the black power movement, and the setting for one of the largest and most traumatic race riots of the 1960s.53

California, in other words, was the primary setting and one of the primary symbols of white, middle-class youth culture during the post-war era. But it was also the place where the dream world of the Beach Party films and the Mickey Mouse Club had gone up in flames.54 The rise of Goldwater- and Reagan-style conservatism and the disillusionment wrought by Berkeley and Watts made for a potent combination, and by the late 1960s political conservatives like Reagan had learned to harness conservative Californians’ deep-seated resentment of disorderly, disrespectful youth as a political tool. California’s new conservatism, in other words, was both a product and a source of “extreme antipathy” towards the youth culture and public images of young people that dominated during the late 1960s and early 1970s.55

Given the context of Reagan’s rise to power, and of many Californian’s deep frustration with the youth of their state, it may seem surprising to note that California was among the first states to lower the legal age of majority once the Twenty-Sixth Amendment had been ratified. There was, however, always room for a specific, sanitized

54 Ibid., 135.
55 Ibid., 7.
image of young people and youth culture in California conservatives’ orbit; during Reagan’s 1966 Gubernatorial campaign, for example, he had been accompanied everywhere by a bevvy of “Reagan girls,” who presented a vivacious yet wholesome image of American youth, and were intended to serve as a direct contrast to “competing images of youth on television and in the print media, reinforcing Reagan’s appeal to frightened voters.” During the political debate over the voting age, LUV activists had played a somewhat similar role, exuding white, middle-class conventionality as a means of reassuring skeptical lawmakers and voters, while retaining just enough youthful enthusiasm and sex appeal to catch the public’s attention.

Such wholesome, positive images of California’s young people certainly helped to ease the passage of the state’s new age of majority law. But State Senator Paul Priolo – the primary sponsor of California’s new age of majority bill – had also framed the new age of majority in a way which appealed to both liberal and to many conservative lawmakers. In many respects, Priolo’s bill was a conservative response to the Twenty-Sixth Amendment, designed to ensure that if eighteen- to twenty-year-old Californians were to enjoy the benefit of the ballot, they would also be required to shoulder all of the responsibilities of other adults. Frustrated and angry over student demonstrations and by many young people’s display of rebellious, disrespectful behavior, many California conservatives supported a lower age of majority, in the hopes that it would force the state’s college-aged youth to grow up.

California’s debate over the age of majority was characterized by conservatis and compromise. Priolo was careful to phrase his argument for the bill in conservative

56 Ibid., 176.
terms, and decided early on that the bill would leave the drinking age in California untouched. This action appeased many of those who were disinclined to support any attempt to give young people greater autonomy or independence, and left the aspect of the age of majority that young people themselves were most likely to be passionate about unchanged. When a variety of interest groups spoke up to challenge the bill, Priolo brokered compromises and incorporated amendments that neutralized their concern – specifying, for example, that existing child support agreements would not be ended prematurely under the new bill, and creating exceptions so that the California Youth Authority – the state’s juvenile justice agency – could retain jurisdiction over prisoners who were above age eighteen.

California’s lawmakers had been debating a lower age of majority long before the Twenty-Sixth Amendment was ratified, thanks to hearings on the voting age that had been held by the California Assembly’s Committee on Elections and Constitutional Amendments – and chaired by Priolo – in 1969. The committee had decided to hold a series of extensive hearings on the issue after legislators had begun tabling a growing number of proposals for a lower voting age, but the hearings had focused on the prospect of lowering both the age of majority and the voting age simultaneously. Committee members explained this choice by suggesting that past efforts to lower the voting age had failed, in part, because California’s legislature had been unwilling to enfranchise young people who would remain children in other areas of law.\footnote{California Assembly Committee on the Judiciary Staff Memo, AB 2887 (Bill File), Paul V. Priolo Papers, MF 6:2 (118), California State Archives.} Priolo phrased his own rationale for tying the age of majority to the voting age somewhat differently, expressing distaste for the prospect of “creating a special class of citizens,” who would have the
right to vote, “but not of the other rights and duties of full majority.” Such an inconsistency, he asserted, would be “contrary to both the general American principles of democracy and the rights of 18-year-old citizens themselves.”

When he tabled his bill to lower the age of majority in 1971, Priolo made much the same argument, suggesting that “if privileges are going to be extended, it is only logical that full adult citizenship should follow.” Californians, Priolo insisted, were “concerned that we avoid creating a special class of citizens with only part of the rights and responsibilities that go with adulthood.” Statements such as these emphasized the responsibilities that the bill was designed to impart, rather than the rights, implying that the Twenty-Sixth Amendment had granted eighteen-year-olds a special status that was both unfair and undeserved. Priolo’s repeated references to this “special class” of citizens made it clear that his bill – Assembly Bill 2887 (AB 2887) – was primarily intended to ensure that eighteen- to twenty-one-year-olds paid for their new privilege, effectively teaching them the lesson that “the franchise is a privilege which means acceptance of responsibilities” and “complete participation in society.” It was, in effect, motivated by a punitive, rather than a sympathetic attitude towards young Californians.

Priolo was far from alone in his desire to ensure that young Californians did not get a free ride on voting rights – William Ellet’s profile of one young man’s “privileged ignorance” had sounded a similar vindictive note, as had the testimony of some of the

58 Press Release, March 26, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
59 Press Release, April 15, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
60 Press Release, July 20, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
61 California Assembly Committee on Judiciary Memo, AB 2887 (Bill File), Paul V. Priolo Papers.
witnesses during the 1969 committee hearings. While most witnesses at the hearings had supported a lower voting age and age of majority – and spoken highly of eighteen-year-olds’ capacity to shoulder adult rights and responsibilities – those who opposed a reduction in either age limit had focused narrowly on the issue of young people’s dependency. Often testifying as private individuals or businessmen, witnesses like Gardner Sanches and Leland Bergstrom had repeatedly reminded the committee that eighteen-year-olds “are not taxpayers,” that “most of them don’t own any real property,” and that they were “not substantial wage earners.” Eighteen-year-old voters, in this view, would not be “financial contributors to the programs that they could be voting on,” and would be “motivated by material appeals,” and “idealistic goals that are impractical and unobtainable.” These witnesses insisted that allowing eighteen-year-olds to vote before they were taxpayers, before they were “willing to suffer to consequences if they break the law,” and before they “became a father and pay taxes and [buy] property,” would be deeply unjust. More generally, they had characterized eighteen- to twenty-year-old youth as dependents, who were still too closely tied to “the shoestrings of home and family” to act as independent adults.

Such statements appeared to invoke an almost nineteenth-century view of voter qualifications as a factor of property ownership and financial independence. But in the context of 1960s California, these statements were also clearly informed by the rhetoric

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63 Ibid., 33 (statement of Gardner Sanches).

64 Ibid., 35 (statement of Gardner Sanches).

65 Ibid., 45 (statement of Leland Bergstrom).
of taxpayer revolts, and by social conservatives’ growing emphasis on preserving the integrity and authority of the “family unit.” Men like Sanches and Bergstrom opposed a lower voting age and age of majority because they believed that adult status should be reserved for Californians who worked to support their own families, rather than depended on their parents. To grant adult status to young people who were still dependent, and who did not work, according to Sanches, would be a form of “taxation without representation in reverse.”

Despite all the talk of doling out rights and responsibilities simultaneously which surrounded his bill, Priolo was steadfast in his insistence that the minimum drinking age – which had been set at twenty-one in California for decades – needed to be considered separately. In part, this choice was motivated by political expediency; the drinking age was enshrined in California’s state constitution, and any change to it would have required a state constitutional amendment – and approval by the state’s voters – to pass. Priolo certainly showed no inclination to set such a process in motion, and his reluctance to address the drinking age issue undermined the claim that he was only trying to standardize the state’s minimum age laws.

Not surprisingly, Priolo’s bill faced significant opposition from interest groups who felt that the it would affect them negatively, and who were concerned that it would have a negative impact on young Californians’ well-being. In particular, the California Department of Veteran’s Affairs, the California Youth Authority (CYA), the California PTA, and large numbers of Californians who depended on court-mandated child support payments all opposed the initial draft of AB 2887. In most cases, these groups opposed

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66 Press Release, April 15, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
the bill because it would mandate earlier termination of a benefit, service, or other provision of care that had previously been offered to young people as old as twenty. The California PTA, for example, warned that ending young people’s ability to claim welfare and other benefits at eighteen was likely to “put many worthwhile programs in a state of intolerable confusion.” Urging Priolo to amend the bill, the PTA drew his attention to sections of the bill that “would penalize, not aid, our young people.”67

In early drafts of the bill, there were many such sections to point to. The Department of Veterans Affairs, for example, opposed the termination of educational assistance programs for veterans’ dependents at age eighteen. There were approximately 1,800 young Californians currently in school or college, they pointed out, who had expected to receive these benefits until age twenty-one.68 A similar set of objections to AB 2887 were raised by families who depended on child support agreements that had been established years earlier, and which specified that continuing support was owed until the child in question reached the age of twenty-one. The sudden and unexpected removal of child support income had the potential to generate considerable hardship for many California families. Many of these objections to a lower age of majority were ultimately neutralized through amendment without compromising the rationale for the bill. The final version of AB 2887 included an exemption for those who had qualified for

67 Mrs. Robert T Adams, California PTA Legislative Advocate, to Paul Priolo, September 1, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.

68 Frank D. Nichol, Director, California Department of Veteran’s Affairs, June 10, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
dependent’s or child support benefits prior to the bill’s passage, for example, while still specifying that such benefits would terminate at age eighteen in the future.  

The objections of the California Youth Authority and the numerous juvenile justice workers who wrote to Priolo registering their concerns, however, were much less easily resolved. The problem with AB 2887, as far as the CYA was concerned, was that it would remove the ability of the courts to commit eighteen- to twenty-one-year-olds to CYA institutions, rather than sending them to adult prisons, and would leave the agency little choice but to either parole or send to state prison more than 1,600 eighteen- to twenty-year-olds currently under its care. This was, according to CYA Director Allen Breed, “a serious mistake.” Breed took issue with both the direct effects of the bill, and with the rationale behind it:

> The treatment and rehabilitation of youthful offenders is not an issue that can be decided by the chronological age of the individual. Under present statutes, the Department of the Youth Authority may retain jurisdiction over certain types of commitments until age 25 and in some cases longer if the individual has been declared a dangerous person. We see absolutely no correlation between the age to vote and the age for needed treatment.

From the perspective of juvenile justice workers, then, AB 2887 threatened to replace a system that had been developed and fine-tuned over the course of many decades in an attempt to maximize the chance that young offenders who were a wide range of chronological ages could be rehabilitated. One Juvenile Justice and Delinquency Prevention Commission member suggested that the bill would “be like turning the clock backward thirty years,” placing California’s progressive correctional programs in the

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69 Assembly Bill 2887 (enrolled version), AB 2887 (Bill File), Paul V. Priolo Papers.

70 Allen F. Breed to Paul Priolo, June 11, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
same category as “some of the most backward states.” The concern of many CYA and Juvenile Justice workers was that the new bill would create a system whereby chronological age would be the sole decider of who was given the opportunities for treatment and rehabilitation in CYA facilities, and who was sent to a state prison, where, they suggested, they would be much more likely to become lifelong criminals and inmates. Such changes clearly had the potential to seriously affect the lives of young offenders.

Priolo received many letters from Juvenile Court Judges, Probation Officers, and other juvenile justice workers who opposed these changes. Many were severely critical of the proposed bill. San Mateo County Chief Probation Officer Loren A. Beckly, for example, wrote that:

I am inclined to think that this legislation has been enacted in a hasty manner, and the implication of all the specific changes have not been thoroughly thought out. It appears that this can be interpreted as hostile legislation toward youth, saying ‘ok we gave you the vote and we did not really want to, now you are going to have adult responsibility.’

Despite the strength and number of these objections, AB 2887 had widespread political support, which grew stronger as Priolo worked to amend the bill and address opponents’ concerns. Ultimately, the bill passed both houses by a wide margin. On signing it, Governor Ronald Reagan left little doubt as to the rationale for the bill, suggesting that the legislation acknowledged “the basic concept that those who enjoy the


72 Loren A Beckly to State Senator Arlen Gregorio, June 29 1971, AB 2887 (Bill File), Paul V. Priolo Papers.

73 Paul Priolo to the Members of the California State Senate, October 18, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
privileges of voting also should be expected to assume the responsibilities of full
citizenship.”

California legislators’ decision to lower the age of majority spoke to the
powerful effect of the Twenty-Sixth Amendment on Americans’ attitudes toward the
legal boundaries between childhood and adulthood. The Amendment had altered the
legal and political environment, making it possible to pass a bill that granted eighteen- to
twenty-year-olds significantly greater rights and autonomy than they had previously
enjoyed. Prior to the lowering of the voting age through federal legislation, it is doubtful
that Priolo would have been able to broker the compromises and win the support for AB
2887 that he did. The California experience also illustrated, however, that the movement
towards granting young people greater rights and autonomy had clear limits. The
steadfast refusal of Californians to consider a lower drinking age, for example, revealed
an unwillingness to grant eighteen- to twenty-year-olds all of the legal rights and
privileges of adults. Reservations such as these, and the language that both Priolo and
opponents of his bill had used during the debate, spoke to the growth of increasingly
conservative attitudes towards young people. As the 1970s progressed, California
legislators would be less and less interested in granted eighteen- to twenty-year-olds
further autonomy, and progressively more interested in subjecting their behavior to adult
supervision and control.

Lowering the Age of Majority in Texas

California was among the earliest adopters of a lower age of majority in 1971.
Despite its refusal to consider lowering the drinking age alongside the age of majority,

74 Press Release, Dec 17, 1971, AB 2887 (Bill File), Paul V. Priolo Papers.
the state appeared, at least to casual observers, to have lived up to the reputation that President Nixon referred to as he signed the Twenty-Sixth Amendment, of being a youthful, forward thinking state. There were plenty of states, however, where lawmakers took considerably longer to lower the age of majority, and whose legislatures were widely regarded as having a conservative, even hostile attitude towards young people. One of these states was Texas. Texas’ legislature had ratified the Twenty-Sixth Amendment, but otherwise showed little interest in expanding eighteen- to twenty-year-olds’ legal rights during the first few years of the 1970s. Just after the ratification of the Twenty-Sixth Amendment, for example, Houston Post columnist Art Wise noted that the “much-heralded ‘youth revolution’ just hasn’t turned many heads in the legislative halls of the Lone Star State,” and noted that legislators had made few attempts to alter other minimum age laws.75

This changed in 1973, when Texas joined the growing number of states that had passed age of majority laws, and did so by passing a surprisingly comprehensive bill to provide eighteen-year-olds with “all of the rights, privileges, and obligations” of adults, including the right to drink and to consent to medical procedures, and potentially even allowing women as young as eighteen to obtain an abortion without parental consent.76 The bill was primarily the work of Robert A. (“Bob”) Gammage, the newly elected thirty-four-year-old Democratic state senator from Houston. Despite being a freshman

75 Art Wise, “Most Texans Still Treated As Minors,” Houston Post, August 8, 1971.

senator, Gammage had considerable support in the senate, for reasons that help to explain why he and his supporters were able to win passage of such a comprehensive age of majority law.

A former lawyer and state representative, Gammage rose to prominence as a state representative during the 1971 legislative session, when he had joined forces with a bipartisan group of politicians who insisted on a full investigation into a political scandal that had uncovered high-level corruption in the state Democratic Party’s political leadership. The Sharpstown Stock Fraud Scandal led to the downfall of key party officials, including the governor, and caused a marked shift to the left in the party’s political leadership. Exploiting this atmosphere of reform, and using the political capital he had gained as a representative, Gammage used his first term as a state senator to champion the issue of eighteen-year-old rights, while also making women’s rights, environmental legislation, and the liberalization of anti-marijuana laws key planks in his political platform.

The age of majority debate in Texas was extremely polarizing. Supporters of Gammage’s bill phrased their arguments primarily as a call for fair and consistent set of age limit laws in the state, a position that made it difficult for them to make concessions or compromise with the bill’s opponents, since doing so would be at cross-purposes with the underlying rationale for the bill. The bill’s opponents, for their part, objected to its provisions – particularly those allowing for eighteen-year-old drinking and abortions – on

moral grounds, stubbornly refusing to accept the reduction in parental authority that they believed the bill represented, and forecasting dire consequences for Texas young people if it were approved. While Gammage seemed to have assembled the necessary backing to pass his bill early on in the process, opponents of the bill in the Texas Senate and House of Representatives refused to budge, and ultimately had to be outmaneuvered and overruled, rather than reasoned with. As a result, the debate was a drawn-out and acrimonious one. Where the political debate in California had been characterized by compromise, in Texas it was characterized by the anger and indignation that it provoked.

It is worth noting, however, that the legislation that resulted from the debate, and the arguments used to rationalize and defend it, were actually more progressive than the legislation that had been passed in California, where the debate had been considerably less polarized. Senate Bill 123 (SB 123) was billed as a call “for consistency” above all else, and Gammage’s main argument for the bill was based on the need for fairness and equality in age limit laws. Eighteen- to twenty-one-year-olds, he suggested, had many adult responsibilities. They paid taxes, were criminally liable, voted, and served in the armed forces, but they were only “quasi-adults” in the eyes of the law, and were “denied many of the responsibilities and privileges of adulthood regardless of the adult duties they must legally fulfill.” Taking a firm stand for a consistent and uniform set of age limit laws, Gammage wrote that if Texans were to consider these people adults in some cases, then “we must, in all fairness, grant them full adulthood. I call only for a consistent position.”

While this position was superficially similar to that of Priolo, Gammage

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78 SB 123 Draft Conference Committee Report, File SB 123, Box 97-230/24, Robert A. Gammage Papers, 1971-1995, Dolph Briscoe Center for American History, University of Texas at Austin.
emphasized the responsibilities already held by eighteen- to twenty-year-olds, and insisted on an across-the-board uniformity that Priolo had not.\textsuperscript{79} This argument had an all-or-nothing, common-sense appeal that Gammage used to great effect in facing down his opponents, suggesting that “if these people are adults, let’s treat them like adults,” or “kill the whole thing and treat them like minors.”\textsuperscript{80}

Gammage’s decision to base the case for SB 123 on the need for consistency and fairness had clear political advantages. Accepting this rationale meant that there was little need to embark upon an extended examination of young people’s emotional and mental maturity, since the voting age had already been firmly fixed, and constitutionally enshrined, at age eighteen. Gammage and his supporters could concede that this age limit might be arbitrary, but could also make the argument – frequently made in both the age of majority and voting age debates – that the common law age of majority was equally so, and had emerged as a response to the physical demands of armored combat during that the middle ages, rather than as a measure of emotional maturity. “If the age of majority was never based on maturity,” wrote one of Gammage’s aides, “we are not compelled to answer the question of whether young people today are more mature than before. Age of majority is a question of legal equity.”\textsuperscript{81} This was a fairly straightforward claim, and the bill had, after all, been designed to correct inconsistencies in Texas age limit laws that had arisen as a consequence of the Twenty-Sixth Amendment. By


\textsuperscript{81} Ann _____ to Robert Gammage, File SB 123, Box 97-230/24, Robert A. Gammage Papers.
phrasing the rationale for the bill in this way, Gammage was also making the case that a single, consistent age limit law was the ideal way of managing young people’s transition into legal adulthood.

Generally, Gammage’s opponents did not take issue with his argument for consistency in age limit laws. Their opposition to the bill was based, instead, on the long history and tradition of legislation that had been designed to protect minors from harm, corruption and vice. Their objections were founded, in other words, on their standards of morality, and on their belief that the state had an obligation to protect and care for individuals under the age of twenty-one. Because they saw the debate over SB 123 as a moral issue, political opponents of the bill were determined to resist the its passage, and went to great lengths to make their opposition to it widely known. The most vocal opponents of the bill were State Senators Don Adams, Bill Moore, and Tom Creighton, and Assemblyman Billy H Williamson. Like Gammage, all four politicians were Democrats, albeit affiliated – and in the case of Moore and Creighton, senior leaders of – the party’s more conservative wing. These politicians did all that they could to prevent SB 123 from passing, repeatedly attempting to neutralize the bill through amendments, and even filibustering in a bid to delay its final passage.82

The arguments these politicians made against SB 123 focused in particular on the provisions of the bill that would lower the drinking age and which had the potential to allow eighteen-year-old women to consent to abortions without parental consent. They saw these changes as a threat to the safety of young Texans, and as a potential corrupting

influence on them. Implicit in this argument was the assumption that eighteen-year-old Texans lacked the capacity to make mature, responsible decisions regarding alcohol and abortions – that they were, in other words, not fully developed adults. Where Gammage’s arguments were predicated on an admission that any age limit was likely arbitrary, his opponents essentialised the common law age of majority, suggesting that it drew a line between the ages at which young people could be trusted with making moral, responsible decisions from the ages at which they could not.

Usually, the opponents of SB 123 did not phrase their opposition to the bill in such concrete terms. Senator Creighton came close to making his underlying assumptions explicit when he expressed doubt that eighteen-year-olds had the “experience and good judgment” to participate as full adults “in the system as it now exists.” Similarly, State Representative Billy H. Williamson touched on the foundation of his opposition while proposing an amendment that would have removed SB 123’s drinking and medical consent provisions. He lamented that “you cannot legislate morality, and neither can you legislate maturity.” The statement suggested that both that minors’ vulnerability to – or capacity for – immorality and the rate at which they matured were fixed constants, which it was folly to suggest that the legislature could alter or affect.

More often, the opponents of SB 123 presented it as a grave risk to the safety and well-being of eighteen- to twenty-year-olds. Stressing that the bill would end the legal protections and prohibitions that had previously protected this age group, Creighton

83 “Rights Bill Delayed;” Fish, “Debate by Foes.”

suggested that Gammage’s bill would allow eighteen-year-olds into bars and saloons, where they would be exposed to “lascivious, lewd entertainment,” and “turn them over to the shady car dealers.” This fear was echoed by State Senator Moore, who suggested that by making young people eligible to sign contracts, the bill would “make them prey to all kinds of sharpies who want to sell them things.” Moore was also careful to point out that the bill would also allow eighteen-year-olds into pornographic book stores and films, while State Senator John Traeger warned parents that their eighteen-year-old daughters would be “going to some sin city, into bars of ill repute,” if the bill passed.  

As Trager’s statement suggests, these politicians appear to have envisioned parents as their primary constituency. Their perspective on the threats facing young people was a paternal one, emphasizing the dangers and corrupting influences that awaited young people who were loosed from parental control. The consequences of taking this step, they warned, would be dire. Adams envisioned an environment of “easy whiskey and abortions on demand,” as a result of SB 123, where “we’re going to have people in high school who will go out on their break to have a cocktail.” In Senator Moore’s view, it was imperative that young people be kept on the straight and narrow through the guidance and supervision of adults. He blamed many of the problems of youth in American society on a lack of this supervision, or what he called the “permissiveness that’s consuming this country.” “I resent [it]” Moore stated, “I was


87 “Senate Approves Adulthood at 18.”
young once and I have a son, but I don’t see any crying needed for that kind of legislation.”

This desire to protect young Texans from their own impulses, as well as from unsavory external influences, meant that the language used by SB 123’s opponents often contained an element of suspicion or distrust of young people themselves. It was precisely because young people’s own impulses and moral compass could not be trusted, according to this view, that they required the supervision and guidance that the common law age of majority provided. Sometimes, the language used by SB 123’s opponents sounded downright hostile to the young Texans whose lives the bill would alter. Senator H.J. Blanchard, for example, suggested that teenager’s call for rights was “a lot of mish-mash. They want one thing: Reduce the age by which they can buy liquor and beer, and you wouldn’t have 20 letters in favor of this bill.”

These concerns seemed to resonate with many Texans outside the legislature. A Dallas News editorial asserted that the benefits of the bill were “at best dubious,” and suggested that “there is certainly no crying need for an 18-year-old to have an abortion without parental consent, or for college boys to club together and buy a bar, or for a teenager with no resources of his own to get into debt.” Gammage and Texas Governor Dolph Briscoe both received numerous letters from Texans opposed to SB 123, many of them making arguments very similar to those raised by the bill’s formal political opposition. One letter writer urged Gammage to work with young people “in social

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activities as I do, and then you would realize their shortcomings to accept responsibility and facing life. Your bill simply offers them new ways to ruin their lives.”

Many of those who wrote to express their opposition were parents, and their concerns spoke both to a fear of young people being led astray and to a fear of losing control over their children. Kingsville teacher and father of four Eldon Brinley, for example, wrote several letters to Gammage, expressing his opposition to SB 123 and his anger at what he viewed as an attempt to curtail his parental authority. The bill, he feared, would turn young people “out on this world,” and would “take these youngsters away” from their parents. This was folly, according to Brinley, because “95% of these kids can’t make it alone. They have not earned money, been taxed, most don’t vote, few excel in school, and too many are now delinquents.” It was critical, according to Brinley, that eighteen- to twenty-year-old young people be closely supervised and given adult guidance. Youth, he stressed, “need help, they need parents, they need interested teachers, they need someone who cares, someone who understands them. The last thing they need is to be thrust upon society at 18.”

The allegation that eighteen-year-olds did not deserve majority rights because they were not fully self-supporting was made frequently. Another Texan wrote to Gammage complaining that many eighteen- to twenty-year-olds were “still dependent upon their families for the necessities of life and parental guidance.”

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91 John _____ to Robert Gammage, File Legal Rights for 18-Year-Olds, Box 97-230/8, Robert A. Gammage Papers.


young people adult rights would, he suggested, have a “mischievous impact on family
solidarity and upon the real freedom of dependent young persons,” by treating young
people who were not “fully self-supporting” as adults. The underlying argument in
statements such as these seems, in many cases, to have been that young people should not
be able to make adult decisions until they were “out of the nest” and paying their own
bills. The experience of being self-supporting, according to this view, was what entitled
young people to the rights of adulthood. W.W. Hering wrote to Gamage to complain
that “the 18 year old isn’t out of the nest yet,” suggesting that they lacked “reasoning
experience,” and had never “had to decide anything more important than what car should
they hound their pap for.” Writing to Governor Briscoe, another Texas parent made a
similar point, arguing that eighteen-year-olds needed “to work at least a year out of high
school, or get away to college a year, in order to ‘grow up’ before having adult rights
bestowed on them. They grow up a lot in that year and realize perhaps mom and dad are
not such old fogies after all.”

Gammage’s political opponents also capitalized on these concerns. Creighton’s
argument that young people “had no business going into debt without financial
resources,” for example, expressed a similar concern, as did Senator HJ Blanchard’s
admonishment to “think about the people who pay the bills when you vote for this.”

These warnings seemed to fall on deaf ears as the bill advanced in the legislature,

94 George L. McGonigle to Robert Gammage, March 18, 1973 and April 9, 1973,
95 W.W. Herring to Robert Gamage, March 8, 1973, File Legal Rights for 18-
Year-Olds, Box 97-230/8, Robert A. Gammage Papers.
96 Robert L. Ferguson to Dolph Briscoe, June 1, 1973, File SB 123, Box 97-
230/24, Robert A. Gammage Papers.
97 Ford, “18-Year-Old Rights Approved.”
however, and the political opponents of SB 123 sounded shriller in tone as the age of
majority law got closer to passage. Believing that, as Senator Moore put it, “the people
of this state don’t have adequate knowledge of what’s in this bill,” their statements and
actions were often directed at delaying the bill and generating publicity, in the hopes of
mobilizing public opinion against Gammage, and giving “the people at home the
opportunity to react to this bill.”

Senator Adams was particularly vocal in the final stages of SB 123’s journey
through the legislature, attempting a filibuster to delay the State Senate’s final vote on the
bill, and arguing that it could have unforeseen negative consequences. Adams, however,
focused more narrowly on the argument that Gammage’s bill would cause more drunk
driving accidents in the later stages of political debates over SB 123. Quoting Michigan
accident rate statistics that had garnered widespread attention the previous year, Adams
repeatedly warned that the bill would bring about “carnage on the highway,” as eighteen-
year-olds flooded into bars and then onto roads.

Gammage and his aides had anticipated this line of argument, and made a
concerted effort to find statistical data that would “offset the Michigan report.” Using
data from Louisiana and New York – two states that had allowed eighteen-year-olds to
drink for years – Gammage’s aide Bob Bass prepared a report suggesting that “the ability
of 18 year olds to purchase and consume alcohol legally did not seem to increase the

98 “Rights Bill Critics Drop Filibuster Plan”; “Filibuster Threat Lingers.”
100 State Senator Don Adams, Texas State Senate Floor Debate (Audio Tape), 63rd
Texas Legislature, March 12, 1973, tape 5 of 5, side 1 (tape 42), 17:00-20:00.
In drafting the report, however, Bass appears to have taken some statistical liberties, arguing, for example, that the higher automobile accident rate for young people could be offset by their higher rate of non-automobile accidents, or that observed increases in accident rates might simply be due to a larger number of drivers on the roads. Bass even concocted an argument that eighteen- to twenty-year-olds had a “psychological dependence” on automobiles:

The automobile has been the only adult symbol of status which has been granted to the young non-adult. In an effort to prove his adulthood, many members of the 18-20 age bracket have resorted to immature reckless driving. It would seem that if more, indeed all, adult rights were granted to this age group there might be a resulting willingness to accept these responsibilities. This would also include the responsibilities of mature and careful driving.

In spite of the fierce resistance of some of Texas’ more conservative state senators, Gammage and his supporters managed to assemble considerable political support for his bill, and to ensure that it passed both the State Senate and House by a wide a margin of votes. As Creighton, Moore, and Adams did everything that they could to hold up the bill, Gammage usually opted to simply wait them out, confidently suggesting that they were “not going to change anyone’s minds” and accusing his opponents of “making an accommodation to an emotional opposition rather than presenting any real opposition.”

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101 Memo on Accident Statistics, File SB 123, Box 97-230/24, Robert A. Gammage Papers.


While some Texans had written to Senator Gammage and Governor Briscoe expressing their opposition to the bill, many also wrote to express their support, often framing their arguments as a reaction against the tactics and rhetoric of Adams, Moore, Creighton and Williamson. Twenty-four-year-old University of Houston law student Keith Anders wrote to Gammage expressing his frustration with these politicians, calling their struggle against SB 123 “illogical, provincial, and not worthy of belief.”\footnote{Keith Anders to Robert Gammage, March 25, 1973, File Legal Rights for 18-Year-Olds, Box 97-230/8, Robert A. Gammage Papers.} Anders also wrote to Senator Adams, taking care to note that he had “never had long hair and I am not a radical or a left-winger,” in order to urge him to abandon his opposition to the bill. “It does not seem very consistent,” he wrote, to deny voting citizens full rights, and “I do not know what groups are giving you such strong support in your fight on this issue.”\footnote{Ibid.} Another young Texan was careful to state that he was an officer in the Texas Young Republican Federation and not “a wild-eyed liberal, wanting to disrupt the government.” What he sought to dispute was the claim that the bill would soon see eighteen- to twenty-year-olds “buying liquor as if it were going out of style.”\footnote{Laird J. Markland to Robert Gammage, March 9, 1973, File Legal Rights for 18-Year-Olds, Box 97-230/8, Robert A. Gammage Papers.}

Another resident of Houston who described herself as a sixty-year-old whose “greatest joys and happiness in life is my contact with young people,” wrote to say that she was “disgusted and angry” that “some of our lawmakers are so myopic and antique.”\footnote{Ibid.} Addressing Adams, Moore, and Creighton, her tone was mocking:
These young people are confused enough with all the do’s and don’ts of their legal rights now. They are sent to war at 18; you put a gun in their hand, send them to a country where they are faced with every temptation, where they have to make decisions every moment to even survive . . . They have proven they are adults. Yes, these are the same young people you fear just might consume a little alcohol.  

Clearly, many Texans were not swayed by opponents’ dire predictions that alcoholism and immorality would spread amongst Texas’ youth if SB 123 were approved. The focus of the bill’s opponents on the dangers of alcohol struck many as absurd. One Texan wrote Governor Briscoe to ask “which do we consider the more important in our great democracy, the right to vote or the right to drink?” The right to vote, she argued, “has certainly been considered precious enough in the past.” If the bill failed to pass based solely on the drinking provisions, she warned, “[we] will be saying to the young people, ‘we think the right to drink is more precious than the right to vote.’”

That opposition to eighteen-year-old drinking struck some Texans as so absurd speaks to the impact of the shifts in young people’s social and cultural roles that had brought on both the voting age and age of majority debates in the first place. Many Texans seem simply to have felt that a lower age of majority was an idea whose time had come. Calling SB 123, “simple justice,” the Houston Post suggested that given the “unfair and inconsistent” state of current age limit laws, there was “no equitable alternative,” to the changes the bill sought to implement. Times had changed, according to this view, and it was time for the laws to catch up. A group of young people

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108 Ibid.

109 H.C. Mason to Dolph Briscoe, June 4, 1973, File SB 123, Box 163, Dolph Briscoe Papers, 1932-2010, Dolph Briscoe Center for American History, The University of Texas at Austin.

who claimed to have organized a lobby group called Citizens for Bill 123 made this view explicit when they stated in a letter of support to Gammage that “as time and society changes, the laws must also change . . . Why must Texas always be the follower? It’s time to wake up and be a leader!”

This sentiment was reinforced by those who suggested that the bill would simply legitimize a set of practices that were already widespread. One radio station listener reported that “I am 19 years old but I can buy beer damn near anywhere . . . I am presently paying for a car with my own money. It seems . . . a bit ridiculous that the loan papers had to be signed by my father.” Others claimed that there was little point in attempting to enforce age limits that had little power to begin with, since “students drink now, and everyone knows it,” and “a girl who really wants an abortion is going to get one, legal or illegal.”

Once accepted, the premise that young people’s social roles had already changed in ways that SB 123 merely sought to legitimate became a powerful argument for approval of the bill. Some of the most effective statements of support for the bill came from young people who felt that the current age limit laws held them back. Gary W. Howe, an eighteen-year-old who lived alone and owned his own promotional business, wrote to complain that in his business activities he was “met with ‘unfair competition’ at every turn because of the restrictions placed on me by laws governing so-called minors. I can be held responsible for every wrong move I make, but I am not permitted by law to

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execute any of the necessary formalities without a co-singing or representative ‘adult’”\textsuperscript{113}

Similarly, nineteen-year-old Jerry E Loftin wrote to Gammage that “I am a 19 year old guy who is out on his own, I am making my own living. The point is I can’t do a damn thing, just because I’m 19, I can’t buy a car unless I pay for cash for it.”\textsuperscript{114}

The personal experiences of many Texans, both old and young, loomed large in the letters that Gammage and Governor Briscoe received in regards to SB 123. Rather than generalizing about the maturity of young people, or addressing the impact that the bill would have on Texas youth in general, the people who wrote to Gammage phrased their opposition or support for the measure by relating it to their own children, those of their neighbors, or the young people who they interacted with in daily life. The parents of an eighteen-year-old Houston teenager, for example, wrote to Gammage in order to commend him for his actions, stating that “our son is a mature young man and will be entering college this fall,” and stating that having the ability to make his own college arrangements was “a big step towards his maturity.”\textsuperscript{115} Another Houston resident wrote that “We have a twenty-year-old son and an eighteen-year-old daughter and we all feel very strongly that they and their friends should hold all rights and privileges now reserved for those 21 and over.”\textsuperscript{116} Similarly, many of those who wrote to express their opposition to the bill felt it necessary to begin with statements that “We have an 18-year-

\textsuperscript{113} Gary W. Howe to Robert Gammage, March 9, 1973, File Legal Rights for 18-Year-Olds, Box 97-230/8, Robert A. Gammage Papers.


\textsuperscript{115} Mr. and Mrs. E.H. Barnard to Robert Gammage, August 5, 1974, File Legal Rights for 18-Year-Olds, Box 97-230/8, Robert A. Gammage Papers.

\textsuperscript{116} Margaret Belty to Robert Gammage, March 15, 1973, File Legal Rights for 18-Year-Olds, Box 97-230/8, Robert A. Gammage Papers.
old,” or “we have a nineteen-year-old son.” A Houston attorney wrote to Briscoe that “I have three daughters, who this year are 18, 16, and 13, respectively,” and suggested that “I feel I am very much in touch with the adolescent in our society, through my children and their friends and through the children of many of my clients.”

The age of majority debate in Texas demonstrated the strength and persistence of many adults’ desire to reform the legal boundaries between childhood and adulthood – and to grant young people greater autonomy and independence – during the early 1970s. The fact that Gammage was able to win passage of a bill that included a lower drinking age in Texas was a testament to both the changes wrought by the Twenty-Sixth Amendment and to the continuing power of the argument that young people were entitled to be treated fairly and consistently by the minimum age laws that governed their passage into adulthood. At the same time, the opposition of Moore, Creighton, and Adams – and of many other conservative adults – also demonstrated that many Texans took fundamental issue with this argument, and strongly resented what they viewed as an infringement of parental rights. The resentment and indignation that SB 123 provoked foreshadowed the rapid spread of more conservative attitudes towards young people’s legal status, which would become progressively more prominent during the mid- and late-1970s.

117 Robert L. Ferguson to Dolph Briscoe, June 1, 1973, File SB 123, Box 163, Dolph Briscoe Papers.

118 Percy D. Williams to Dolph Briscoe, June 1, 1973, File SB 123, Box 163, Dolph Briscoe Papers.
Status vs. Reality

In discussing the age of majority, Americans often seemed uncomfortable with laws and language that reduced the complex and varied process of young people’s maturation down to simple matter of age. They were equally uncomfortable, however, with the idea that age limit laws did not at least generally reflect the developmental process that young Americans went through as they matured. Throughout age of majority debate, of course, most of those involved were aware that chronological age was a crude instrument for measuring maturity, and that individual young people varied tremendously in terms of when they matured. As the British government decided to lower the age of majority in 1968, for example, the *New York Times* responded by noting that

Physiologically and psychologically, there has never been any justification for taking any one birthday as the dividing line between the periods when the individual could and could not exercise independent, mature judgment. The variation from person to person is enormous . . . it is simply a conventional legal fiction that twenty-one is the usual dividing line.\(^{119}\)

During the age of majority debate, it became commonplace to admit that there was “nothing sacred” in the choice of age twenty-one as the age of maturity.\(^{120}\) When it was made, this admission was usually used as a means of undermining the argument that existing age limit laws should be preserved, and to make Americans feel less nervous about adjusting the age of majority. If the age of twenty-one had been an arbitrary choice in the first place, the logic went, then surely there was nothing to fear in lowering the age of majority to eighteen. But this logic could also be applied to the new age limit as well, as was illustrated by *The National Review’s* facetious proposal for a voting age of


\(^{120}\)Wicker, “In The Nation.”
seventeen during the voting age debate. Regardless of whether they opposed or supported a lower voting age, it usually did politicians little good to draw attention to the arbitrary nature of age limit laws.

The law was itself invested with a great deal of authority in judging when young Americans should be considered adults, and it was difficult for many Americans to see legal age limits for the arbitrary standards that they were, even when they were being debated and altered by state legislatures. The language used to describe a change in age laws, for example, often implied a direct relationship between legal adulthood and actual maturity. Newspaper headlines alleging that the British parliament’s lowering of the age of majority meant that 18-year-olds were “now adults,” or the Los Angeles Times’ declaration that the state’s one million youth between the ages of eighteen and twenty would “Become Adults Saturday,” were statements of both a legal fact and, if one thought about it, massive generalizations that said little about how mature these young people actually were.

Sometimes, reporters placed more explicit emphasis on this tension. When Massachusetts lowered the age of majority in 1973 the Boston Globe ran the headline “Congratulations Kids! Massachusetts has Legislated You Into Adulthood.” Reporting on Connecticut lawmakers’ decision to lower the age of majority in 1972, the New York Times ran the headline “Ready or Not, 155,000 in Connecticut Join Adults.”

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122 Jerry Gillam, “1 Million Youths to Become Adults Saturday,” Los Angeles Times, March 3, 1972; Emerson, “British 18-Year-Olds Now Adults.”
Washington Post was incredulous in tone when it ran the headline “‘Instant Adulthood’ for 11-Million Youths?” over an article which suggested that “boys and girls are becoming men and women sooner than ever before” – not because of a “biological quirk,” but because legislation had altered “that mystical moment when adolescents become adults.” These reports juxtaposed an insistence that eighteen-year-olds were in fact still children – expressed through references to childish games like hide and seek, and the use of labels such as “kids” – with abrupt changes in their legal status. They reminded readers, in other words, that becoming an adult before the law was a distinctly different process from that of growing into maturity. Describing how the age of majority in New Jersey would drop to eighteen on New Years Day in 1973, the New York Times ran the headline “New Year Makes 400,000 Adults,” and describing eighteen as the new “magic age” that opened the door “to an adult world of rights and responsibilities” for eighteen-year-olds. Drawing attention to the arbitrariness of the transition, the article reported that several hundred thousand young people had been “transformed into adults at 12:01 am today.” Such language often seemed to ridicule the notion of a lower age of majority, giving voice to a broader unease over rapid changes in young Americans’ legal status, and to fears that “adulthood has been thrust on them too soon.”

124 Kaziskas, “‘Instant Adulthood’ for 11-Million Youths?”


126 Fellows, “Ready or Not.”
Conclusion

The new age of majority laws of the early 1970s appeared to be a fuller and more complete expression of the impulses that had led lawmakers to approve a lower voting age in 1971. They appeared to have been driven, in large part, by lawmakers’ desire to ensure that the law treated young people fairly and consistently, to recognize that the social and cultural roles played by young people had changed dramatically, and to grant college-aged young people greater autonomy. On the surface, the age of majority laws passed by most states accomplished these goals, emancipating eighteen- to twenty-year-olds from parental control, and granting them most or all of the rights and privileges of adult citizens.

State-level debates over the age of majority, however, had also demonstrated that a great many adults opposed any effort to treat eighteen- to twenty-year-olds more like adults, and the transformation of these young people into legal adults was left incomplete in many states. Many eighteen- to twenty-year-old Americans were still barred from drinking alcohol, in a concession to many adults’ persistent distrust of young people’s maturity and morals. Along with this sense of distrust, the age of majority debates also laid bare widespread feelings of resentment towards young people – and particularly towards those who enjoyed adult rights while remaining dependent on their parents, or who became adults while continuing to live a youthful lifestyle as students.

Once the age of majority had been lowered in most states, more and more Americans would begin to regard young people on the edge of adulthood with suspicion and concern, and to look for ways to reign in these young people’s independence and autonomy. These impulses would grow stronger in the years that followed, marking a
dramatic shift away from the goals that had informed the Twenty-Sixth Amendment and early 1970s age of majority reforms. This trend would ultimately lead to a transition from youth into adulthood that was even less well defined than what had existed before the age of majority debates, and would make it increasingly difficult for Americans to determine where, and when, the legal boundary between youth and adulthood actually lay.
CHAPTER FIVE

VANISHING VIRGINITY: THE NEW VISIBILITY OF TEENAGE SEX

On April 26, 1979, Walter Cronkite invoked William Shakespeare to introduce the next segment of the *CBS Evening News*. “Romeo,” he suggested, “was just a kid.” Juliet had been “just thirteen,” and “the story of those star crossed lovers ended in tragedy.” According to Cronkite, parents in the state of New Jersey feared a spate of “similar disasters” there beginning the following September, when a new law that lowered the age of consent from sixteen to thirteen was scheduled to take effect. In the report that followed, CBS reporter Richard Wagner spoke to several parents outside a shopping center in New Brunswick, where opponents of the new law were circulating a petition that asked lawmakers to reverse the change. After signing the petition, New Brunswick resident Helen McMenamin told Wagner that “I have a fifteen-year-old and I don’t approve of it. A fifteen-year-old boy, and please god, I hope he –” McMenamin trailed off – as if unable to clearly articulate what she feared might happen if her son were to have sex – before turning her attention back to the new law, and suggesting that lowering the age consent was “condoning it.”

“It” was sex between unmarried teenagers, and McMenamin’s visceral, emotional response to the subject was a typical one. The very idea of teenagers having sex made many adults acutely uncomfortable during the 1970s, particularly when they were the parents of teenaged children, or when they were picturing younger teenagers and

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1 *CBS Evening News*, April 26, 1979, Vanderbilt Television News Archives.
adolescents, rather than youth above the ages of sixteen or eighteen.\textsuperscript{2} Not surprisingly, large numbers of New Jersey parents had responded to news of the state’s new age of consent law with anger, outrage, and disgust. Like McMenamin, opponents often had trouble putting their objections to the new law into words. But even the feminist and rape law reform activists who had actively lobbied for the new age of consent – as part of a broader effort to overhaul New Jersey’s rape laws and criminal code – seemed to understand what motivated the protests. Defending the new law, New Jersey Coalition Against Rape spokesman Mary Elwood told Wagner that the new age of consent had been designed to recognize the reality that many teenagers \textit{already were} sexually active, and to ensure that these young people would not be vulnerable to statutory rape charges for having consensual sex with their peers. Elwood was well aware, however, that many parents were uneasy with the idea of a lower age of consent, and she seemed to sympathize with their perspective. “We want our children to remain children,” she told Wagner. “That’s the whole thing. And if they’re sexually active, we have to think of them as being more adult than maybe the parent is able to deal with.”\textsuperscript{3}

During the 1970s, Americans were forced to rethink the role that sex played in defining the boundaries between childhood, adolescence, and adulthood, as they were confronted with undeniable evidence that many American teenagers were sexually active. Teenage sex, of course, was nothing new; large numbers of teen-aged Americans had been having sex throughout American history, and in the decades that followed World

\textsuperscript{2} In most states, the age of consent had been set at either sixteen or eighteen since at least the 1920s: Mary E Odem, \textit{Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920} (Chapel Hill, NC: University of North Carolina Press, 1995), 14-15.

\textsuperscript{3} \textit{CBS Evening News}, April 26, 1979.
War II, more teenagers had had sex and borne children than at any other time during the twentieth century.\(^4\) Most of these teenagers, however, had been married, and as a result their sex lives had rarely registered or been perceived as “teenage” sex.\(^5\) Unmarried young people who had sex, in contrast, had done their best to conceal the fact that they were sexually active throughout the post-war era. Young women, in particular, had had reason to be careful, lest they run afoul of a long-standing prohibition against premarital sex and childbearing, and of a double standard that held young women, but not their partners, responsible for any transgressions. Well into the late 1960s, most educators, parents, and policy-makers had shared a belief that only “troubled” and “disturbed” teenagers had sex before they were married. In keeping with this view, young women who had their sex lives made visible through pregnancy had been excoriated, expelled from school or even sent away from their communities in order to protect the sexual innocence of their peers.\(^6\) “Teenage” sex, in other words, had been largely invisible prior

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to the late 1960s, and sexually active teenagers had been redefined either as adults through marriage, hidden away, or ostracized as “unwed mothers.”

After 1970, however, falling marriage rates among teens, an apparent increase in the number of teenagers who were sexually active, and broader changes in Americans’ attitudes towards sex, marriage, and child-bearing conspired to make teenagers’ sex lives far more visible than they had been in the past. In fact, evidence of teenage sex seemed to be everywhere Americans looked during the 1970s. Several widely publicized surveys showed that more unmarried teenagers were having sex – and doing it at younger ages – than ever before, and a perceived “epidemic” of adolescent pregnancies appeared to provide undeniable proof of this fact. At the same time, frank, unflinching depictions of teenage sex seemed to be proliferating in popular culture. Young people themselves, meanwhile, were increasingly unlikely to try to hide the fact that they were sexually active, or to agree that there was anything inherently wrong with young, unmarried teenagers having sex. As a result of these changes, it became progressively more difficult for adult Americans to deny that many of the young people in their own communities – and potentially their own teenaged children – were sexually active after 1970.

The new visibility of teenage sex was as much a product of shifting images and perceptions of young people as it was of a change in their sexual behavior. But the perception of a radical change in young people’s sexual behavior mattered. To many Americans, teenage sex seemed to be doubly revolutionary during the 1970s. Certainly, teenagers who had sex outside marriage were furthering a broader set of changes in

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7 For an account of how unwed mothers’ treatment was in large part determined by race, see Solinger, *Wake up Little Susie*.

Americans’ sexual mores and values – the “sexual revolution” of the 1960s and 1970s. Their behavior demonstrated that the “new morality” which Americans had associated with college and university students during the late 1960s was being embraced by even younger youth, and spreading into schools and communities nationwide. For conservative-minded Americans – and for many who identified as liberals, too – this was a shocking and unsettling development in itself. But sexually active teenagers also undermined most Americans’ understanding of what childhood and adolescence were. Americans had long thought of sex as an “adults only,” activity, and assumed that young people needed to be protected from premature knowledge and experience of it. Since the early twentieth century, they had agreed that adolescents’ developing sexuality needed to be carefully monitored and controlled. And they had long shared an understanding of childhood and adolescence that was in large part defined by young people’s “separation from adult sexuality.” In this context, many Americans interpreted evidence that large numbers of teenagers were having sex as a grave threat to young Americans well-being, and as a sign that some of the most important distinctions between children and adults were breaking down.

Few Americans doubted the need for a powerful policy response. Teenagers, after all, were legally children. Their parents, their teachers, the medical profession, and the state all had a duty to protect them, and throughout the twentieth century these adults

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had believed that sex could be morally, psychologically, and socially harmful to young people if they were exposed to or experienced it too soon. As they faced the reality of teenage sex during the 1970s, however, Americans were deeply divided over the question of how soon was too soon for young people to have sex, and over how schools, medical practitioners, and the state should respond to teenagers and adolescents who did. In wide-ranging debates over sex education, over the proper policy response to teen pregnancies, over young women’s access to birth control and abortions, and over the age of consent, a broad range of lawmakers, political activists, educators, and parents struggled to control government and institutional responses to teenage sex during the 1970s. In many ways, these conflicts were a subset of broader struggles over issues such as abortion, gender roles, and welfare politics, and scholars have often treated these debates as an extension of broader battles that liberal and feminist Americans fought with “family values” conservatives during the 1970s and 80s. But conflict over policy responses to teenage sex was also part of a broader set of struggles over the boundaries between childhood and adulthood, the legal status of teenagers, and the nature of adulthood itself. In fact, the specter of teenage sex played a key role in altering the course of these debates during the 1970s.

Part II of this dissertation analyzes political debates over the control of teenage sexuality during the 1970s, focusing in particular on struggles over young people’s access to sex education, contraception, and abortion, as well as conflict over the age of consent,

and placing these debates in the context of changing public images and perceptions of sexually active youth. During the early 1970s, the new visibility of teenage sex forced lawmakers, healthcare providers, educators and parents to re-think long-standing assumptions that most teenagers were not capable of making responsible decisions about sex. It also presented liberal-minded family planning activists, educators, medical practitioners and lawmakers with a chance to pass legislation and make reforms that would expand young Americans ability to make mature, well-informed decisions about their own sexuality and reproduction, primarily by improving these young people’s access to sex education, contraception, and abortion. Using the American public’s new awareness of teenage sex and new, unusually positive public images of sexually active youth that had begun to appear during the 1970s to build support for their cause, these lawmakers and activists tried to convince Americans that many teenagers were actually quite capable of making responsible decisions about sex, as long as they had access to the tools and knowledge that they needed to do so.

While they won some limited victories during the late 1960s and the first half of the 1970s, liberal reformers often found themselves facing the anger and outrage of large numbers of conservative-minded adults during the 1970s. Conservative lawmakers, parents, and activists often perceived sexually active youth as vulnerable, “innocent” children. Their perceptions of these young people and their more rigid understanding of adulthood, adolescence, and childhood as clearly demarcated life stages ensured that very few of these conservative lawmakers and activists would support liberal reformers’ efforts to help young people make responsible decisions about sex during the 1970s. Like Helen McMenanim, they saw these reforms as “condoning” teenage sex, and they
were much more interested in protecting and expanding parents’ ability to control their
tenaged children’s sexuality than in improving young people’s ability to have sex
responsibly.

Using images and rhetoric that cast sexually active youth as damaged, corrupted
children, conservative lawmakers and activists had clearly seized the momentum by the
mid-1970s, paving the way for a wide range of efforts to keep young Americans’
sexuality under adults’ control. Their efforts helped to turn the tide against further
reforms to the legal boundaries between childhood and adulthood during the 1970s, and
fueled a broader trend towards expanding adults’ ability to supervise and control
American youth, reinforcing the view that American teenagers were – and should remain
– legally children.

Part II is divided into three chapters. This chapter (Chapter Five) explains how
and why teenage sexuality became more visible to Americans during the early 1970s, and
why this development was so troubling to many adults. After tracing the historical
origins and development of the view that children – and later adolescents – should remain
sexually innocent for as long as possible, it suggests that this view played an important
role in shaping Americans’ responses to the new visibility of teenage sex during the early
1970s. Broadly speaking, two very different groups of images of sexually active youth
competed for Americans’ attention during the 1970s. The first group of images was
consistent with the assumption that young people should be isolated from adult sexuality
– and that teenagers were not adults. These images emphasized the immaturity,
innocence, and vulnerability of sexually active teens, and assumed that teenage sex was
inherently dangerous, and often harmful. A second group of newer, more unusual images
of sexually active youth, however, often portrayed them as mature, generally responsible young people, who were quite capable of having sex without ruining their lives – much less destroying their childhoods. These images called the assumption that teenage sex was inherently harmful into question – and dramatically destabilized the cultural boundaries between childhood and adulthood during the 1970s.

Chapter Six demonstrates that these two very different ways of depicting and perceiving sexually active teenagers informed two equally different approaches to managing teenagers’ sexuality during the 1970s. Many family planning activists, educators, lawmakers and medical practitioners accepted the view that young people were capable of having sex responsibly and without causing themselves or others harm during the 1970s, rejecting the assumption that teenage sex was always or inherently harmful. Critically, however, these activists and lawmakers also believed that young people needed access to sex education, contraception, and reproductive health care if they were to have sex responsibly. Accordingly, liberal activists and lawmakers fought to expand young people’s access to contraception and abortions throughout the 1970s, and sought to alter policies and laws that treated sexually active young people punitively.

Liberal reformers’ goals had the potential to dramatically blur some of the most important cultural and legal distinctions between children and adults, by supporting young people who chose to engage in “adult” sexual behavior while continuing to define and treat them as minors. This program often brought reformers into direct conflict large numbers of conservative-minded Americans, who still perceived most teenagers as sexually vulnerable – and dangerous – children. Where liberal reformers sought to empower young people to make responsible decisions about sex, these more conservative
Americans were more interested in preserving young Americans’ sexual innocence, and expanding parents’ ability to control their teenaged children’s sexuality. Portraying liberal reforms as an attack on “parents’ rights,” and on the very idea of childhood itself, conservative lawmakers and activists made it clear that they still considered most teenagers to be vulnerable children.

Finally, Chapter Seven explains how and why conservative lawmakers and activists were ultimately more successful in shaping policy responses to teenage sex than their liberal counterparts during the 1970s, and links this shift to broader changes in how Americans perceived and talked about sexually active youth. By the end of the 1970s, a more rigid view of sexually active teenagers as vulnerable and endangered youth had largely replaced the more positive public depictions and discussions of teenage sexuality that had gained traction earlier in the decade. At the same time, family planning organizations such as Planned Parenthood—as well as other liberal activists and lawmakers—had increasingly adopted a rhetoric of crisis to build public and political support for their reforms, casting themselves as the protectors of vulnerable children and youth. By borrowing this rhetorical tactic from their conservative opponents, however, these activists and lawmakers ultimately worked to undermine the notion that teenagers were competent to control their own sexuality, and spread the view that teenage sexuality was inherently problematic and dangerous. Using a fierce debate over the age of consent in New Jersey during 1979 as a case study, Chapter Seven also suggests that the triumph of more conservative policy responses to teenage sexuality during the late 1970s served to reinforce—and to enforce—more rigid boundaries between childhood and adulthood in the United States.
The Origins of Youthful Innocence: Childhood, Adolescence and Sex Before the 1970s

The belief that children and adolescents should be kept as sexually innocent as possible for as long as possible was widely shared during the 1970s, as it had been for much of American history. American adults’ desire to insulate young people from adult sexuality had deep historical roots, and was deeply imbedded in most Americans’ understanding of what childhood and adulthood were. During the eighteenth century, for example, efforts to protect young girls from sexual exploitation, or to stop young boys from masturbating, provided some of the earliest evidence of the emergence of a “protected” childhood in Anglo-American culture. And modern concepts of adolescence had in large part developed out of late nineteenth century reformers’ belief that if older, teenaged youth were “not children,” they were “nonetheless not adults,” and needed to be protected from “premature” sexual knowledge and experience. When psychologist G. Stanley Hall popularized modern understandings of adolescence as a distinct stage of life during the early 20th Century, he had placed sexual repression and self-control “directly at the center” of adolescence itself, and in the decades that followed American parents, educators, lawmakers and medical and psychological experts had developed systems of

rules and “ideological controls” to enforce their expectations that young people should remain sexually chaste.  

Young people, however, had often pushed back against these restrictions, constantly finding ways around the rules and restrictions that adults used to control young people’s sexuality, and developing new, sexually charged youth cultures and “rituals of sexual interaction” which often produced a “haunting fear” of youthful promiscuity in many adults.  

At the same time, a new “celebratory current” in public images and discussions of young people’s sexuality had begun to emerge during the first half of the twentieth century, and sex itself increasingly served as the “central public symbol” of youth culture. As popular images of the “flapper” of the 1920s, the “bobby soxer” of the late 1940s and the “teenager” of the 1950s all demonstrated, large number of American adults appeared to feel both fascinated and deeply threatened by young people’s – and especially young women’s – sexualities during the mid-twentieth century. Often interpreting youth culture as evidence of young people’s deviation from “traditional” standards of sexual morality, adults viewed young people’s behavior as a serious

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challenge – both to social and moral order, and to adult authority more generally.\textsuperscript{15} There was also no denying, however, that popular images and depictions of young people also betrayed a voyeuristic fascination with young people’s sexuality on the part of many adults.

While the “official line” on young people’s sexuality and premarital sex remained “remarkably consistent” between the 1920s and 1960s, then, young people often received mixed messages from adult authority figures, from their peers, and through popular culture. As determined as parents, teachers, and other adult authorities were to keep young people’s libidos in check, young people themselves were often just as determined to assert their independence. The result was a vicious circle. With each turn of the screw, adults’ efforts to control young people only heightened the tension between young people’s desire for greater autonomy and adults’ determination to keep youthful sexuality contained.\textsuperscript{16} During the post-war decades, this tension began to reach its breaking point, as the rules and regulations that governed the lives of college and university students became “so elaborate as to be ludicrous,” and the sexualization of youth culture reached unprecedented heights.\textsuperscript{17}

**Holding Back the Tide: Sex Education and the Sexual Revolution during the 1960s**

College and university students were among the first young people to successfully challenge adults’ efforts to control their sexuality. During the 1960s, these students

\textsuperscript{15} Fass, *The Damned and the Beautiful*, 262-263; Bailey, *From Front Porch to Back Seat*, 57-8, 78-9, 80.

\textsuperscript{16} Bailey, *From Front Porch to Back Seat*, 82-3.

\textsuperscript{17} Bailey, *Sex in the Heartland*, 79-80; Bailey, *From Front Porch to Back Seat*, 78-80.
began fighting administrators and educators’ efforts to control their private lives in *locus parentis*, and to challenge adults’ expectations that they abstain from premarital sex. By challenging the “parietal” rules and codes of conduct that administrators had used to regulate their behavior, these students insisted that they had a right to control their own sexuality, and were not beholden to the sexual morals of an earlier generation – let alone to the will of university administrators. Initially, students framed their challenges against college and university administrators not as a battle for sexual freedom, but rather as a movement for “student responsibility.”\(^\text{18}\) They sought recognition, in other words, that college-aged youth were mature enough to make responsible decisions for themselves – an assumption which they held to be as true when it came to decisions about who to date or when to have sex as it was for decisions about who to vote for, or whether to support the Vietnam War. These challenges, in other words, were part and parcel of a broader campaign among older, college-aged youth for legal and social quality with adult citizens.

Sex, however, was never far from the minds of the students and administrators engaged in these debates, and college and university students’ challenges to administrators’ authority would play a key role in the “sexual revolution” of the 1960s.\(^\text{19}\) As they won greater autonomy, many college and university students began openly flouting old restrictions against premarital sex, and challenging a wide range of “traditional” sexual mores. In part, these students were responding to a broader set of social and cultural changes – such as the advent of the pill in 1960, the gradual de-stigmatization of illegitimacy, the rapid growth of second-wave feminism, and longer-

\(^{18}\) Bailey, *Sex in the Heartland* 75-104.

\(^{19}\) Ibid., 75-104.
term shifts in gender roles – which had altered Americans’ attitudes towards sex during the 1950s and 1960s. Certainly, the sexual revolution consisted of much more than just a student rebellion. Not a singular event or shift, this “revolution” was in reality an amalgam of many distinct challenges to old sexual values and mores, involving large numbers of American adults as well as youth. But popular understandings of the sexual revolution frequently cast students themselves in the starring role, and portrayed the weakening of “traditional” sexual morality as the product of a youthful revolt.

By the late 1960s and early 1970s, college and university students had begun to win recognition of their right to control their own sexuality, and growing numbers of Americans were beginning to accept that there could be no turning back the clock on the sexual revolution. In fact, the late 1960s and early 1970s witnessed an extraordinarily rapid shift in Americans’ attitudes towards sex and sexuality. By 1970, the pill had been on the market in the United States for 10 years, *Playboy* had been on newsstands for nearly twenty, and both *Sex and the Single Girl* and *The Feminine Mystique* were approaching a decade in print. Opinion polls showed a dramatic drop in the number of Americans who felt that premarital sex was always wrong during the early 1970s, with somewhere between twenty and thirty percent of Americans changing their mind on the issue within a few years. At the same time, hit television shows like the *Mary Tyler Moore Show* presented a new and popular image of single, independent womanhood, and

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20 Ibid., 5-9.


22 Luker, *Dubious Conceptions*, 87.
sex “manuals” such as *Everything You Always Wanted to Know About Sex (But Were Afraid to Ask)* and *The Joy of Sex* became best-sellers. The production and sale of pornography, meanwhile, had become a lucrative business, with porn theatres and “adult” bookstores popping up in record numbers in communities across the United States. With these social and cultural shifts came legal change: in landmark rulings such as *Roe v Wade* and *Eisenstadt v Baird*, the United States Supreme Court recognized American women’s right to access contraceptives and abortions regardless of their marital status during the early 1970s, grounding these decisions on the assumption that Americans had a right to sexual privacy.\(^23\)

It is important, of course, not to over-estimate the breadth of this sudden conversion. Large numbers of Americans still believed that only married couples should be having sex, and were uneasy with the frank public displays and discussions of sex that were going on all around them. The Rev. Billy Graham seemed to be speaking for many of these people in 1969, for example, when he warned the readers of *Time* magazine that a rising tide of “sex deviations and obsessions” was threatening to sink American society “as low as anything in history.”\(^24\) For the most part, however, it seemed as though conservatives like Graham were being outpaced by social and cultural change during the late 1960s and early 1970s. Americans were witnessing what historians John D’Emilio and Estelle Freedman have called “perhaps the greatest transformation in sexuality” in the history of the United States, as growing numbers of Americans began to accept the

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pursuit of sexual pleasure as “a legitimate, necessary component,” of their own – and of others’ – lives, “unbound by older ideals of marital fidelity and permanence.”

There was one group of Americans to whom the new tolerance of sexual freedom did not apply. Even as growing numbers of Americans embraced new sexual values, and – often begrudgingly – came to accept the “new morality” of college-age youth, a broad majority of adults remained convinced that school-age adolescents and children should be insulated from adult sexuality, and that society should do everything it could to keep younger, school-age young people from having sex outside of marriage. The notion that children were sexually innocent and ought to be kept that way was still firmly entrenched in most Americans’ understanding of human development – and most parents still thought of their teen-aged sons and daughters as children, particularly when it came to matters of sex.

Parents who sought to preserve their children’s sexual innocence and to keep their teenagers from having sex too soon often felt themselves to be under siege during the late 1960s. Public depictions and discussions of sex seemed to be growing more ubiquitous and more graphic every day, and journalist John Neary voiced a common concern when he complained that “we have succeeded in supersaturating our frazzled poor selves in sex of every kind and variety” in 1970. Pornography, according to Neary’s article in Life, had “gone public,” and those who were uneasy with what Neary called the “torrent of erotica” taking over film screens and newsstands were often most worried about the potential impact of a sexualized pop culture on children. In his 1969 best-seller Between Parent and Teenager, parenting expert Dr. Haim Ginott voiced a similar sentiment,

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25 D’Emilio and Freedman, Intimate Matters, 327.
calling the United States a “sex-obsessed” society, where “sex is smeared on screens, blown up on billboards, and used for commercial enticement.”

The growing sexualization of pop culture was particularly troubling to parents because it often focused, in one way or another, on young people. As historian Peter Braunstein has argued, the idea of youth was key to a broad “culture of rejuvenation” during the 1960s, which originated as part of the counterculture and had worked its way into mainstream pop culture by the end of the decade. As part of this process, the aesthetics of the late 1960s – from the child-like “waif” look popularized by supermodel Twiggy, to Pepsi-Cola’s admonishment to “think young,” to the image of “flower children” and the “hippie love ethic” that it symbolized – drew a direct connection between being “young” and being sexual or being desired. Youth itself was becoming fetishized, and popular discussions of the sexual revolution often portrayed the “new morality” as something which “youth” and “the young” had created.

All of this left parents in a state of acute anxiety over their children’s sexuality. To many parents, it seemed as though the nation’s young people were living under conditions of “maximum temptation and minimum supervision,” and according to Ginott, teens were fast becoming the only group of Americans who were still expected to “follow the old rules.”

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feeling as though American society was making it almost impossible to preserve their children’s innocence – or, if nothing else, to keep them from having premarital sex – conservative parents were repeatedly stymied in their attempts to avoid exposing their children to adult sexuality. Efforts to fight “smut” on television, on film, in books and on the newsstands often failed constitutional challenges during the late 1960s, and even the Presidential Commission on Obscenity and Pornography – which late-1960s “crusaders” against pornography had assumed would take their side – concluded in its final report that there was “no evidence” that exposure to pornography or “obscene” material altered young people’s behavior.  

Experts like Ginott continually sought to soothe parents’ anxieties during the late 1960s and early 1970s by urging them to talk to their children about sex. In the face of rapid cultural change and widespread anxiety over young people’s sexuality, these experts admonished parents to make their expectations about how young people should behave clear, and to ensure that their children took the risks of venereal disease and unwanted pregnancy – and their parents’ moral values – seriously. The parents of the late 1960s, however, had themselves grown up in an environment where discussions about sex were taboo; many parents reported that sex had rarely, if ever, been discussed in their own homes. And until the late 1960s, young Americans had also been taught very little about sex at school. Educators had usually taught young people about sex allegorically, through lessons about the “birds and the bees,” if they discussed the subject at all, and “family life” curricula had often carried the message that premarital sex,

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masturbation, and a wide range of other sexual acts and feelings were “dirty,” or inherently wrong.\textsuperscript{30}

Little wonder, then, that many parents had tremendous difficulty discussing sex with their children during the late 1960s. In fact, parents often found broaching the subject of sex to be a “complicated and sometimes futile” task.\textsuperscript{31} In his book, Ginott quoted one mother who felt paralyzed with embarrassment whenever her children asked her about sex; “my face turns crimson,” she said, “I freeze. I stutter.” Other parents reported that their children seemed to know more about sex than their parents, and were embarrassed to find themselves needing their teenagers explain terms like “69” and “IUD” to them.\textsuperscript{32} In part, parents’ squeamishness about sex talk stemmed from their own education and upbringing, and their belief that sex was a personal, private matter rather than a topic for family discussions. But parents also struggled to talk about sex because they were deeply uneasy with the very idea that their own children might be interested in sex, much less be sexually active.

To many parents, their children’s interest in sex signaled the end of their childhood. Writing to an advice columnist Lee Salk in 1973, one mother expressed this sentiment very clearly when she described her daughter’s interest in birth control as a sign that she was “no longer the daughter I raised” – no longer chaste, and no longer a

\textsuperscript{30} Moran, Teaching Sex, 118-155.


\textsuperscript{32} Haim Ginott, “Guiding Teenagers in a Sex-Obsessed Society,” The Washington Post, Times Herald, September 15, 1969; “Still a Big Generation Gap When it Comes to Sex.”
Writing about the same problem in 1968, *Saturday Evening Post* writer John Kobler speculated that many parents had difficulty getting past their “own emotional conflicts” when they tried to talk to their children about sex, and were either unwilling or unable admit that their own offspring might be experiencing the “same drives they experienced” in their own youth. Parents’ inability to accept their children’s sexuality, Kobler asserted, made it “all but impossible” to broach the subject of sex, and communications between the generations on the subject had “stalled” as a result.\(^3^4\)

Many educators and media commentators such as Kobler believed that a new, radically different approach to sex education offered the best means of bridging the generation gap over sex during the late 1960s, and of ensuring that young Americans were not put at risk by the sexual revolution. The new approach was championed by sex educators like Mary Calderone and the organization which she founded in 1964, the Sex Information and Education Council of the United States (SEICUS). Believing that earlier approaches to sex education had left many adult Americans in a shocking state of sexual ignorance, or saddled them with a crushing guilt about their own sexuality, educators like Calderone and Sally Williams – who designed an innovative sex education program in Anaheim, California – sought to chart a middle path between the “dirtymindedness” of popular culture and the “toxic moralism” of earlier sex education curriculums.\(^3^5\)

Determined to avoid using a “tell-them-what-is-right” approach in the classroom, this

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new generation of sex educators displayed much of the same faith in young people’s
values and judgment that had played a key role in debates over the voting age during the
1960s. They relied heavily on classroom discussions, in which students were encouraged
– under careful guidance from their teachers – to “decide on a set of values for
themselves.”

For a time, it seemed as though this new model of sex education was destined to
take the country’s schools by storm. In a state of “parental panic” over their children’s
sexuality, but unwilling or unable to discuss the morality and safety of different sexual
behaviors with them, more and more parents were willing – as experts like Ginott urged -
to “accept the new reality” that children and teenagers needed to learn about sex, and to
let schools address the problem through “candid” sex education. School administrators,
for their part, often grumbled that they had inherited the job of sex education “by default”
when parents failed to educate their own children, but lacked the training and the
mandate to teach what their students needed – and wanted – to know. As a result,
educators were often more than willing to adopt the new sex education programs that
SEICUS and other sex educators designed. To many educators, and to many parents,
these programs appeared to offer a means of controlling the impact of the sexual
revolution on American youth, and they became increasingly popular during the late
1960s.

37 Ginott, “Guiding Teenagers;” Kobler, “Sex Invades the Schoolhouse.”
It helped that the new programs were often carefully structured to promote conservative sexual values – in spite of sex educators’ rhetoric of “moral neutrality.”

Reading between the lines, it was clear that while sex educators were careful to avoid “out-and-out moralizing,” they also wanted students to reach “their own healthy conclusions.” Outside observers tended to agree that the “neutrality” of the new sex education programs was largely cosmetic. Kobler, for example, described Williams’ program in Anaheim – which would be the focus of one of the most famous and most intense backlashes against sex education a short time later – as “bristling” with moralisms. The program’s materials, he suggested, included case studies, texts, and films which could often be boiled down to “the same commandment parents have always handed their children, the one word they really want schools to pass on – ‘Abstain.’”

After examining a separate program in Maryland, Washington Post reporter Nicholas von Hoffman reached a similar conclusion, describing it as “puritanistic Calvinism dressed up in what sounds like psychology,” and asserting that the program used “grossly manipulative language” to convince young people not to have sex.

For many parents, educators, and school administrators, the new programs’ focus on discouraging premarital sex was their primary selling point. The programs were sometimes billed as a form of “vaccination” against moral decline, and Anaheim school superintendent Paul Cook described Williams’ program as one that had been designed to

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39 Moran, Teaching Sex, 173. Emphasis added.

40 Kobler, “Sex Invades the Schoolhouse.”

encourage “continence.” Williams’ curriculum, he asserted, had provided young people with “sound, logical, and understandable reasons why premarital sex is a dangerous and self-defeating activity.” Clearly, the sex education programs of the late 1960s had been designed and instituted in an attempt to insulate young people from the effects of the sexual revolution, and to discourage them from having sex too soon. Attracting widespread media attention and generally favorable reviews, these programs became popular, in large part, because they offered educators and parents a means of conceding that times had changed, whilst simultaneously holding out the promise that young people could be convinced to behave as if they hadn’t.

For some parents, however, even the concessions that this bargain required were too much to accept. Unwilling to acknowledge that their children might need – or might already have – considerable knowledge of sex, these parents were shocked and outraged when they learned that teachers were discussing topics like sex and contraception in the classroom. Angry that their children had come home “confused with the attitudes they have learned at school,” and disgusted by what they perceived as sex educators’ “overly sympathetic” treatment of masturbation, homosexuality, and premarital sex in class, conservative parents began to accuse sex educators – and SEICUS in particular – of trying to effect a dramatic “shift in values” without parents’ knowledge or consent.

Beginning in 1968, conservative parents – often assisted or even spurred into action by

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43 Lilliston, “Anaheim Family Life Class.”

organizations like the John Birch Society (JBS) and Christian Crusade – mounted a powerful, angry counter-reaction against the new sex education programs, SEICUS, and educators like Paul Cook and Sally Williams.

Protests against Williams’ program in Anaheim were among the earliest and most famous of these backlashes; they began with a mother of four named Eleanor Howe, who requested access to the school district’s sex education curriculum materials after hearing of the program from her children, and was horrified by what she saw. Enlisting the help of the California Citizen’s Committee – a grassroots political group that had campaigned for Barry Goldwater – her church, and other conservative groups, Howe also made effective use of alarmist anti-sex education pamphlets produced by the JBS and Christian Crusade. At times, Howe seemed to be using JBS and Christian Crusade pamphlets such as *Is the Schoolhouse the Place to Teach Raw Sex* - which portrayed SEICUS and sex education more generally as a perverted, communist plot to pervert children’s morals - as a template for her speeches and comments on Williams’ program.

Soon, Howe and her supporters were packing school board meetings to demand that the program be halted, and in 1969 they succeeded in electing their own candidates to the school board, quickly cancelling Williams’ program. Similar scenes played out in communities across the country during the late 1960s, as organizations like the JBS and Christian Crusade charged schools with deliberately undermining parents’ moral values and teaching children to have sex. New, local organizations such as the Movement to Restore Decency (MOTOREDE), Mothers Organized for Moral Stability (MOMS), and Parents Opposed to Sex Education (POSE) began sprouting “like mushrooms after a rain”
in communities across the United States. Before long, the sex education programs that Kobler had hailed as the way of the future just a few months earlier were being cancelled or cut-back, and in some states, opposition to sex education transcended the local level. In California, for example, the State Board of Education even approved a reactionary set of “Guidelines for Moral Instruction in California Schools” in 1969, which declared that a “moral crisis is sweeping the land,” and encouraged teachers to assume responsibility for teaching the “moral and spiritual values” of the Judeo-Christian tradition, whilst specifically ruling out any future use of SEICUS or Williams’ curriculum materials in California.

Sex education opponents like Howe were motivated, in large part, by a belief that sex educators were casting “cynical doubts on the traditional moral teachings of the home and the church.” But these parents’ belief that children and teenagers should be insulated from adult sexuality at all costs also played a key role in building opposition to new sex education programs. Opponents like Howe often seemed to have an emotional, almost visceral reaction to the very idea that schools might be teaching children and teenagers about “adult” sexuality, whether by showing them diagrams of sex organs, by describing sex acts in concrete terms, or by acknowledging that masturbation was a common practice. It is difficult to believe that many parents actually believed – as the JBS and Christian Crusade claimed – that sex educators were performing stripteases in front of their classes, or locking students in dark closets so that they could “explore” each

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46 Guidelines for Moral Instructions in California Schools: A Report Accepted by the State Board of Education (Sacramento: California State Department of Education, 1969); Moran, Teaching Sex, 185.
47 Moran, Teaching Sex, 182.
other’s bodies. But the inflamed, paranoid rhetoric of anti-sex education activists made sense to parents who saw themselves as defenders of their children’s innocence, or of childhood innocence itself. One anti-sex education film strip titled *The Innocents Defiled*, for example, contrasted the “purity and innocence of children” with the allegedly pornographic content of sex education classes, which had left children “scandalized, their innocence dashed to the ground” by the “depraved minds” of sex educators.

Late 1960s conflicts over sex education had demonstrated both liberal and conservative Americans’ determination to keep teenagers and adolescents from having sex. Calderone, Williams and other liberal-mined educators had sought to do so by placing their trust in young people and their teachers, assuming that young Americans would make the “right” decisions once they had all of the right information. But this approach had run afoul of parents like Howe, who still thought of teenagers and adolescents as children, and saw even basic knowledge of adult sexuality as a threat to their children’s well being. Clearly, large numbers of Americans were still absolutely determined to keep their children innocent of sex, and many of them still believed that it was possible to do so throughout their children’s teenaged years. Many parents would cling to these assumptions throughout the 1970s. Writing to an advice columnist in 1970, for example, one mother asked if teaching teenagers about sex would just encourage them to “try sexual experiences early” and if they would no “be safer kept innocent until marriageable age.” When another panicked parent wrote to Lee Salk asking how to respond to her daughter’s request for birth control in 1973, Salk calmed her by suggesting

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48 Ibid., 180-1; Robinson, “Sex Education Battles.”

that her daughter might “have no intention of using them,” and was simply demonstrating her desire “to have all of the rights and privileges of grown ups.”\(^{50}\) Sex, in other words, continued to function as one of the primary means of drawing boundaries between childhood and adulthood at the dawn of the 1970s, and many parents still clung to the belief that only corrupted, abnormal, or misguided teens had intercourse. Beset by what they perceived as the growing sexualization of pop culture and overly “permissive” attitudes towards the young, many Americans remained absolutely certain of the need to preserve the innocence and chastity of children and adolescents, and believed that sex between unmarried teenagers was an aberration. As proof that large numbers of teenagers were sexually active began to emerge after 1970, however, these adults were in for a shock.

**The Dam Breaks: The New Visibility of Teenage Sex**

In April of 1971, *Life Magazine* featured a photograph of sixteen-year-old Judy Fay on its front cover. The picture showed Judy giving a book report in her high school English class, and it seemed to depict a wholly unremarkable classroom scene, except for a single detail: Judy was eight months pregnant. As *Life* reporter Richard Woodbury explained, Judy was one of many pregnant teens attending a special program at Azusa, California’s Citrus High School, which allowed young, unwed mothers like her to continue their education. Programs like the one at Citrus High were still a new innovation during the early 1970s, and *Life* readers were not used to seeing unmarried, pregnant teenagers depicted so prominently in the mainstream news media – let alone to

\(^{50}\) Salk, “The Parent’s Art: Sex and Your Teen-ager.”
the idea that they might be allowed into regular high school classrooms.\textsuperscript{51} Many Life readers were shocked by Woodbury’s article, and they wasted no time in registering their outrage. In letters to the editor that the magazine published three weeks later, readers took the publication to task for putting “this pathetic school child” and her “grotesque maternity figure” on the cover, and called Woodbury’s story “the epitome of poor taste.”\textsuperscript{52}

Clearly, many Americans were acutely uncomfortable with the idea – and the image – of young women like Judy Fay bearing children. And little wonder; Woodbury’s story suggested that many Americans’ worst fears about the impact of the sexual revolution on young people were coming to pass. Judy’s decision to have sex out of wedlock and her presence on the cover of Life seemed to suggest that the school-aged teenagers of the 1970s were beginning to take after the college and university students of the late 1960s, casting aside the sexual morals of their parents’ generation. What bothered the many of the readers the most, however, was that Judy seemed to have been accommodated, or even rewarded for her transgressions. In many ways, readers who wrote to Life’s editors asking what was being done to combat “promiscuousness” at Citrus High, or complaining that Woodbury had made it seem as though having a child was “the greatest way of getting through high school,” were angry that behavior which they regarded as immoral seemed to be going unpunished.\textsuperscript{53}


\textsuperscript{52} Letters to the Editors, \textit{Life Magazine}, April 23, 1971, 20A.

\textsuperscript{53} Ibid.
The discomfort and anger that many of Life’s readers felt when they looked at Judy Fay, however, stemmed from more than just a desire to combat “promiscuousness.” Readers were also responding to the way that Judy’s pregnancy blurred the boundaries between childhood and adulthood. As described by Woodbury, life at Citrus High was an incongruous and sometimes unsettling mix of adult-style domesticity and everyday teenage life, where high-school boys could be seen holding open doors for pregnant women, or even pushing strollers around the school, and young mothers brought their babies “right into the classroom.”

Still in school and still dependent on her parents, Judy was nonetheless a strong-willed young woman, who had made her own decision to have her child, not to marry the father, and to keep attending school. And she was adamant that she was a capable parent, telling Woodbury that “my son may have been unplanned, but he is not unloved.” It was a full-page photograph of Judy that Life printed at the end of Woodbury’s article, however, which most clearly demonstrated why many readers found the story unsettling. The picture showed a baby-faced Judy cradling her newborn son “in the canopied bed where she has slept since childhood.” In it, Judy appeared to be both a mother and a daughter – an adult and a child – at the same time, and her blending of these roles seemed to put the very meaning of these categories under considerable strain.

During the 1970s, Americans suddenly found themselves confronted with a flood of evidence that the nation’s teenagers – and especially young women – were nowhere near as chaste and virginal as they had been assumed to be just a few years earlier.

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54 Woodbury, “Help for High School Mothers,” 34-41.

Young, unwed mothers like Judy Fay suddenly became more visible during the early 1970s, and by the middle of the decade a broad spectrum of American policy-makers, parents, educators and family planning activists were convinced that the nation was facing an unprecedented “epidemic” of teen pregnancies. At the same time, new surveys and studies demonstrated that a surprisingly large – and fast-growing – proportion of American teens were sexually active. Young people who were openly, unapologetically having sex outside of marriage, meanwhile, began to appear with increasing frequency in popular culture. Within a year or two of Judy’s appearance on the cover of Life, Americans would find themselves unable to turn a blind eye to the reality of teenage sex any longer, and unable to pretend that only certain kinds of teenagers – black, working class, and “troubled” teens – had sex. This realization would have far-reaching consequences, as parents, policymakers, and adults more generally struggled to understand what it meant for young people who were legally children to be engaging in the ultimate “adult” pursuit.

The pregnancies of young, unwed women brought the reality of American teenagers’ sex lives home to the American public during the early 1970s. Pregnancy, as Constance Nathanson has asserted, makes the sex which causes it visible, and when educators, anti-poverty workers, family planning activists and academics began to define “adolescent” and “teenage” pregnancy as a distinct social problem during the late 1960s, they initiated a process that would leave Americans with no choice but to acknowledge a reality which they had long ignored; that large numbers of American teens were sexually active. Educators and anti-poverty workers were among the first Americans to begin

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56 Nathanson, Dangerous Passage, 4.
sounding the alarm over teenage sex and pregnancy during the 1960s, when Great Society welfare reforms and growing public concern over population growth animated new public and official concern with fertility – and especially the fertility of poor women – in the United States. Anti-poverty and family planning experts became convinced that preventing pregnancy was “a logical first step” to preventing poverty during the 1960s, and they worked throughout the decade to expand welfare recipients and poor women’s access to contraception. This effort was targeted at all poor, single women who were receiving public assistance, but it included many teenaged women, and it was not long before anti-poverty workers and educators began to link welfare dependency with young, unwed mothers’ access to education. One of the first programs allowing young, unwed mothers to continue their education, for example, was the Webster School in Washington, DC, which was first funded by the Children’s Bureau in 1962.

Over the course of the 1960s, growing numbers of educators began to ask whether it was fair to deny young, pregnant women access to education, and whether doing so might not “merely perpetuate present problems into the next generation.” Initially, these discussions were a “low-key issue,” which attracted a considerable amount of interest among educators, family planning advocates, and social workers, but “barely registered”

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57 Ibid., 31-45; Luker, Dubious Conceptions, 52-64.
60 Oettinger and Mooney, Not My Daughter; Glenn. C. Atkins, “The Administrator and His Problems Related to Sex,” The Clearing House 42 no. 6 (February 1968): 373.
as a significant issue among members of the American public. Over time, however, they began to attract greater media and public interest, and by the late 1960s new, innovative educational programs for unwed mothers were being featured in the pages of mass-market publications. Writing about “Schools and the Pregnant Teenager” for Saturday Review in 1967, for example, journalist Susan Storm noted that “educators have talked little and done less” about the problem for decades, but that they had been doing “a lot of rethinking, talking, and doing” during the 1960s. When she visited a “training and rehabilitation” program for unwed mothers in Harlem in 1967, the New York Times’ Gertrude Samuels painted a similar picture, of a special educational program that was designed to keep poor, young, unwed women in school, and to keep the 15-year-old “girl” who Samuels profiled from becoming “a statistic.”

Most discussions of the problem of “school age” mothers during the 1960s focused narrowly on poor, black women, and they were closely linked to broader, ongoing public debates over a perceived connection between single motherhood and welfare dependency. As Kristin Luker has argued, most Americans believed that the “most salient fact” about single mothers during the 1960s was that “they tended to be poor,” rather than that they were young. Over time, however, anti-poverty campaigners’ efforts to end the “cycle” of poverty by expanding young mothers’ access to education led to a growing focus on young unwed mothers, and in 1968, sociologist Arthur

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61 Quotation from Luker, Dubious Conceptions, 63. See also Nathanson, Dangerous Passage, 46-7.
64 Luker, Dubious Conceptions, 56.
Campbell specifically linked the problem of unwed motherhood to the issue of child protection, when he asserted that “the girl who has an illegitimate child at the age of 16 suddenly has 90 percent of her life script written for her … her choices are few, and most of them are bad.” By portraying unwed mothers as “girls,” experts like Campbell shifted public perceptions of unwed motherhood away from images of older women who bore multiple children whilst living off welfare, and onto young, poor women whose pregnancies – at least according to Campbell – were set to ruin their life.65

It was at this point that a sudden, dramatic change in the behavior of young, white and middle class women who got pregnant out of wedlock thrust a different, rival image “unwed mothers” into the national spotlight. Prior to the late 1960s, when young women like Judy Fay got pregnant they had usually been sent away to “visit relatives” – ie, to have their baby and give it up for adoption in a maternity home - had an illegal abortion, or gotten married. These were all options that allowed young women to avoid the lifetime of stigma and hardship that awaited many black and working-class young women who got pregnant, and which hid their pregnancies from public view. When they appeared in popular culture prior to 1970 - which was rarely - the pregnancies of white, middle-class unwed mothers had been depicted as the product of psychological illness or a broken home, rather than of a systemic, society-wide problem. As a result, unwed mothers like Judy Fay had been invisible to most Americans prior to the late 1960s, and it had been easy for the public and policy-makers alike to assume that “unwed mothers” were predominantly working class, minority women.

During the early 1970s, however, young, affluent single mothers began to alter their behavior. Responding to changing public perceptions of single mothers, to the feminist movement, and to the sexual revolution, more and these women opted not to have an abortion or hide their pregnancies away in a maternity home, choosing instead to have – and to keep – their babies at home. This shift in young women’s behavior occurred with remarkable rapidity; maternity homes nationwide began reporting a sudden and dramatic drop in the number of young women seeking their services after 1970. The director of one such home told a *Washington Post* reporter in 1971 that enrollments had dropped by a third over the course of 1970, while another home reported that a significant number of the 300-some beds it had available each year were unoccupied – beds which the home had claimed to have received more than 1,500 applications for just two years earlier. Adoption agencies, too, reported a sudden and massive drop in the number of babies being given up, and many agencies went from having a glut of children in 1969 to receiving far fewer children than there was demand for in 1970.66

Maternity home operators had no doubt as to the cause of this sudden shift in unwed mothers’ behavior. Many of them mentioned the availability of the pill, the “new acceptability and availability of legal abortions,” and the feminist movement – which one maternity home director described as encouraging “maternity without husbands” – as possible causes. Most home operators, however, believed that the sudden and rapid decline of the stigma associated with single motherhood was the primary cause for their drop in enrollments. Some caregivers sounded almost wistful in this assertion, noting

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that while “people used to feel guilty when they had sex or had illegitimate babies,” they now they felt “guilty if they don’t.”\(^{67}\) Whether they liked it or not, however, most maternity home operators were forced to admit that the social changes of the 1960s had “muted the whispers and sense of shame” which had once driven young women to their doors. According to one reporter, the term “unwed mother” was itself beginning to sound anachronistic during the early 1970s, and it seemed increasingly unlikely that it would ever be used to “isolate pregnant young women from the community” again.\(^{68}\)

The new visibility of unwed, middle class young women’s pregnancies, and the new focus on young, unwed mothers’ access to education had far-reaching implications. Adolescent pregnancy was being transformed from an issue which most Americans assumed affected only a narrow sub-set of the population into a problem which appeared to be “society wide,” while educators, journalists, family planning professionals and anti-poverty workers were popularizing new, much more sympathetic picture of unwed mothers themselves. Almost immediately, this shift in how young, unwed mothers were being pictured generated demands for a public policy response. Writing in the *Los Angeles Times* in June of 1970, reporter Mary Barber made a particularly prescient prediction about the implications of these changes. “The tiny wails of thousands of newborn babies,” she suggested, was heralding the “birth of a new social dilemma.” Noting that “teenage pregnancy” – still a rarely used term in 1970 – was “constantly increasing” and that more and more young women were choosing to keep their children, Barber suggested that this “massive silent revolution” promised to be “followed by


\(^{68}\) Smythe, “Unwed Mothers: The New Freedom.”
screams of concern for a long time.” By abandoning maternity homes and choosing to become single parents, she asserted, young, unwed mothers had “demolished the institutions erected by an older establishment,” and in the process they had created a “desperate need” for new and different institutions.

Barber’s words were prophetic. Within a few years a broad majority of policymakers, journalists, and political activists had begun to take it for granted that the nation was facing an unprecedented “epidemic” of teenage pregnancies, and that childbearing by young, unwed mothers was – as anthropologist Melvin J. Konner put it - “a problem that has reached the dimensions of a national disaster, comparable to a flood, epidemic, or famine.” For much of the 1970s, Americans took it for granted that teen pregnancy was “serious – and growing – social, economic, and health problem,” and Planned Parenthood president Jack Hood Vaughn won widespread attention when he called on President Carter to make adolescent childbearing “the first order of business” for his administration in 1976.

It is important to recognize and take the alarmist tone of this rhetoric seriously. For much of the 1970s, large numbers of Americans clearly believed that the number of adolescents giving birth in the United States was rising rapidly, and that this shift was one of the most pressing policy issues of the day. It is just as important, however, to recognize that the “epidemic” of teen pregnancies was in many ways a phantom one.

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69 Barber, “Unwed Teen-Aged Mothers Get New Help.”

70 Ibid.


Young, teenaged women, after all, had been having sex and getting pregnant throughout American history, and birth rates for teenaged women in the United States had actually been falling throughout the 1960s and early 1970s, having peaked in 1957. As scholars Maris A. Vinovskis, Frank Furstenberg, Kristin Luker, and Constance Nathanson have demonstrated, adolescent women’s birthrates were consistent with broader trends in the birth rates of older women during the 1970s, and with broader historical trends during this period. What had changed during the late 1960s and early 1970s was that more and more young women who got pregnant out of wedlock were choosing to delay marriage, or not to marry at all, while both the absolute number of teenaged mothers and their numbers relative to older mothers increased, thanks to the baby boom and a decline in older women’s fertility. The apparent rise in the number of young women giving birth in their teens, in other words, was more the product of teenagers choosing to delay – or eschew – marriage than it was of a change in their sexual behavior. As Frank Furstenberg has recently suggested, “the new problem – to the extent that one existed – stemmed not from more teenagers becoming pregnant, or teenagers having different views about non-marital childbearing… but from the declining desirability of marriage,” and teenagers were being “wrongly singled out as demographically deviant.”

For many Americans, of course, the difference between in-wedlock and out-of-wedlock births made a world of difference. Many considered the ratio of children being born to un-married versus married women to be a cause for concern in itself, even if

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74 Frank F. Furstenberg Jr., “Teenage Childbearing as a Public Issue and Private Concern.”
75 Furstenberg Jr., *Destinies of the Disadvantaged*, 12-13, 16.
teenage birth rates were relatively constant. And regardless of the actual demographic picture, most Americans drew their understanding of the teen pregnancy issue from newscasts, newspapers, and magazines which had adopted Konner’s panicked tone by the mid-1970s. What mattered, in other words, was that Americans believed that there was an “epidemic” of adolescent pregnancies sweeping the nation. It took time, of course, for public perceptions of “unwed mothers” to change – and at least initially, many adults continued to dismiss teen pregnancy as the product of “permissive” parenting, of individual young people’s psychological problems, or simply as the product of immoral behavior, rather than as an society-wide problem that might affect them or their family directly. It remained easy, in other words, for many parents to assert that the young, unmarried women who were getting pregnant were “not my daughter,” and that the young people in their own neighborhoods and social circles were not the ones having sex. 76

In 1972, however, the dramatic release of a new, high profile study of teenagers’ sex lives made it clear that teenage sex was far more common and widespread than most Americans wanted to believe. Conducted by Johns Hopkins University sociologists Melvin Zelnik and John Kantner, and funded by the National Institute of Child Health and Human Development, this survey was the first comprehensive, scientific study of adolescent Americans’ sex lives. The results were shocking; Zelnik and Kanter found a far higher rate of sexual activity among young, un-married women than they – or anyone else – had expected. The study was based on a representative sample of fifteen to nineteen-year-old young women, and found that twenty-eight percent of the unmarried young women in the sample had “some coital experience,” with fully 46 percent of

76 Oettinger and Mooney, Not My Daughter.
nineteen-year-olds having had sex at least once.\textsuperscript{77} What’s more, Zelnik and Kantner found considerable evidence that premarital intercourse was “beginning at younger ages,” and that its extent among teenagers was increasing.\textsuperscript{78} In their “conservative estimate,” a minimum of three percent of the unmarried nineteen-year-olds in their sample had had sexual intercourse by the age of fifteen – but of the young women in the sample who were fifteen in 1971, nine percent reported having had sex.\textsuperscript{79} The data suggested, in other words, that the likelihood of a fifteen-year-old woman having had sex had tripled in just a few years.

There was no precedent to Zelnik and Kantner’s study. Prior to the 1970s, adults’ squeamishness about adolescent sexuality had ensured that few scholars studied the sex lives of teenagers – and for the most part the subject had not been regarded as “amenable to scientific scrutiny.” Twenty years earlier, Alfred Kinsey had reported that 20 percent of women in his total sample had had premarital sex between the ages of sixteen and twenty years. But Kinsey’s sample had not been a controlled one, there had been no comprehensive survey- representative or otherwise - of young people’s sex lives in the years since.\textsuperscript{80} While the comparison was far from scientific, then, Zelnik and Kantner


\textsuperscript{79} Ibid, 10.

\textsuperscript{80} Zelnik et al., \textit{Sex and Pregnancy In Adolescence}, 18; Alfred C. Kinsey, \textit{Sexual Behavior in the Human Female} (Philadelphia: Saunders, 1953), 286-7. Kinsey argued that it was “statistically incorrect to determine the number of persons who ultimately have pre-marital experience by the use of such an accumulative incidence curve.” 1970s
appeared to have more than doubled prevailing estimates of how likely young, unmarried
teenagers were to be having sex. And it was not long before other studies began to
confirm their findings, or to find even higher rates of intercourse among young people. A
year after Zelnik and Kantner released their initial report, a second major report on
American adolescents’ sexuality by sociologist Robert C. Sorenson found that 52 percent
of young people between the ages of thirteen and nineteen – 59 percent of boys and 45
percent of girls – were “nonvirgins.”81 And when Zelnik and Kantner published follow-
up studies they found that the proportion of young people who had had sex was
increasing. A 1976 survey found that more than 64 percent of young women had had sex
by age 19, compared to 48 percent in 1971, and a second follow-up study in 1979 found
that fully 71 percent of nineteen-year-olds in their sample reported having had sex at least
once.82

The public and political response to Zelnik and Kanter’s findings was explosive.
After the release of their initial report, a New York Times article headlined “Vanishing
Virginity” quipped that it was turning out to be “something less than a virgin spring,” as
it reported that “many a parent’s head” had been left “spinning” by Zelnik and Kanter’s
demographers were adamant that the Kinsey study was not accurate enough to be paired
with Zelnik and Kantner’s, and that there was “no early benchmark against which the
1971 study can be compared.” Phillips Cutright, “The Rise of Teenage Illegitimacy in the

81 Robert C. Sorenson, Adolescent Sexuality in Contemporary America: Personal
Values and Sexual Behavior Ages Thirteen to Nineteen (New York: World Publishing,
1973), 189.

82 Sandra L. Hofferth, Joan R. Kahn and Wendy Baldwin, “Premarital Sexual
Activity Among U.S. Teenage Women Over the Past Three Decades,” Family Planning
Perspectives 19 no. 2 (March-April 1987), 47.
findings. Newspaper headlines declaring that nearly half the nation’s teenaged “girls” were “not virgins” by the time they turned nineteen ensured that the report won broad public attention, and white, middle-class parents were shocked to learn that their own children, and those of their neighbors were quite so likely to be having sex. These parents could no longer assume that only black and poor young women had sex or became unwed mothers; more than a quarter of the young white women in Zelnik and Kanter’s 1971 sample had had sex, and while their study found a significant difference between the sexual behavior of black and white young women, this gap narrowed over time, with the 1976 survey finding that the proportion of sexually active white teens had increased to 38 percent. Teenagers’ sex lives, it seemed, were becoming all but impossible for adults’ to ignore, and parents could no longer rest comfortably in the assumption their own teenagers’ sexuality was under their control.

New Reality, New Images: Changing Public Perceptions of Teenage Sex

As a perceived increase in teen pregnancies and new survey data made it more and more difficult for Americans to turn a blind eye to teenage sex, sexually active teens were also becoming far more visible in popular culture than they had been in the past. This shift was not entirely unheralded, and popular images of young people, youth culture, and the very idea of youth itself had become increasingly sexualized during the 1960s. Prior to the early 1970s, however, school-aged young people’s sex lives had rarely been depicted or discussed on film and television, or in mass-market publications –


even as college-aged youth and adults’ sexuality had become the focus on intense public interest and discussion. For the most part, American writers, artist, and filmmakers had continued to preserve the illusion that sex involving school-aged teenagers was a rare – or even an abnormal, pathological – occurrence, and it was not until after 1970 that a rash of frank, unflinching depictions of teenage sexuality began to break this spell, confronting Americans with new, dramatically different images of sexually active teens.

The journalists, academics, artists and writers who were tasked with representing and interpreting teenagers’ sexuality in to the American public during the 1970s often struggled to represent – much less to resolve – the tension between teenagers’ status as minors and the decidedly “adult” sexual behavior which many of them engaged in. Because Americans had been so broadly united in their belief that childhood and sex were incompatible, and that adolescent sexuality was fraught with danger prior to the 1970s, there were very few tropes, archetypes, and artistic or symbolic conventions which writers and artists could use to construct realistic portrayals of young people who were both teenagers and sexually active – but were not morally corrupt, psychologically damaged, or otherwise abnormal. During the early 1970s, in particular, artists and writers often responded to this conundrum by portraying sexually active young people as innocent children one moment and as adults the next, or by awkwardly combining representations of both childhood and adulthood together, as Life magazine photographer Ralph Crane had done in his pictures of Judy Fay.

Images like Cranes’ could be deeply disconcerting to adults who considered being an adolescent and having sex to be mutually exclusive, or who were simply uncomfortable with the idea of adolescents and teenagers having sex. But similar images
also became increasingly common during the 1970s, at once reflecting and reinforcing Americans’ discomfort with the “new reality” of teenage sex. Often, depictions of sexually active young people had threatening edge to them, focusing on sexual exploitation and violence or on the sexual experiences of very young adolescents. These images of victimized or unsettingly adult-like children gave expression to many Americans’ unease over adolescent and teenage sexuality during the 1970s, and as film scholar Barbara Jane Brickman has recently noted, 1970s cinema was replete with example of “strangely, even perversely adult children” whose sexual behavior violated Americans’ fundamental belief that “children must be distinct from adults.”  

Actress Jodi Foster – who had begun her acting career in Disney films such as The Bad News Bears – was perhaps the most famous of these “adult children” to appear on-screen during the 1970s, thanks in large part to her role as a twelve-year-old prostitute named Iris in Martin Scorsese’s Taxi Driver (1976). Acting like a child one moment, yet un-self-consciously playing the role of a prostitute the next, Foster’s character in the film seemed to embody a barely-sustainable tension between childhood and adulthood, but she was also disturbingly confident and self-assured, and insisted that she had voluntarily chosen her path. In a scene in which Travis – Taxi Driver’s protagonist and Iris’ would-be protector – asked her to meet him for breakfast, for example, Iris responded as many twelve-year-olds would; she scheduled the “breakfast” meeting for 1pm, made herself a jam-and-sugar sandwich to eat, and dismissed Travis’ suggestion that she should be in school as “square.” Iris seemed to be just as comfortable and convincing, however, in...
scenes where she played the role of a prostitute, brushing off Travis’ attempts to save her, and diligently trying to “make it” with him when he paid her pimp to see her. Film critics were struck by Iris’ “stunning blend of innocence and world-weary wisdom;” the character seemed to defy categorization, refusing to be regarded as an exploited or wayward child, and playing the role of a prostitute comfortably, even as she showed a disturbing lack of awareness that she was being sexually exploited.

Foster’s ability to play Iris as “both child and adult, rather than one or the other” was deeply disturbing to many Americans, and in the wake of Taxi Driver, Foster herself was often perceived as having violated the boundaries between childhood and adulthood. New reports characterized her as “a tough-minded career woman who just happens to be temporarily inconvenienced by a 13-year-old frame” and quipped that this was an “unfortunate accident she hopes to correct as soon as the law permits.” Such statements made it clear that Foster’s talent, intelligence, and the role that she had played on screen had effectively redefined her as something other than an “ordinary” adolescent. It did not always follow, however, that this was a bad thing; Foster continually stressed that she was happy, healthy, and had been comfortable playing Iris on screen – and reporters frequently remarked that they had forgotten how young she was while interviewing her.

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86 For an extended analysis of Iris’ blending of adult and child roles, see Brickman, New American Teenagers, 137-174.
89 Red, “From ‘Taxi Driver’ to Arsenic in the Tea.”
Adolescent prostitutes like Iris became something of a stock character during the 1970s, with Brooke Shields and Eve Plumb both playing a similar characters in *Pretty Baby* (1978) and *Dawn: Portrait of a Teenage Runaway* (1976), respectively. And children who engaged in alarmingly “adult” displays of sexuality were featured in a wide variety of films during the 1970s, ranging from children’s films like *Bugsy Malone* to horror flicks like *The Exorcist* during the 1970s. Bussy Malone director Alan Parker’s decision to use an all-child cast to tell a story about 1920s crime bosses, for example, led to nightclub song-and-dance numbers starring pint-size but scantily-clad cabaret dancers, and singers whose performances were loaded with double-entendres. The effect could be disconcerting, and some reviewers denounced the film’s central gimmick as a “freakish embarrassment.” Even when they were not explicitly sexual, many images of 1970s children and youth still managed to unnerve adults with implied – or alleged “subliminal” – sexual content. Alarmist media critic Wilson Brian Key, for example, claimed to have analyzed horror films like *The Exorcist* and found them to be replete “taboo sexual symbolism,” pedophilic imagery and “hidden sexual perversions.”

Critics like Key interpreted the sexualized young people they saw on film and television as much more than just a threat to decency, or to individual young people’s well-being. Rather, they saw depictions of young people who had sex, suffered sexual abuse, or were sexualized on-screen as a threat to the idea of youth itself. In 1974,

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thousands of NBC viewers made it clear that they shared this view when they heaped anger on the network in response to a made-for TV film titled *Born Innocent*. The film starred Linda Blair as Chris, a fourteen-year-old teen who was sent to a juvenile detention center after repeatedly running away from home, and it included a graphic, harrowing scene in which Chris was raped by a gang of her fellow prisoners. Blair’s child-like appearance and innocence were heavily emphasized in NBC’s campaign to promote the film, which ominously warned that her character would learn “what you have to learn to survive” in prison.

When he previewed *Born Innocent* for the *New York Times*, TV critic John J. O’Connor warned viewers that while Blair’s character was “a relatively innocent virgin” at the start of the film, the film was “about the disintegration of that innocence” and provided a glimpse of the “uncomfortable reality” that many young women like Chris faced. Viewers were still shocked, however, by the content of the film, and NBC received thousands of call from angry viewers in response to its prime time broadcast. While some viewers objected to the content of the scene itself, others were more upset by the possibility that children might have been watching the broadcast, and the controversy over the film took on a life of its own when it was blamed for inciting the rape of nine-year-old Olivia Noemi by four older teens in California, four days after *Born Innocent* had been broadcast. The loss of Chris’ innocence, it seemed, had not only exposed other young people to “adult” themes, but also – as the California Medical Association put it in
a court brief—harmed a “real-life victim” and inflicted “real-life scars, brought to you by NBC.”

Horror stories like *Born Innocent* and the violence that it was alleged to have inspired were often interpreted as a story of “disintegrating youth” during the 1970s, in which young people’s sexual victimization led not just to a loss of innocence, but a loss of their status as youth. Films like *Born Innocent, Pretty Baby, and Taxi Driver, and Dawn: Portrait of a Teen Runaway* demonstrated that the new visibility of teenage sex had not necessarily disarmed it, and that adolescent and teen-aged women’s sexuality was not necessarily any less fragile, threatening, or anxiety-inducing for having been brought out into the open and onto the big screen. Even more unsettling, however, was the suggestion that young people were often driven to corrupt each other—and themselves. Foster’s character in *Taxi Driver,* for example, had steadfastly insisted that she was where she wanted to be and did not need to be rescued, while Blair’s character in *Born Innocent* had been raped by her fellow prisoners, rather than by an adult. Together with films like *Last Summer* (1969)—in which three otherwise ordinary teenagers participated in the rape of one of their peers—these images of young people made it clear that adolescents and teenagers’ sexuality could be just as dangerous and destructive as adults’—and they hinted that the ideal of childhood innocence was itself increasingly imperiled.

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Not all depictions of teen and adolescent sexuality, however, assumed that young people were quite so endangered by their own sexuality, or that young people who were exposed to “adult” sexuality necessarily shed their adolescent status and identities. In fact, positive, non-threatening depictions of adolescent sexuality and consensual sex between teenagers became increasingly common during the early 1970s, particularly in coming-of-age dramas like Summer of ’42 (1971), The Last Picture Show (1971), or in the later film The Blue Lagoon (1980). A similar trend in “young adult” literature was pioneered by author Judy Blume, whose novels Are You There God, It’s Me, Margaret, and Forever did not flinch away from their characters’ sexuality. There were other ways of representing and talking about sexually active teens, in other words, which did allow filmmakers, writers, and artists to treat young people’s sexuality as something other than a threat to their well-being during the 1970s.

One of the simplest means of portraying teen sexuality in a more positive light was to depict young people’s sexual experiences as a symbol for their entry into adulthood. Films like Summer of ’42 and The Last Picture Show, for example, established a formula that many later films copied, in which the main characters’ first sexual experiences seemed to alter their identity and character, transforming them from immature, selfish adolescents into much more responsible and mature – and essentially adult – characters overnight. In these films, sex itself seemed to transform the “snickering and adolescent jokes” which had accompanied the young characters’ attempts to have sex into a “calm romantic elegance” once they succeeded in doing so. Summer of ’42, for example, told the story of three young friends who were desperate to lose their virginity while on vacation in Nantucket, and for much of the film, the characters were
awkwardly, often hilariously inept in their efforts, triumphantly fondling a date’s elbow at the movies while believing it to be her breast, or purchasing condoms at a drugstore in an acutely awkward, embarrassing scene. When main character Hermit finally did have sex with a grief-stricken war widow, however, their on-camera love scene was treated in a tender, gentle style – and the experience of it appeared to fundamentally change Hermie’s character.

Following the success of Summer of ’42, the idea that young teenagers could be symbolically transformed into adults by losing their virginity became a staple of male-centered coming-of-age films during the early 1970s – so much so that stories about a “boy sobering into [an] adult lover and saying goodbye to youth” quickly became the subject of satire. In a review of a 1973 film titled Jeremy, for example, film critic Charles Champlin noted that it was in many ways derivative of Summer of ’42, and poked fun at these films’ tendency to treat characters’ first sexual experiences as though they were capable of turning “Andy Hardy into Robert Redford in the space of an afternoon.” However skeptical viewers might be of this smooth transition from the “gawky kid stuff” to a “grand and self-assured amour,” however, many Americans also seemed to appreciate them as a “positive celebration of love,” which refrained from moralizing or passing judgment on the characters’ actions, and refused to shy away from the reality of teenagers’ sexuality.

Filmmakers like Peter Bogdanovitch were even more determined to take the “gawky kid stuff” seriously. Much like Summer of ’42, Bogdanovitch’s 1971 film The Last Picture Show broke new ground by making teenage sex the focus of the picture, and

depicting characters’ first sexual encounters on-screen. Unlike *Summer of ’42*, however, Bogdanovitch’s film also attempted to de-mystify teenage sex, taking a warts-and-all approach to portraying teenagers’ sexuality, and refusing to shy away from the powerful, tortured mix of desire, uncertainty, and awkwardness which the film’s main characters experienced – all while refusing to treat their sexuality as shameful or abnormal. The loves scenes were anything but idealized or romantic, but *The Last Picture Show* was also an unusually sympathetic portrait of young, male sexuality, and for the most part it seemed to reserve judgment of the characters’ actions. As a result, adult viewers were as likely to be reminded of their own awkward, uncertain sexual experiences – and to sympathize with the characters - as they were to conclude that main characters Sonny and Duane’s lack of finesse was a sign of their immaturity. While the film still ultimately suggested that Sonny and Duane’s first sexual encounters had made them into men - with Duane shipping off to fight in the Korean War, and Sonny accepting responsibility for the hurt his selfish actions had caused – critics nonetheless praised the film for its authenticity and realism, applauding Bogdanovitch’s decision to portray teen sex “naturalistically,” without “getting happy or absurdly euphemistic or evasive.”

The implication of such “naturalistic” portrayals of teenage sex, of course, was that teenage sex was just that - *natural*. And *The Last Picture Show* was the first of many depictions and discussions of teenage sexuality which began to take young people’s sexuality seriously during the 1970s, conceding that young people could - and did - have sex, *without* being exploited, causing harm to themselves or others, or losing their status as minors in the process. These images had much in common with the positive

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depictions of young people which had helped to convince many state and federal lawmakers to lower the voting age and age of majority during the early 1970s, in that they emphasized young people’s maturity and responsibility, and hinted that the unorthodox values and behavior of young people were better suited to life in the 1970s United States than the morals of their elders’ generation. Most importantly, however, they steadfastly refused to condemn or criticize the actions of young people who chose to have premarital sex in their teens, and encouraged adults to accept teen sexuality as a fact of life.

Films like *The Little Girl Who Lives Down the Lane* (1977), *The Blue Lagoon* (1980) *Rich Kids* (1979) and *Friends* (1971), for example, all depicted adolescent sex and sexuality as a natural and normal part of growing up. These films presented an idealized portrait of teenage couples, whose sex lives seemed to develop naturally and harmlessly out of an emotional bond, and always in the absence of adult influence and control. Whether hiding out in an isolated cabin like the protagonists of *Friends*, marooned on a desert island as in *The Blue Lagoon*, or taking advantage of domestic discord to spend time together unsupervised like the young couple in *Rich Kids*, these young people all found love and emotional fulfillment in a relationship with a peer, and – with the exception of the young people in *Rich Kids*, who never had sex - all of them chose to have sex as an expression and fulfillment of that love. Juxtaposed against the storm and strife of the adult world, their relationships appeared to be idyllic and uncomplicated, and to bring a them a great deal of joy – at least until adults intruded and brought an end to their fairy tale love stories. The message of these films, in other words, seemed to be that
having sex could be a positive and natural part of growing up – and that it was the hang-ups of adults which were to blame when teenage sex led to heartache and pain.

A year after her appearance as Iris in Taxi Driver, Jodi Foster played another young person who displayed an uncomfortably adult sexuality in The Little Girl Who Lives Down the Lane. Unlike Taxi Driver’s Iris, however, Rhynn – Foster’s character - seemed to be having sex for all of the right reasons in The Little Girl Who Lives Down the Lane. Living alone after having murdered her abusive mother to protect herself - and on her dying father’s instructions - Rhynn was beset by threatening, abusive adults, and her relationship with young neighbor seemed to be the only healthy, “normal” aspect of Rhynn’s life in the film. Based on a close emotional bond, Rhynn and Mario’s sexual relationship seemed to follow almost automatically from their feelings for each other. Their physical and emotional intimacy built up gradually over the course of the film, until Rhynn matter-of-factly told Mario that she could “get into bed” with him. Their relationship was consummated – off-screen - without any further discussion, and without any of the painful awkwardness that had been featured in films like The Last Picture Show. Director Nicholas Gessner highlighted the two characters’ comfort with each other and their close emotional bond throughout the film, painting an idealized picture of teenage sexuality, and he made it clear in interviews that he wanted his own children to experience sex “in the way it happens in our film.”

Films like Rich Kids and Friends followed a similar formula, in which a young adolescent couple found love and emotional fulfillment in a relationship with a peer. Whether fleeing the death of parents or searching for stability as their parents’ marriages

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fell apart, the young people in these films seemed to be making “a new life together,” finding a “wholeness and fullness” in their relationship that had been missing from their earlier, ordinary adolescent lives. For the young couples in films like *Friends* and *Jeremy*, sex followed naturally – and harmlessly - from their emotional attachment, serving both as an expression of their love and as a symbol for the happiness and fulfillment which they had apparently found together. Often, these teen couples’ relationships were juxtaposed unfavorably with the squabbling and strife of the adult relationships in these films – such as the divorces which preoccupied the parents in *Rich Kids*. The young characters, in other words, seemed to put their elders to shame by building strong, emotionally mature relationships, which ensured that they had a positive, fulfilling experience of sex.

These depictions of teen sexuality inverted the long-standing assumption that only adults could form stable, mature, and rewarding sexual relationships – within the bonds of marriage - while young love was fleeting, and fraught with danger. And some of the most optimistic, idealistic appraisals of teenage sexuality of the 1970s went even further, by suggesting – as the tagline for *The Blue Lagoon* (1980) put it – that teenage sex was “love as nature intended.” The *Blue Lagoon* starred Brooke Shields and Christopher Atkins as two children who were marooned alone on an idyllic tropical island, and who came of age, fell in love, had sex and bore a child as teenagers – almost entirely free of adult influence. The film made no secret of its message; it was advertised as a film that told the story of “natural love” and the often clumsy script repeatedly emphasized that the two young lovers were doing what came naturally to them. The film’s message seemed

98 Ibid., 263.
to be that there was nothing wrong with teenage sex, and that social and moral strictures against it ran counter to human nature. Derided by some critics as “little more than an exercise in kiddie porn,” much of the film’s popularity likely stemmed from its titillating subject matter and the sex appeal of its stars. But it was also a remarkably clear – if symbolic – expression of the idea that teenage sexuality was nothing to fear.\textsuperscript{99}

Positive depictions of teen sex were not just confined to film during the 1970s; televisions shows like \textit{James at 15} and novels like Judy Blume’s \textit{Forever} also broke new ground by painting a similar picture of youthful sexuality for an audience of adolescents. Blume’s novel revolutionized young adult literature in 1975 by including frank discussions about masturbation, contraception, and premarital sex, and by featuring several sex scenes that were far more explicit than anything which could be depicted on film or television. While short-lived, and framed by a considerable amount of teenage angst, the relationship between main characters Katherine and Michael in \textit{Forever} failed to ruin Katherine’s reputation, to result in venereal disease or pregnancy, or to cause either character long-term harm. Blume admitted having written the novel to fulfill her thirteen-year-old daughter’s wish that she could read a book “about two nice kids who do it and nobody has to die and nothing terrible happens,” and the dominant message which the book seemed to be sending to its predominantly young, female readers was that the sky would not fall if they had sex with their boyfriends, so long as they did it responsibly – as Katherine herself had been careful to do.\textsuperscript{100}

\textsuperscript{99} Ibid., 203-4.

It is important to note, of course, that these positive depictions of teenage sexuality did not go unchallenged. By the end of the 1970s, for example, Blume’s books were being targeted for censorship by conservative groups like the Moral Majority, and were well on their way to being some of the most-banned books in the United States. According to one reporter, however, copies of books like *Forever* continued to be “prized possessions in junior high schools all over the country” in 1979, and were passed around “secretly, wrapped in brown paper” in schools.\(^\text{101}\) Blume’s message clearly resonated with young people – and as much as activists like Jerry Falwell might have liked to banish such positive depictions of teenage sexuality, they remained popular throughout the 1970s, co-existing and competing with more ambiguous, and at times unsettling, images of women like Iris and Judy Fay to shape Americans’ perceptions of teen sexuality. Older, more ominous, and essentially conservative portrayals of teenage sexuality had certainly not disappeared, and films like *Our Time* (1974) continued to warn Americans about the dangers of teenage sex throughout the 1970s. Advertised with the tagline that “First love can be beautiful and tender. Sometimes it has consequences,” and later re-titled *Death of Her Innocence* for broadcast on TV, the film saw its female protagonist’s first, unsatisfying sexual encounter result in an unwanted pregnancy, and ultimately in her death as a result of a botched abortion.

**Conclusion**

As lawmakers, political activists, parents and other adults struggled to come to terms with the “new reality” of teenage sex during the early 1970s, they did so in a

cultural context where images and depictions of sexually active youth were divided into two distinct groups. Each of these broad groups of images presented a starkly different portrait of teenage sexuality – and of sexually active youth themselves. Old, entrenched views of young people as sexually vulnerable innocents persisted throughout the 1970s. Some depictions of teenage sex and its consequences were so negative that they seemed to call for adults to devote more effort to preserving teenagers’ sexual innocence – and to keep that innocence intact for even longer than most adults had expected it to last in the past. At the same time, however, other, newer images and depictions of sexually active youth rejected the assumption that teenage sex was inherently harmful or bad, sometimes appearing to encourage teenage sex as “natural.”

These two very different approaches to depicting teenage sex represented two dramatically different – and fundamentally incompatible – views of teenagers’ capacity to make mature, responsible decisions about sex, and of teenagers’ proper place in American society more generally. Not surprisingly, political conflicts over the control of teenagers’ sexuality, and over their right to control their own sexuality and reproduction - without being punished for it - often hinged on which of these two very different views of teenage sexuality lawmakers and Americans more generally chose to accept.
In August of 1972, the front cover of *Time* magazine depicted a young man and a young woman locked in a close embrace. Both of them wore their hair long, and were dressed in loose-fitting, colorful clothing, visual cues that they had embraced the style – if not necessarily the ideology – of 1960s counterculture. The young couple appeared damp and disheveled, as if they’d been caught in the rain, and they were staring directly, almost defiantly at the camera. The headline was “Sex and the Teenager.” A decade or even five years earlier, the cover story - if it had gone to press at all - would likely have taken the form of an alarming, panic-sowing exposé. But *Time’s* treatment of teenage sex in 1972 was calm and measured; the magazine’s editors stated at the outset that they intended to reserve judgment on the morality or the propriety of teenage sex. The story, they suggested, was not intended to tell teens – or their parents – what they “what they should or shouldn’t do.”

By 1972, new public images and discussions of teenage sexuality had made it very difficult for adults to deny that many of the nations’ teenagers were having sex. The subject of teenage sex, to be sure, still had the potential to shock – and to titillate – American adults. Despite the *Time* editors’ pledge to treat the issue neutrally, for example, the cover story still slipped into a moralizing, sensationalistic tone in places. When the article suggested that many American teens had “almost unlimited sexual license,” or quoted an eighteen-year-old young woman who had sex with nine boys over

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two years - and who described sex as a “nice thing” which “sure can clear up the blues” – the story’s writers were clearly attempting to both shock and excite their readers. The article’s primary message, however, seemed to be that adults should accept, and perhaps even learn to embrace, the reality of teenage sex. Refusing to start from an assumption that teenage sex was always dangerous or always bad, it did not flinch away from the “new atmosphere” of the early 1970s, and suggested that Americans were witnessing “youth’s sexual revolution” during the early 1970s. ²

Shocked and bewildered by the release of Zelnik and Kanter’s data on the prevalence of teenage sex, by the new visibility of teen pregnancies, and by the new, franker images of sexually active youth which they were being exposed to through popular culture, American parents, educators, policy-makers and journalists struggled to understand what it meant for so many young Americans to be having sex during the early 1970s, and to reach a consensus over how adults should respond to the new reality of teenage sex. Not surprisingly, opinions varied widely. Many Americans believed fervently that teenaged Americans should be discouraged from having sex entirely, and that the state, educational institutions, and health care providers should allow parents to make decisions about their teenaged children’s sexuality. For a brief period during the early 1970s, however, family planning activists, educators, lawmakers and health care providers who believed that teenage sex could be a harmless, healthy activity - which complemented, rather than disrupted, young people’s development into mature adults – won considerable public and political support for their view. These liberal reformers believed that most teenagers had the capacity to make mature, responsible decisions

² “A Letter from the Publisher;” “Teen-Age Sex: Letting the Pendulum Swing,” 30.
about sex for themselves. Critically, however, they also believed that teenagers could only make responsible decisions about sex when they had easy access to contraception, sex education, and reproductive care.

When legislators such as California State Senator Anthony C. Beilenson (D) and organizations such as Planned Parenthood sought to expand and ensure young Americans’ access to contraceptives, abortions, and reproductive health care during the early 1970s, they appeared to be advocating a substantial blurring of some of the most significant legal and cultural distinctions between childhood and adulthood. While expressing confidence in young people’s ability to manage their own sexuality – and a belief that they had a right to do so – liberal reformers also argued that these young people still needed adult help and support, and should not lose the rights and privileges that they were entitled to as minors simply because they had had sex or borne children. Rather than simply moving the legal boundaries between childhood and adulthood, then, these reformers sought to blur them.

More conservative legislators and activists angrily and emotionally rejected the suggestion that teenagers were capable of making responsible decisions about sex during the 1970s. Framing young Americans as vulnerable, innocent children and parents as their primary protectors, conservative lawmakers and activists made it very difficult from legislators such as Beilenson to make the case for allowing young people greater sexual autonomy. They attracted broad support from white, middle-class parents, who were often simply not ready or willing to acknowledge that their own teenaged children might be having sex without their knowledge.
“An Entire Re-Orientation of Sexual Values:” Growing Adult Acceptance of Teen Sexuality

For its 1972 cover story on “Sex and the Teenager,” Time magazine had consulted consulting a wide range of doctors, psychologists, sociologists, and religious leaders, as well as a large number of parents and teens, for their opinions on the subject of teenage sex. Teenagers themselves, according to the article, often saw little to nothing wrong with having sex before they were married, particularly if they were having sex in a stable relationship, where they’d formed a “tight emotional bond” with their partner. Several of the experts interviewed in the article endorsed this view, and portrayed young people’s new attitudes towards their sexuality as a positive development. Many of these experts were already high-profile commentators on the sexuality of college-aged youth, and brought their faith in college-aged young people’s ability to make mature, responsible decisions about sex into discussions of younger teenagers. Yale University’s resident sex counselors, Philip and Lorna Sarrel, for example, told Time that many of their students were forming relationships that were “more meaningful than the typical marriage in sharing, trusting, and sexual responsibility.” Similarly, Harvard University psychiatrist Graham Blaine asserted that the “new experiment” of teenage sexuality – which he believed would eventually be followed by a return to more traditional mores – “should be allowed to run its course.” Most students, he suggested, were not being hurt, and ‘the pendulum should be allowed to swing.’

It was the personal accounts of individual parents and teenagers, however, which Time used to most clearly make the case for greater acceptance of teenage sex. Time quoted one parent, for example, who had three sexually active daughters, and asserted

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3 “Teenage Sex: Letting the Pendulum Swing,” 34.
that while young people were treating sex “more casually,” they were also treating it “with more respect and trust” than their elders. One twenty-five year-old young woman’s comparison of her own sexual experiences to those of her younger sister spoke volumes. Eight years apart in age, the two sisters had had dramatically different experiences of their own sexuality. Sue, the older sister, had grown up thinking that “virginity was all important,” and when she had given in to pressure from a boyfriend and had sex as a college freshman, Sue had been “overcome with remorse” and gotten “so hung up” over guilty feelings that she’d been unable to enjoy sex ever since. Sue’s sister, Pat, in contrast, had had sex at fifteen, while still in high school, and according to her sister had had a much healthier and more rewarding experience:

Pat had as healthy an attitude as could be imagined, as healthy as I wish mine could have been. She and her friends are more open. They’re not blasé; they don’t talk about sex as they would about what they’re going to have for dinner. But when they do discuss it, there’s no hemming and hawing around. And boys don’t exploit them. With Pat and her boy friends, sex isn’t a motivating factor, it’s not like the pressure that builds when sex is denied or you feel guilty about it. It’s kept in perspective, not something they’re especially preoccupied with... They’re not promiscuous.⁴

Such a positive assessment of teenage sexuality would have been unthinkable to most Americans just a few years earlier, but affirmative approaches to teenagers’ sexuality seemed to be multiplying during the early 1970s – and they often came from unlikely sources. Writing the introduction to the sociologist Robert C. Soreon’s Soreon Report on teenage sexuality in 1973, for example, Paul Moore Jr. – the Episcopal Bishop of New York – wrote that the report had convinced him that teenage sex was not, in itself, wrong or harmful, and that young people who were having premarital sex in their

⁴ Ibid., 30-35.
teens were sometimes “more moral” in their behavior than older generations. Mulling over the statistics that had been assembled in Sorenson’s report, and reading the words of young Americans that Sorenson had assembled as a representative sample of young Americans’ views, Moore concluded that “sex from the adolescent’s view comes through as a combination of love, kindness, and mutual enjoyment between persons.” Adolescents, he suggested, were working to create a strong value system of their own, which still associated sex with love, and which had much in common with the “traditional values of our culture.” Teenagers, Moore asserted, were simply “working out their own moral codes” during the early 1970s, and he was confident that “the patterns and morals our children determine will be loving, personal, and responsible.”

These positive assessments of young people’s ability to make responsible decisions about sex clearly drew on the same faith in young people’s judgment and values which underlay the campaigns to lower the voting age and age of majority – both of which were being debated during the same period when Americans first began to confront the reality of teenage sex during the early 1970s. Moore’s faith in American teens, Graham’s call to let the pendulum swing, and the idyllic portrayals of teenage sexuality featured in films like Summer of ’42 and The Little Girl Who Lives Down the Lane all shared the same trust in young people and the same consciousness of social change which had characterized Margaret Mead’s Culture and Commitment, and they were consistent with a broader shift towards more positive images of American youth during the early 1970s. Because sex and sexual innocence had played such an important role in the cultural landscape, these positive assessments were not simply reflections of the times but part of a larger narrative about the potential for young people to make moral and responsible decisions.

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role in defining childhood and adolescence, however, the assertion that teenagers and adolescents might be capable of having sex without endangering themselves - and without ceasing to be adolescents in the process – seemed to be particularly revolutionary during the 1970s.

University of Minnesota psychologist James W. Maddock made the implications of accepting the reality of teenage sex clear in 1973, when he published an article titled “Sex in Adolescence: Its Meaning and Its Future” in the academic journal Adolescence. Maddock counted himself among those who believed that adolescent sex “need not be defined simply as a problem,” and might even be a “functional component” of young people’s development into mature individuals. Basing his argument on an adaptation of Erik Erikson’s theories of development, Maddock rejected Erikson’s assumption that sexual intimacy was only possible after an individual had reached maturity, arguing instead that sex could be “a normative form of interaction” between adolescents who were engaged in “a mutual search for identity.” The challenge facing Americans during the 1970s, he suggested, was to “to discover what is the ‘age-appropriate’ level of intimacy for the adolescent sexual experience” – to decide what forms of sexual expression young people could engage in prior to becoming mature individuals, and without hindering their own maturation and identity formation.⁶

Maddock believed that this “age appropriate” level of sexual activity might very well include “full heterosexual intercourse.” Acutely conscious of the fact that sexual activity carried risks that the potential to throw individual teenagers’ development off-track – such as the risk of unwanted pregnancies - he nonetheless believed that in a

society where the “reproductive consequences of sexual activity” could be controlled, adults had a duty to “develop an new understanding of the meaning of intimacy in the adolescent experience.” It was incumbent on adults, in this view, to create “a new framework of meaning” which allowed young people to be healthy, developing adolescents and to have sex. Maddock did not envision this as a simple or an easy task; it would, he suggested, require nothing less than “an entire re-orientation of our sexual values.”

Maddock was well aware that accepting teenage sex as a natural, normal part of growing up would require adults to rethink their understanding of adolescence and adulthood as life stages. But he was adamant that adults should “come to terms with the reality of present conditions,” and take young people’s values and behavior seriously. Maddock challenged Americans – and professionals who worked with youth, in particular – to “recognize the integrity” of young people’s ideas about sex and intimacy. It was incumbent on adults, he suggested, to create new value systems that would allow young people to experiment with sex safely, and “pledge themselves to a mature identity in a viable social and historical setting.” Only once adults had done so, according to Maddock, would they be able to truly “separate pathology from normality” in young people’s sex lives.

Given Americans’ long-standing belief that sex posed a grave danger to children and adolescents, and that these life stages were defined by their separation from adult sexuality, Maddock could hardly have expected his suggestion that adolescent sex could – and perhaps should – be redefined as a normal, healthy part of growing up to have

7 Ibid., 339.
8 Ibid., 341.
broad appeal. While few experts and policymakers were willing to state quite so directly that sex could be considered a “functional component” of adolescence, however, Maddock was far from alone in his belief that it was time for adults to “come to terms with the reality of present conditions,” and focus on helping young people manage their own sex lives in a responsible way. In fact, growing numbers of sex educators, family planning organizations like Planned Parenthood and anti-poverty campaigners began to advocate granting young people access to birth control, abortions, and comprehensive sex education during the early 1970s, and to advocate policies that would support – rather than stigmatize – young women who bore children out of wedlock.

While they seldom said so directly, most of these reformers were well aware that existing public concepts and perceptions of adolescence – which precluded the acknowledgement, much less the management, of teenagers’ sexuality – represented one of the primary obstacles which they needed to overcome. Their proposals had the potential to fundamentally alter the legal status of minors, the cultural boundaries between childhood and adulthood, and widely held understandings of what childhood, adolescence and adulthood were. By treating young people who were well below the age of majority as adults in a key area of law while still allowing them to claim the special rights and privileges of minors – such as the right to an education – the reforms they advocated dramatically undermined existing boundaries between childhood and adulthood. Reformers shared a common faith that American teenagers’ would make mature, responsible decisions about sex if they were given the chance – and the tools that they needed to do so. Social, technological, and cultural change, in this view, had made old sexual values obsolete, and it was incumbent on adults to both respect and support the
choices which young people were making – and had a right to make as individuals – while still doing their best to keep adolescents from harm.

“A Fact of Life:” Liberal Responses Adolescent Pregnancy and Teenagers’ Access to Contraception

Most early 1970s reformers had not initially set out to expand teenagers’ sexual autonomy and rights, or to undermine Americans’ understanding of adolescence itself. Rather, many of them became advocates for young people almost by accident, through their work on broader issues such as women’s rights, population control and poverty reduction. The educators who developed some of the first special school programs for young, unwed mothers, for example, were initially more concerned with ensuring that these young women stayed off the welfare rolls and received an education than with expanding young women’s sexual autonomy. As chief of the Children’s Bureau for much of the 1960s, for example, Katherine B. Oetinger’s interest in helping young, unwed mothers developed out of her belief that a young woman’s pregnancy “should not change the whole scenario” of her life, and that she should still have the opportunity to “live up to her highest potential.”

Initially interested in protecting and nurturing vulnerable youth, Oetinger soon concluded that it was imperative to provide all young people with birth control and family planning information. By the end of the 1970s she was calling on Americans to “face the fact’ that there was little they could do to stop young people from making their own sexual choices, and to instead focus on helping young people make good choices.  


10 Ibid., 20.
After years of studying the issue, Oetinger concluder her book *Not MY Daughter: Facing Up To Adolescent Pregnancy* by musing that “we tend to underestimate our young people,” and noting that most youth had “very future-oriented, serious, and responsible goals.” Adopting the World Health Organization’s definition of “sexual health,” she suggested that parents and educators should focus on giving young people a capacity to control and enjoy sexual and reproductive behavior, without “fear, shame, guilt… and other psychological factors,” or risk of health complications. Oetinger believed, in other words, that young people should have “ultimate control” over their own sexual behavior, and that adults should be focused on “improving the quality of adolescent sexuality” rather than on “futilely trying to eliminate its existence.”

Providing young people with “the information necessary to make intelligent choices,” in this view, was adults’ “most important responsibility.”

Like Oetinger, many educators and academics became convinced that young people were “formulating a whole new set of rules to govern sexual behavior” during the early 1970s – values which adults could not change, and should not try to. Many educators’ efforts to help young, unwed mothers get an education, for example, led them to treat adolescent sex and childbearing as a fact of life, rather than as a moral transgression or a life-destroying misstep. As educators started to look for “ways to help the girls, instead of treating them as social pariahs” during the early 1970s, they were also rejecting the idea that “the girl should be punished for sexual intercourse.” Some educators, like the principal of Citrus High – where Judy Fay attended school - went to

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11 Ibid., 20.
12 Ibid., 162, 19.
great lengths to accommodate their students’ unorthodox behavior, and seemed to revel in the strange blend of adult and teen life which their students lived. When the principal, James Georgeou, told the New York Times that “they bring the kids right into the classrooms” and that “we line the bassinets up next to the desks,” for example, he was helping to create an image – and a space – that allowed young, unwed mothers to transcend older boundaries of “moral” behavior, and to straddle the legal, cultural, and institutional boundaries between youth and adulthood.14 This approach was fundamentally incompatible with the older approach of maternity home operators – one whom told the Baltimore Sun that she “thought I was going crazy” when she saw pictures of “girls going to class with heir babies” in Life.15 Profoundly shocking and unsettling to some Americans, programs like the one Georgeou oversaw at Citrus High nonetheless seemed to represent the first step towards the broader redefinition of values that Maddock had called for.

Family planning professionals and population control activists followed a similar trajectory during the late 1960s and early 1970s, as their primary concern – controlling fertility – gradually led them to call for unrestricted access to sex education, contraceptives, family planning information and abortions for young people. The neo-Malthusian forecasts of population growth activists like Paul Ehrlich – whose book The Population Bomb was a best-seller in 1968 - and social scientists’ worries that illegitimacy was perpetuating a “culture of poverty” among low-income blacks in urban areas led anti-poverty, anti-welfare, and family planning activists to make providing


young women with contraception and family planning information a top priority during
the late 1960s and early 1970s. They focused, in particular, on young, poor, and black
women,

Social critics like Long and Ehrlich, as well as Daniel Patrick Moynihan – whose
famed report *The Negro Family: The Case For National Action* had suggested that
single-parent families played a key role in perpetuating poverty among African-
Americans in 1965 - succeeded in convincing a broad majority of Americans that
population growth, family planning and fertility control were among the most pressing
issues facing the nation during the late 1960s. 16 And in 1970, President Nixon responded
to growing public concern over the issue by creating the Commission on Population and
the American Future, which he tasked with developing a “detailed understanding of
demographic changes,” which could be brought “to bear on public policy.” 17

Much to Nixon’s chagrin, the Commission on Population returned two years later
with a report which noted that there was a troubling reluctance “to acknowledge that
there is a considerable amount of sexual activity among young people” in the United
States. Adopting Arthur Campbell’s view of adolescent pregnancy as having “serious
physical, psychological and social implications for the teenager and her child,” the
Commission asserted that “all Americans, regardless of age, marital status, or income,”


should be able to control their fertility, and called upon the states to draft “affirmative legislation” to grant minors access to family planning information and services.\textsuperscript{18}

While it perpetuated an understanding of teenage childbearing as inherently dangerous and destructive, then, the commission’s recommendations also had the potential to turn traditional approaches to managing adolescent sexuality on their head. For decades, most educators and parents had been telling teenagers almost nothing about their own sexuality, and it had been difficult – if not impossible – for them to access contraceptives. Even many planned parenthood affiliates had refused to provide minors with access to contraception throughout the 1960s, but during the early 1970s, a growing concern over teen pregnancy and population growth drove large numbers of medical practitioners and family planning organizations to start expanding teenagers’ access to contraception.

As long as Americans perceived young, unwed mothers and sexually active youth as predominately poor and black, legislation to grant these young people access to contraception attracted broad support. When Congress used Title X of the Public Health Act to create a system of federally funded family planning clinics in 1970, for example, the act was written to provide contraceptives to all women, regardless of age. Title X clinics, however, had been framed and intended primarily to help poor women control their fertility. When he signed the act creating the Title X program, for example,

President Nixon had described it as an attempt to provide family planning services to “all those who want them but cannot afford them.”

When Planned Parenthood clinics and medical practitioners attempted to expand a broader group of young women’s access to contraception during the late 1960s and early 1970s, however, they often ran afoul of state laws that specifically barred them from providing young people with access to contraceptives, or of broader statutes that prevented doctors from providing young people with any non-emergency medical treatment without their parents’ consent. When family planning activists and lawmakers such as California state senator Anthony C. Beilenson launched an effort to reform these laws, they often saw themselves as defenders of young people’s – and especially young women’s – rights as individuals.

Placing considerable stock in young women’s ability to have sex responsibly and use contraception when it was available, these reformers argued that existing laws discriminated unfairly based on age. But reformers also often emphasized the dangers and risks of teenage pregnancy, and the threat to American values and prosperity that the perceived “epidemic” of teen pregnancies seemed to represent. They were well aware, in other words, that teen pregnancies could be used to “reinforce a ‘crisis’ mentality,” which might help to convince lawmakers and the American public to support greater access to contraception for teens. Embracing the rhetoric of a crisis during the 1970s, activists and policymakers who sought to expand young people’s access to contraception realized

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too late that the images and rhetoric which they spread could be used to demonize sexually active teenagers just as easily as it could be used to help them.

Scholars such as Mike Males and Frank F. Furstenberg have often charged organizations like Planned Parenthood and the liberal lawmakers who sought to help them achieve their goals of using “scare tactics” during the early 1970s.\footnote{Mike Males, \textit{Teenage Sex and Pregnancy: Modern Myths, Unsexy Realities} (Santa Barbara, CA: Praeger, 2010), 45, 50; Frank F. Furstenberg, Jr., \textit{Destinies of the Disadvantaged: The Politics of Teenage Childbearing} (New York: Russell Sage Foundation, 2007), 1-17.} Males, for example, has asserted that family planning organizations “conspired to malign teenager girls,” and fueled the “conservative pendulum swing” against them by framing teenage pregnancy as an urgent crisis during the early 1970s.\footnote{Males, \textit{Teen Sex and Pregnancy}, 46, 50.} Before they were subjected to the more virulent conservative attacks of the 1970s, however, many family planning groups and liberal lawmakers staked their defense of teenagers’ right to access contraception on a much more positive view of teenage sexuality, and on positive images American teenagers themselves. Initially, in other words, they often framed the issue of minors’ ability to access contraceptives as a matter of youth rights, rather than as a matter of public health and child protection.

Writing in \textit{Family Planning Perspectives} in 1972, sociologist Phillips Cutright warned that relying on the “image of an abstinent past and promiscuous present” to build support for contraception and sex education programs risked “providing psychological support to those unsympathetic to change.” Teenage sex, Cutright asserted, was “no new thing,” and he speculated that improved health, nutrition, and medical care, rather than a change in teenagers’ sexual behavior, was the primary cause of a perceived increase in
the number of teen pregnancies. In Cutright’s view, teenage was neither abnormal nor necessarily harmful in itself, and he expressed hope that policymakers would begin to “act sensibly and realistically” now that Americans had begun to acknowledge “that teenagers are having sexual relations.” To “cling stubbornly to the myth of an *age d’or* of sexual abstinence,” he suggested, was bound to do more harm than good.23

Like Cutright, many family planning activists were adamant that teenage sex was neither new nor inherently harmful during the early 1970s. They believed that most teenagers were quite capable of having sex without causing harm to themselves or each other, or imposing negative consists on the rest of society – as long as they had access to contraception and received an effective sex education. Some family planning activists went further, arguing that denying young people access to these tools simply because they were minors was a form of age discrimination. In 1969, for example, attorneys Harriet F. Pilpel and Nancy F. Wechsler – both counsel for Planned Parenthood – asserted that access to fertility control was “now almost universally acknowledged as a basic human right” – one which teenagers were “almost systematically denied” in the United States. In many communities, according to Pilpel and Wechsler, teenagers could secure contraceptive and family planning services only if they had *already had* a child out of wedlock – “the very outcome from which the alleged ‘right’ to fertility control is supposed to protect.”24

Rather than defining teenage sex itself as problematic, then, family planning activists focused on teenagers’ inability to control their fertility as the primary issue that


policymakers needed to address during the early 1970s. Many of them shared Pilpel and Wechsler’s belief that “obsolete laws and customs” – along with the “bugaboo-ridden’ notion that contraception and sex education *encouraged* teenage sex – were the *true cause* of the problems that were associated with teenage.\(^\text{25}\) In a series of articles that monitored legislation and court cases affecting young women’s access to contraception, abortion, and family planning services over the course of the 1970s, Pilpel and Wechsler made this point repeatedly.

While they recognized that not *all* young Americans were ready to make their own decisions about sex, many family planning activists and medical practitioners appeared to place a great deal of confidence in American youth in general – and they were adamant that it was young people’s *individual* level of maturity, rather than their age, which should determine when they were deemed capable of making their own decisions about sex. Pilpel and Wechsler, for example, were excited about the potential of a developing legal principle known as the “mature minor” doctrine for medical decision-making. This doctrine – which state lawmakers and the courts were just beginning to formulate during the late 1960s and early 1970s – held that young people who were judged to have reached a threshold of maturity where they could meaningfully consent to medical procedures should be entitled to do so – notwithstanding their status as minors.\(^\text{26}\)

In isolated cases, various courts had ruled that individual minors had been capable of giving consent to treatment in a specific situation at several points during the twentieth


\(^{26}\) Pilpel and Wechsler, “Birth Control, Teenagers and the Law, 34.”
And during the late 1960s, several state legislatures had also begun to create specific exceptions, which allowed young people to seek treatment for venereal disease without needing their parents' consent – or exposing their doctor to risk of prosecution. These laws were extremely narrow in focus, but family planning advocates like Pilpel and Wechsler were quick to frame them as a recognition that many young people were “of sufficient mental capacity and maturity to consent to and understand the nature and consequences of the treatment,” and were therefore entitled “to be treated as if they were adults, rather than as second class citizens.”

In reality, however, much of the “mature minor” legislation of the late 1960s and early 1970s had very limited applications. Only a few states passed mature minor statutes, and they often applied only to young people above a set age (usually around sixteen), or were applicable only in narrow and specific contexts. Worse, these laws seldom gave any guidance over how courts or medical practitioners themselves should evaluate who was or wasn’t a “mature” minor, leaving young people at the mercy of individual adults’ subjective – and often arbitrary – evaluations of their capacity to consent, and giving doctors little reassurance that it was safe to treat even those young people who were covered by these statutes.

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27 A number of these cases are referenced in Pilpel and Weschler, “Birth Control, Teenagers and the Law,” 34.


Early 1970s efforts to expand minors’ access to birth control, abortions, and reproductive health care illustrated the power of Americans’ fear of adolescent sexuality – and the costs that young people who had sex had the potential to impose on society – to build support for new and creative proposals and legislation, which undermined the traditional legal boundaries between childhood and adulthood. Certainly, the suggestion that young Americans should be granted the legal capacity to make their own decisions about sex and reproductive care long before they reached the age of majority often seemed like a revolutionary one during the early 1970s. Even these small, narrow, and targeted reforms, however, often aroused a great deal of public and political opposition, and prompted a conscious efforts to reinforce clear legal boundaries between childhood and adulthood.

Responding to the Commission on Population’s recommendation that teenagers should be granted access to contraception, for example, President Nixon had initially ruled out the possibility of federal action on the matter, asserting that doing so would “do nothing to preserve and strengthen close family relations.” Nixon, in other words, sided with dissenting Commission members like Howard University’s Dr. Paul B. Corneley and US Representative John M. Erlenborn, (R-IL) who had refused to sign on to the recommendation on the basis that it struck “at the foundation and roots of family life.” Adamant that that minors were – as Erlenborn put it - “often inexperienced and ill-equipped to deal with the questions that the new freedom gives them,” Erlenborn
chastised the commission for suggesting that “the child knows better than the parent what
his rights and responsibilities are.”

Expanding Minors’ Access to Contraception in California: A Case Study

It was at the state, rather than the federal level that policymakers and activists
mounted some of the most radical and most persistent efforts to expand young people’s
access to contraception and to overcome the notion that teenage sex was always harmful
during the early 1970s. Surveying state laws on the matter in 1972, Harriet F. Pilpel
found evidence of a strong trend towards legislation giving minors access to effective
birth control services without the need for their parents’ consent. The states, Pilpel
asserted, had begun to recognize “the rights of mature minors to make their own
decisions about their lives generally and about medical care in particular,” and at least
eleven states had already passed legislation to allow either all minors specific categories
of minors – usually unwed mothers, married or emancipated minors, or low-income
youth - to consent to contraceptive care.

A close examination of the campaign to ensure minors’ access to contraception in
the state of California during the 1970s suggests that the activists and policymakers who
worked to pass legislation on this issue were motivated by much than just concern for
preventing unwanted pregnancies or protecting vulnerable youth. Rather, they often
framed the struggle to grant teenagers access to contraception as an issue of young

Growth and the American Future,” May 5, 1972, The American Presidency Project,
http://www.presidency.ucsb.edu/ws/?pid=3399; Population Growth and the American
Future, 148, 156.

Eighteen,” in The Teenage Pregnant Girl ed. Jack Zackler and Wayne Brandstadt
(Springfield, Il: Charles C. Thomas, 1975), 231,236.
people’s rights as individuals, placing a great deal of faith in teenagers’ ability to make responsible decisions for themselves. Rapid social, cultural and technological change, in this view, had altered teenagers’ sexual values and practices, making old expectations of teenage abstinence irrelevant, and making it possible for teenagers to have sex without causing either themselves or others serious harm – but only if adults removed legal barriers that denied them access to contraception and family planning information without their parents’ consent.

California state senator Anthony C. Beilenson (D) was the driving force behind the attempt to ensure that all young Californians would have access to contraception during the early 1970s. A lawyer and long-serving democrat, Beilenson chaired the state senate’s Committee on Health and Welfare, and had played a key role in passing a bill which legalized therapeutic abortions in California in 1967 – one which the California Supreme Court ultimately interpreted as granting all women, including minors, access to abortion on demand in California.33 Beginning in 1970, Beilenson began sponsoring legislation that would grant teenagers access to contraception without need for parental consent as well. Initially, he expected that the bill would win rapid approval. California Governor Ronald Reagan, however, vetoed the bill, and Beilenson unexpectedly found himself embroiled in a protracted struggle with the governor, who repeatedly vetoed legislation to grant minors access to contraception between 1970 and 1975.

Beilenson’s campaign to ensure that minors could access contraception was in large part a response to the report of the Commission on Population Growth and the American Future, and to the recommendations of a state advisory panel on population, 33 People v. Belous 71 Cal.2d 954; Ballard v. Anderson 4 Cal. 3d 873.
which had called on California’s legislature to ensure that “every individual” in California had the “necessary information and means” to exercise freedom of reproductive choice. The state panel had specifically singled out minors as a group who were regularly denied access to birth control, despite “ample evidence that young people are sexually active.” In drafting the bill, Beilenson enlisted the help of state- and local-level family planning agencies, such as the California Inter-Agency Council on Family Planning, and the Los Angeles County Department of Maternal and Child Health.  

Many of these organizations’ practitioners had already been prescribing contraceptives to unmarried minors without their parents’ consent – but they were very much aware that they could be prosecuted for doing so. In response, Beilenson proposed a bill explicitly granting doctors and clinics the right to prescribe contraceptives to minors in 1970.

Beilenson appeared to be responding to the same concerns about population growth and teenage pregnancy that had helped to redefine adolescent pregnancy as a pressing public policy issue – and which often portrayed teenage sexuality as an inherently threatening or dangerous phenomenon – during the late 1960s and early 1970s. He often cited the work of late-1960s population growth alarmists such as Ehrlich, for example, as well as that of Zelnik and Kantner. But like many of the lawmakers,

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34 California Assembly Science and Technology Advisory Council, California Population Problems and State Policy: A Report to the Assembly General Research Committee (Sacramento, 1971); Mrs. Albert Gato and Herbert Bauer, MD to State Senator Anthony Beilenson, December 31, 1969, File 4 SB 542, Box 495, Anthony C. Beilenson Papers, University of California, Los Angeles Library Special Collections; David S. Hall to Beilenson, November 21, 1969, File 4 SB 542, Box 495, Beilenson Papers.

35 Staff Analysis of Senate Bill No. 395, File 13 SB 395, Box 235, Beilenson Papers.

activists, and medical practitioners who supported his bill, Beilenson also framed the issue of minors’ access to contraception as an issue of young people’s individual rights during the early 1970s, using rhetoric and arguments that other lawmakers were using to build support for a lower age of majority during the same period.

Beilenson insisted, for example, that young people needed to be treated consistently and fairly by the law. He pointed out that minors had every right to access prenatal care, and that thanks to the California Supreme Court’s Decision in *Ballard v Anderson*, they could even have an abortion and without their parents consent, but were unable to “see their own doctor about birth control” without their parents’ knowledge. Similarly, Beilenson noted that while welfare recipients could often receive contraception under federally funded programs, and young men had relatively easy access to condoms, young women who were not on welfare were being subjected to a double standard, and potentially put at risk of having “babies they neither want nor are prepared to raise.” These discriminatory policies, Beilenson asserted, made “no sense,” denying young women the ability to prevent pregnancies which they had every right to abort, and creating a “ludicrous situation” in which is was possible for young women to be “considered an adult” for treatment of a pregnancy only to “revert to the status of a minor” after she gave birth.  

By appealing to young people’s rights as individuals and the need to treat them fairly, while also pointing out some of the most glaring inconsistencies in existing laws, Beilenson borrowed a tactic that advocates of a lower age of majority – such as John Vasconcellos and Robert Gammage – had used to great effect. Beilenson was well

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aware, however, that lawmakers and members of the public were often picturing a very different *kind* of young person in debates over minors’ access to contraception than they had often pictured as they debated a lower age of majority. Careful to frame his bill as more than an just an attempt to help poor women or reduce welfare costs, he repeatedly told white, middle class Californians that it was their children whom the bill sought to provide with access to contraception, and cautioned them not to assume that their own daughters had no need for such services. He noted, for example, that it was the “teenage daughters of working parents” rather than poor, young women receiving social assistance who were being discriminated against by existing laws.\(^38\)

Beilenson was confident that little harm could come of granting access to contraception, and that *great* harm might come from denying teenagers that access. While he admitted that many teenagers were “not equipped emotionally” to handle parenthood “in a responsible, mature, or adequate way,” Beilenson insisted that adults had a duty to come to terms with the reality that many of California’s teenagers were having sex. It was, he argued, a “fact of life” which adults could not change – and in this situation it was far more useful “for us to make contraception available for those who desire it” than to “wring our hands and decry the fact that these young people are indeed sexually active.”\(^39\)

Many other California lawmakers agreed. In 1971, for example, republican Assemblyman Gordon W. Duffy called on his fellow lawmakers to recognize that “we are living in a rapidly changing world,” and that “if we don’t have the courage to face

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\(^{38}\) Press Release, Dec 27, 1972, File 13 SB 395, Box 235, Beilenson Papers.

\(^{39}\) Speech to Fresno Planned Parenthood, Feb 23, 1972, File 13 SB 395, Box 235, Beilenson Papers.
things, we don’t deserve to be here.” As much as legislators might wish that young women weren’t having sex, he asserted, “in point of fact, young girls are having intercourse,” and were unlikely to stop doing so simply because adults told them not to.\textsuperscript{40} Assemblyman March K. Fong agreed, asserting that it was time “to be realistic about this matter,” and recognize that “sexual activity is widespread among young people.” It was better, she asserted, for both young people and for “the whole of society” that “such activities not result in unwanted pregnancies.”\textsuperscript{41}

Invoking their own experiences as parents, Beilenson and his supporters placed a great deal of faith in young people’s ability to make mature, responsible choices. In a speech to a Planned Parenthood forum in 1972, for example, Beilenson asserted that it was not the place of the law to police young people’s behavior on behalf of parents. But “if we show our children we love and trust them,” he argued, “they will love and trust us, and come to our advice and help” in times of difficulty. “No law,” he maintained, was capable of creating “that kind of trust and love and understanding, which must grow from the way in which families themselves grow.” In Beilenson’s view, anyone who thought the new law would cause young people who were on good terms with their parents to “server their normal close ties” was mistaken. Parents, he suggested, must “trust our children and respect their individual identities, personalities, and ways of handling the pains of growing up.”\textsuperscript{42} Beilenson’s rhetoric was strikingly similar to the arguments that California lawmakers such as John Vansconcellos had made for lowering the voting age.


\textsuperscript{42} Editorial for San Diego Union, Feb 1976, File 13 SB 395, Box 235, Beilenson Papers.
and age of majority just a few years earlier, when they called on legislators and adult Californians to “let go” and “trust the young people in our midst.”

Clearly, Beilenson’s position on how to manage young people’s sexuality – or allow them to manage it for themselves – was an exceedingly liberal one. But he was far from alone in his beliefs, garnering considerable support in the California legislature and press. A 1975 article in the Sacramento Bee, for example, called existing laws – which allowed young people access to abortion but not birth control – “tantamount to infringement of the civil rights of young human” who were “arbitrarily categorized as ‘minors’” in order to “deny them these educational and health services which their sexual maturity warrants.” Many parents’ objections to Beilenson’s legislation, the Bee argued, were understandable - but they were not rational. Parents who did not want their children to access contraception, in this view, “would retain the freedom to so guide and influence their offspring,” and had no reason to fear Beilenson’s reforms. To deny “those young adults” who were “called ‘minor’” but were nonetheless “sexually mature” access to contraception simply because their parents’ might object, the Bee argued, was a violation of their “individual choice and right.”

Statements like these suggested that many of Beilenson’s most vocal supporters were convinced that the existing age boundaries which distinguished children from adults - and which determined when young people were deemed capable of making decisions about sex for themselves – were no longer serving young people, or American society, very well during the 1970s. Many of those who supported Beilenson’s bills specifically

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43 Minimum Voting Age Hearing, April 9, 1969 (transcript), LP89:34, California State Assembly Constitutional Amendments Committee Records, California State Archives, 78, 83-89.

connected their calls for change to ongoing debates over the voting age, age of majority, and the boundaries between childhood and adulthood more generally. One county health department supervisor, for example, asserted “if by giving the vote to minors we expect them to behave like adults, then I see nothing at all wrong with furnishing them with family planning services.” The alternative, she suggested, was “for us to continue subsidizing the consequences of our reluctance to deal with twentieth century problems in a twentieth century manner.”

To opponents of Beilenson’s bill, however, the very suggestion that some teenagers’ could be considered “sexually mature” and granted access to birth control appeared to be a direct threat to moral values which they considered sacrosanct, to their authority over their own children, and to young people’s well-being more generally. Opponents had little patience for the suggestion that contraception had anything to do with voting, or that young people under the age of eighteen could be expected to “behave like adults” if they had access to contraceptive and family planning services. Governor Reagan was vehemently opposed to the Beilenson’s bill, repeatedly vetoing it on the basis that it would “remove parental consent” for access to contraception “for all those under the age of eighteen – a group that includes thousands of persons who are actually still children in every sense.” The bill, Reagan asserted, would only result in “further deterioration of the family unit to the detriment of the child and society in general.”

One of the most common arguments raised against contraception for teenagers was that providing teenagers with a means of controlling their fertility would encourage

45 Tsun Hai Lee to Beilenson, June 18, 1971, File 9 SB 375, Box 498, Beilenson Papers.

them to have sex; Reagan was adamant, for example, that the fact “sexual permissiveness” existed among “certain young people” did not mean that the state “should make it any easier for them.” In San Francisco, Jesuit Priest and former University of San Francisco official Robert A Sunderland made headlines by claiming that Beilenson was trying to cure a “moral problem” by “promoting the cause of that problem,” while in Santa Monica, a Knights of Columbus spokesman warned Beilenson that his bill would “only promote sexual promiscuity.” Opponents of the bill could not – or refused – to accept changing attitudes towards pre-marital and teenage sex, and from their perspective any policy that made it easier for teenagers to have sex without “fear of the results” was essentially promoting immoral behavior. “If we took the same attitude toward crime,” Reagan suggested, “we would likely follow the line that ‘crime exists, and it will continue to exists, therefore let’s just accept it.’ To condone crime on this basis would be absurd.”

While they were certainly opposed to Beilenson’s attempt to make it easier for teenagers to have sex without risking pregnancy, however, it was his bill’s removal of the need for parental consent that most angered opponents. Beilenson had attempted to build support for the bill by altering the images which sprang to Californians’ minds when they thought about issues like teenage pregnancy and access to contraception, noting that it was primarily white, middle class young people – rather than urban welfare recipients –

47 Reagan Veto Statement for SB 433 (1972), File 14 SB 433, Box 506, Beilenson Papers.


whose rights would be altered by his bill. But for many parents, this was simply a reminder that their own children might gain access to contraception without their knowledge if Beilenson’s bill passed, and many Californians were quick to take offense.

Opponents described Beilenson’s bill as a “pre-emption of parental authority” which would lead to a situation where parents “no longer have the authority to make moral decisions” for their children, and could be “forced by law to give up moral guardianship to impersonal strangers, whose main concern would be to encourage youngsters to be promiscuous and sneaky.”50 One mother complained to Beilenson that his legislation would not only “sanction immorality in the very young,” but take away “our authority over our children,” while another irate opponent wrote to complain that it would “infringe upon the god given right and responsibility of parents” to monitor and control their children’s behavior.51 Sunderland, for his part, described the bill as an attempt “to create a situation in the home whereby parents are used by their children for material support but are excluded from being the guides, councilors, and confidants of their offspring,” a situation which Sunderland argued would “violate the right of all parents to fulfill their God-given responsibility” to rear children “according to their religious beliefs.”52

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51 Caroline V. Clark to Beilenson, July 1, 1975, File 14 SB 395, Box 235, Beilenson Papers; Joseph A. Weaver to Beilenson, May 19, 1975, File 13 SB 395, Box 235, Beilenson Papers.

52 Sunderland, “Bill Challenges Right of Parents to Love.”
In an echo of the backlash that activists like Eleanor Howe had led against sex education programs a few years earlier, opponents of the bill formed small, ad-hoc, and often short-lived organizations like the Coalition of Concerned Parents and Citizens, or the “National” Parents’ Rights Organization, which was created by Butte County teacher Robert J. Martin. Much like the earlier, anti-sex education organizations, these groups often used over-heated, hyperbolic rhetoric in an attempt to build political support.

Martin, for example, was not just worried that Beilenson’s bill would take away parents’ ability to ensure the “physical, moral, and spiritual well-being of his children.” The bill, he asserted, would “result in the loss of all our freedom.”53 One clergyman in Ventura warned California parents that “the state is taking your children away from you,” characterized Beilenson’s bill as “the toboggan which shall overflow the already brimming cesspool of immorality among the youth of California,” and claimed that there were “shades of Mein Kamph” and the “evil spirit of Adolf Hitler” in the bill. Others called it “one of the most vile pieces of legislation ever passed by a public body,” or asserted that it was the bill was only being tabled through the machinations of Planned Parenthood, as part of a broader effort to “shove its doctrine of sexual permissiveness and disregard of family privacy down the throats of California parents.”54

The near-apocalyptic visions and rhetoric of the bill’s opponents spoke to their inability to conceive of Beilenson’s bill as anything other than a perversion of the proper, natural order of the world, and an attack on young people’s privileged, protected, and – theoretically – innocent position in American society. In the rhetoric of Beilenson’s most


54 “Senate Bill 395 Is Vile and Should Be Repealed,” Recorder (Kingsbury, California), June 17, 1976; Sunderland, “Bill Challenges Right of Parents to Love.”
vocal opponents, it often seemed as though his bills were not just an attack on parents’ right to control their children or an attempt to condone immoral behavior, but an attack on children themselves – and on the very idea that childhood should be a protected, innocent stage of life. Many Californians agree with Assemblyman Robert Burke when he described the bill as an “attack on the family unit,” which was “to the detriment of the child,” and “an attempt to undermine society” in general.\textsuperscript{55} Sunderland claimed that the bill would make it impossible for children to be raised by “loving, caring, and concerned parents,” and would take away “the legal protection which every child deserves.”

Many parents were particularly concerned with the bill’s potential impact on younger children and adolescents, demanding to know where the minors’ access to contraception would end if the bill was approved, and incredulously inquiring as to what the “minimum age” for accessing contraceptives would be. Others warned that the bill would see the state providing “birth control pills, contraceptives, sex drugs and abortions to our children” regardless of age.\textsuperscript{56} Opponents’ rhetoric made it clear that they saw themselves as defending not just parents’ rights or the integrity of the family, but the very boundaries between childhood and adulthood, and the notion of an innocent, protected childhood itself.

As public and official anxiety over teenage pregnancy and Zelnik and Kanter’s surveys mounted during the early 1970s, political support for Beilenson’s legislation grew. After having Governor Reagan veto multiple bills that would have provided


\textsuperscript{56} Caroline V. Clark to Beilenson, July 1, 1975, File 13 SB 395, Box 235, Beilenson Papers; Sunderland, “Bill Challenges Right of Parents to Love;” “Senate Bill 395 Is Vile and Should Be Repealed.”
teenagers with access to contraception between 1969 and 1974, Beilenson had little
difficulty winning final approval for the legislation in 1975, once Reagan had left office
and been replaced by Democratic Governor Jerry Brown. During five years of debate
over the bill, however, Beilenson and his supporters had begun to find some of their
arguments for granting teenagers’ access to contraception to be far more politically
effective than others. Early on, they had framed the bill as both an expansion of young
people’s individual rights and as the most effective means of confronting a public health
problem. In 1972, for example Beilenson had described that the bill as an attempt to
solve population problems through “individual choice and freedom,” and by updating
“archaic and unjust laws.” He had confidently asserted that “organized opposition to
birth control” was collapsing.57 In response to Reagan’s repeated vetoes over five years
of debate, however, Beilenson had also adopted a more negative rhetorical strategy,
suggesting that Reagan’s failure to support the bill would cause “more abortions, more
welfare, [and] more misery.”58 He was also among the earliest lawmakers to call teenage
pregnancy an “epidemic,” asserting that “if this were an epidemic of measles or mumps”
governor Reagan would have little objection to promoting preventative measures.59

Such statements were an effective counter to Reagan and other opponents’
assertion that granting teenagers access to contraception interfered with parents’ ability to
guide and protect their own children. By framing teen pregnancy as a health risk,
Beilenson and his supporters could argue that providing teens with contraception was the

best way to keep them safe. Beilenson’s bill, in this view, was designed to protect vulnerable young people, and was a far more effective means of doing so than “making pious statements decrying youthful behavior” which adults were largely powerless to stop.\textsuperscript{60} Over time, and in response to the accusations which opponents like Sunderland and Martin leveled against them, Beilenson and his supporters placed less and less emphasis on the need to treat young people fairly, or on their right to make their own choices. Instead, they increasingly emphasized the urgency of preventing teenage pregnancies, and the threat which these pregnancies represented to young people’s – and American society’s – well being. Adults, they asserted, had no choice but to accept the “fact of life” that young people were having sex and were unlikely to stop doing so “whatever we may think of it.”\textsuperscript{61}

The shift from rights-based to more utilitarian arguments for providing young people with access to contraception, sex education, and family planning services during the 1970s helped liberal legislators like Beilenson and organizations like Planned Parenthood gather public and political support, and for a time, they were an effective counter to conservative legislators and activists’ calls to protect parents’ rights instead. While rights-based rhetoric allowed legislators and activists to frame their reforms as a means of expanding young people’s autonomy and trusting them to make responsible decisions, however, utilitarian arguments did not. Instead, these arguments were grounded on principles of harm reduction and child protection, which assumed that young people were prone to making \textit{bad} decisions, and needed adults’ help and

\textsuperscript{60} Ibid.

protection to avoid having their lives ruined – and imposing significant social costs on society – when they made poor choices. From this logic, it followed that sexually active teenagers were much closer to children than adults. During the late 1970s and early 1980s, organizations such as Planned Parenthood and liberal lawmakers such as Beilenson and Senator Edward Kennedy (D-MA) would increasingly frame legislation to expand young people’s access to sex education, contraception, and abortion as a means of helping vulnerable children, rather than assisting more or less competent teens – and they would place very little faith in young Americans’ ability to make mature, responsible decisions about sex for themselves.
CHAPTER SEVEN

THE PENDULUM SWINGS BACK: CHILD PROTECTION, PARENTS’ RIGHTS, AND TEENAGE SEXUALITY

When family planning activists, medical practitioners, and liberal lawmakers worked to pass legislation expanding teenagers’ access to contraception during the first half of the 1970s, they often framed these efforts as an attempt to protect young people’s rights as individuals. Placing a great deal of confidence in young teenagers’ ability to make mature, responsible decisions about sex independently, they had argued – as the Sacramento Bee did in 1975 – that sexually mature young people should have access to contraception “as a matter of individual choice and right,” even if they were “arbitrarily categorized as ‘minors.’”

Often supported by images of rational, responsible youth like Judy Fay, these arguments were grounded in an assumption that many young Americans were as capable as any adult of making responsible decisions about sex if they had access to the right tools. But these arguments – like the idea of providing teenagers with contraception itself – were largely incompatible with many Americans’ understanding of the proper boundaries between childhood and adulthood, and of the meaning of childhood and adolescence more generally.

Facing a powerful conservative backlash, many family planning activists and liberal lawmakers began to strike a decidedly different tone – and to deploy dramatically different images of young people – as they fought to grant young Americans greater control over their own sexuality during the mid- and late-1970s. When Senator Edward Kennedy (D-MA) sponsored legislation to fund comprehensive services for young, unwed mothers in 1974, for example, he described the young women his bill sought to

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help as “school-age youngsters,” many of whom were “still children themselves,” even as they gave birth and cared for their own babies. ²

Some family planning and feminist activists continued to make rights-based arguments for granting young people greater control over their sexuality throughout the 1970s, and continued to portray sexually active youth as individuals who were capable of making responsible choices about sex. In general, however, most of the legislators and activists who sought to grant young people greater sexual autonomy backed away from their earlier suggestions that teenage sex should be redefined as “normal” during the mid- and late-1970s, relying more and more on rhetoric and imagery that portrayed sexually active youth as vulnerable children.

Much like Beilenson and his allies in California, activists and policymakers who were working to expand young people’s access to sex education, family planning services, contraception and abortion in other states – and in Congress – often found themselves targeted by conservative lawmakers and activists during the 1970s. Facing angry and emotional charges that they were endangering young people, destroying families, and undermining childhood itself, organizations like Planned Parenthood and lawmakers such as Kennedy responded by embracing the notion that America was facing a “crisis” of teenage childbearing, and by portraying themselves as the defenders of vulnerable children and youth, rather than as advocates of young Americans’ individual rights.

For conservative politicians like Ronald Reagan, using the rhetoric and imagery of “child protection” was business as usual; conservative activists and lawmakers had been using a rhetoric of child protection to combat social and cultural change for decades – and they became increasingly adept at doing so during the 1960s and 1970s. For liberal activists such as Planned Parenthood and Kennedy to be framing sexually active youth as endangered “children,” however, was something new. Such arguments assumed that American teens were prone to making poor choices about sex, and that there was little adults could do to stop them from doing so. Instead, liberal lawmakers and activists argued that adults should focus on alleviating the negative consequences of young people’s poor decisions. Casting pregnant teens and sexually active youth as vulnerable, misguided young people, the new liberal rhetoric increasingly portrayed the reforms that Kennedy, Planned Parenthood, and others advocated as a way of protecting children from themselves, and ensuring their access to a “proper” childhood.

For a time, this tactic was effective, allowing Kennedy, for example, to pass legislation that was designed to help young, unwed mothers raise their children in 1978. But liberal lawmakers and activists had also made something of a devil’s bargain when they began to reframe the teenagers they sought to help and empower as vulnerable children. Where scholars like Harriet Pilpel, Phillips Cutright, and James W. Maddock and lawmakers like Anthony Beilenson had sought to normalize teenage sex, and had placed a great deal of stock in young people’s judgment, the new rhetoric of the mid-

In order to sell and defend their policies, liberal activists and policymakers largely abandoned any attempt to convince Americans that many teenagers were capable of making mature, responsible decisions about sex for themselves, or that teenage sex did not have to be understood as a dangerous, irresponsible activity during the 1970s. Their decision ultimately fueled a push by conservative activists, parents, and lawmakers to expand adults’ ability to control teenagers’ sexuality, extend the length of time that adults expected teens to remain sexually innocent, and treat young people who did have sex and bear children punitively during the late 1970s and beyond.

Liberal lawmakers and activists’ shift in tone during the 1970s has been well documented. It looms large in most scholars’ explanation for the development of a broad public “panic” over adolescent childbearing during the early 1970s, and for the emergence of teen-age pregnancy as a public policy problem. As scholars Frank F. Furstenberg, Kristen Luker, Constance Nathanson and Mike Males have suggested, much of the public and official anxiety over teenage pregnancy during the 1970s was consciously stirred up by medical, educational, anti-poverty and family-planning professionals, who saw teenage pregnancies as a “keystone problem,” which could resolve a wide range of social ills if only it were attacked with enough resources. These “institutional constituencies” and “moral entrepreneurs” had a vested interest in preserving and expanding government funding for contraceptive and family planning services, sex education programs, and support programs for young, unwed mothers. They worked throughout the 1970s to redefine adolescent pregnancy and teenage
sexuality as a “medical, rather than a moral problem.” While well-intentioned, however, many of them nonetheless misused the specter of teenage childbearing, working actively to create the impression that teenage childbearing was on the rise, and fashioning stereotype of teenage mothers “as socially deviant” in the process.4

By the late 1970s, images of young, unwed mothers like Judy Fay – who appeared to be facing the challenge of unwed motherhood with determination and a great deal of maturity – were rapidly fading from public view, replaced by images of young mothers who were very much children themselves, and wholly incapable of managing their own lives and sexuality independently. Much of the news media seemed to treat teenage sex and pregnancy as though it were some sort of contagion, or natural disaster; newspaper columnist Elizabeth Winship, for example, warned Americans in 1976 that the “ever-growing number of teenage girls who get pregnant” affected “all of us; our economy, our taxes, and more important, our future population” in “very insidious ways.”5 Such rhetoric made it clear that growing numbers of Americans had come to perceive sexually active young people – and especially those who bore children out of wedlock – as a threat to social and moral order during the 1970s. These images and perceptions would spur a broader push to draw clear, strict boundaries between childhood and adulthood during the second half of the 1970s, as a broad range of conservative lawmakers and activists moved


to re-assert adults’ control over teen sexuality, and to keep young people whom they
framed as children from having sex.

The Pendulum Swings Back: Teenage Pregnancy and Changing Images of American Youth

Planned Parenthood enthusiastically embraced – and played a key role in
propagating – the notion that America was facing an “epidemic” of teenage pregnancies
during the 1970s. In 1975, for example, Planned Parenthood president Jack Hood
Vaughn warned Americans that the problem of teenage pregnancy was reaching
“epidemic” proportions, and in 1976 he called on President-elect Carter to make teen
pregnancy the “first order of business” for his administration.6 It was a 1976 report on
teen pregnancy published by the Allan Guttmacher Institute (AGI) titled *11 Million
Teenagers: What Can Be Done About the Epidemic of Adolescent Pregnan
cies in the United States*, however, which most clearly demonstrated the change in how Planned
Parenthood portrayed teenage pregnancy – and young people themselves – during the
1970s. As Frank F. Furstenberg has demonstrated, the somewhat misleadingly titled
report – it referred to the estimated number of sexually active teenagers in the United
States, rather than to the number of teenage pregnancies – was carefully designed to
convince both policy-makers and the American public that teenage childbearing was a
pressing public policy problem. Full of charts, figures and facts which highlighted the
risks of early childbearing, it compared teenage birthrates in the United States to those of
other countries without acknowledging the long-term, historical pattern of early marriage

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in the United States. As a result, the report left readers with the misleading impression that the incidence of teenage childbearing was rapidly increasing.\footnote{Furstenberg, Destinies of the Disadvantaged, 16-17; Frank F. Furstenberg, Jr., “Teenage Childbearing as Public Issue and Private Concern,” Annual Review of Sociology 29 (2003): 23-39, 29.}

Alarming statistics suggesting that a million teenagers got pregnant each year, that one-fifth of births in the United States each year were to teenagers, and that half of all out-of-wedlock in the United States births were to teens were hardly reassuring to an American public that was still struggling to come to terms with the idea that unmarried young people had sex and all during the 1970s. And while 11 Million Teenagers acknowledged that adolescent childbearing had “traditionally” been portrayed as primarily affecting minorities and the poor, the report suggested that “teenagers from higher income and nonminority groups are now beginning sexual intercourse at earlier ages, leading to higher rates of sexual activity.” As a result, according to the report, many middle-class teens were now suffering the same “serious adverse effects” that had affected poorer populations of unwed mothers in earlier years.\footnote{Richard Lincoln, Frederick S Jaffe, and Linda Ambrose, 11 Million Teenagers: What Can Be Done About the Epidemic of Adolescent Pregnancies in the United States (New York: Alan Guttmacher Institute, 1976), 9, 21.}

These statements were carefully crafted to spur lawmakers and the American public more generally into action, and 11 Million Teenagers was particularly notable for its portrayal of sexually active teens. The report was published only a few years after the works of experts like Maddock, Pilpel, and Oetinger, which had suggested that many young, unwed mothers had just as much potential to succeed as their non-pregnant, non-parent peers, and it was released the same year that sociologist Frank F. Furstenberg published his own study of young, unwed mothers in Baltimore, in which he suggested
that a “sizeable proportion” of the young women he had studied coped successfully with early parenthood, and cautioned that “one cannot glibly conclude that parenthood in adolescence inevitably or irreversibly disrupts the life course.”9 But this was precisely what 11 Million Teenagers did.

In the afterword of 11 Million Teenagers, medical ethicist and philosopher Daniel Callahan took it for granted that teenage pregnancy was damaging, and that the facts presented in the booklet “cannot fail to be unsettling.” No one, Callahan asserted, “would want to say that it is a good think for teenagers to get pregnant,” and he reminded Americans that teenagers were “still growing and maturing,” still finding their way around the world, and “not altogether in possession of that self he or she will eventually develop with maturity.” Young people, Callahan argued, were “dependents, and they depend on us.” Focusing on young people’s dependency, and on adults’ obligation to protect and provide for them, rather than on young people’s rights as individuals or ability to make responsible choices, Callahan admitted that teenagers could – and did – “make sexual choices,” but he suggested that this was only so because “no way has ever been found to prevent them from doing so.” He stressed that adults should not expect young people’s choices to be responsible; “the most we can do,” he argued, was “help them avoid those things we know will hurt them [and] help to reduce the impact of those acts (even of folly) which they have already done.”

This was an extraordinarily pessimistic view of teenage sexuality, and of young people’s status and capacities more generally. Callahan was at pains to emphasize teenagers’ dependency on adults “in every sphere of life,” and he warned that if “we do

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not provide teenagers with education and services,” teenagers would “surely do great harm to themselves.” 10 While 11 Million Teenagers’ policy proposals were much the same as those that family planning activists and liberal policymakers had been advocating since the early 1970s, then, the image of sexually active teenagers which the AGI was presenting had changed dramatically in just a few years. As if to illustrate this fact, the Guttmacher Institute had chosen to print a photograph of Judy Fay and her son, taken during the same Life photo-shoot by Ralph Young that had furnished the photographs for Richard Woodbury’s cover story in 1971. The image selected for 11 Million Teenagers, however, made Judy appear even more childlike than the images Life had printed. Judy was shown clutching her son to her chest, and gazing with wide eyes directly into the camera. The pose made her appear exceedingly small relative to her son. Rather than an image of a mother and her son, or of a young woman who was both a mother and a daughter, in other words, the photograph seemed to represent two children.

As historian Maris A. Vinovskis has argued, 11 Million Teenagers “provided the framework,” for most of the news stories and policy briefs that were prepared for decision-makers on the issue of teen pregnancy during the second half of the 1970s. 11 Certainly, it helped to alter public images and perceptions of teenage sexuality and childbearing after 1976. In the wake of the report’s publication, media depictions of young, unwed mothers – and of sexually active youth more generally – shifted dramatically. In August of 1977, for example, journalist Lacey Fosburgh wrote a lengthy feature on the “make believe world of teen-age maternity” in the New York Times

10 11 Million Teenagers, 57-59.

Magazine, quoting 11 Million Teenagers and other Planned Parenthood sources directly. Fosburgh asserted that “virtually all studies” had shown a dramatic increase in the number of young, unmarried women having sex, and claimed that psychiatric and medical experts were “virtually unanimous” in their belief that young mothers were unprepared – and likely to be harmed – by early parenthood. Fosburgh interviewed Dr. Adele Hoffman, the director of adolescent care at NYU’s Bellevue Medical Center, and was told that adolescence was a “no man’s land,” and teenagers “hopeless pawns of fate;” many teenagers, Hoffman asserted, lacked a sense of identity and purpose, and turned to “a baby as a source of identity,” under the illusion that it would provide them with “instant adulthood.” Young mothers, in this view, were choosing to have children, but doing so for all of the wrong reasons, and at a time in their lives when they were still far too immature to make such an important life choice. Fosburgh went so far as to suggest that when unwed teenagers first found out they were pregnant, they faced what was “almost certainly” their first experience of making a “real decision.”

The “instant adulthood” that Fosburgh spoke of was a punishing, vindictive one – and her assessment of teenagers’ capacity to make responsible decisions for themselves was extremely pessimistic. Clearly, the positive images and assessments of young people that had convinced legislators to grant eighteen- to twenty-year-olds a very different kind of “instant adulthood” when they lowered the age of majority just a few years earlier were evaporating in mid-1970s discussions of teen pregnancy. Following the example of 11 Million Teenagers, journalists across the United States began once more to treat teenage sex and childbearing as a story of childhoods lost during the late 1970s. In doing

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so, they often recycled the psychological explanations for unwed motherhood which had been popular during the late 1960s, portraying young parents as misguided, troubled young people, and ridiculing the notion that having a child might have been a rational, responsible choice for some teens. As journalist Jack Slater put it in Ebony in 1980, young, unwed mothers had not demonstrated their maturity, but rather “relinquished much of their youth,” and achieved only “a kind of premature, stillborn adulthood” by having children at such a young age.  

“Young, Confused Girls:” Liberals’ Retreat from Reform during the mid-1970s.

By the mid-1970s, liberal lawmakers such as Kennedy and groups like Planned Parenthood and the National Alliance Concerned with School-Age Parents (NACSAP) were retreating from any suggestion that teenage sexuality was not inherently problematic, risky, and dangerous. Instead, these policymakers and activists embraced an image of sexually active youth which emphasized their ignorance, helplessness, and lack of maturity. When Kennedy proposed the School-Age Mother and Child Health Care Act in 1974, for example, his arguments for the bill proceeded from an assumption that young, unwed mothers were not “mature, sophisticated women, but young, confused girls” who needed a “continuous source of support and assistance” if they were to avoid a “bleak future” for themselves and their child. The bill was primarily a response to lobbying by organizations such as NACSAP, the Consortium on Early childbearing and Childrearing (CECC), and the Joseph P. Kennedy Foundation – which was directed by


14 School-Age Mother and Child Health Act, 1-34 (statement of Senator Edward Kennedy).
Kennedy’s sister, Eunice Kennedy Shriver. It was designed to fund comprehensive, coordinated services for young, unwed mothers and their children. In hearings on the bill, Kennedy asserted that “all of the experts” agreed that teenage pregnancy had “tremendous consequences for the mother, father, and the child itself,” and suggested that sixty percent of the “girls” that his bill sought to help were likely to get caught in a “cycle of dependency upon public welfare.” Kennedy’s rhetoric implied that the young women he envisioned the bill helping were predominantly black and poor, and he appeared to place very little faith in their ability to make responsible choices for themselves, scoffing at the idea that “some teenaged child” could navigate existing service programs for unwed mothers.

Kennedy’s bill focused primarily on the management, rather than the prevention, of teen pregnancy, despite several experts’ questioning of this approach. In hearings on his bill before a Senate Subcommittee, for example, Kennedy worked hard to counter witnesses who suggested that the problem of teenage pregnancy was better addressed through preventative measures than through comprehensive care for young women who were already pregnant. Anxious not to detract from the legislation’s primary goal of funding comprehensive, coordinated services for unwed mothers, he was also well aware that any attempt to refocus the bill on providing young women with access to contraception or abortions would likely spur even greater opposition. The decision to focus on young, unwed mothers, in other words, had primarily been a political choice – one which several witnesses who appeared at the Senate hearing criticized.

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16 *School-Age Mother and Child Health Act*, 1-34 (statement of Senator Edward Kennedy).
When the US Public Health Service’s Dr. Charles Lowe appeared before the Subcommittee, for example, he and Senator Kennedy engaged in an awkward, euphemistic exchange in which both men avoided mentioning contraception, even as Lowe advocated a primary focus on the prevention of teen pregnancies. Lowe questioned whether the teen pregnancy issue could be resolved by “providing funds which deal with an end result of teenage pregnancy,” and suggested that “an approach which deals in a broader context” would likely “serve the nation more effectively.” Conscious that he was appearing on behalf of the Ford Administration – which was opposed to Kennedy’s bill, and was unlikely to fund an alternative – Lowe was unwilling to explicitly suggest that sex education and contraceptive programs might be a better use of government funds. Instead, he referred obliquely to “social issues” and allowed a report by public health experts Lorraine V. Klerman and James F. Jekel - which he attached to his testimony - to speak for itself. The report, *School-Age Mothers: Problems, Programs & Policy*, had been published in 1973. It questioned the approach to the problem of teenage pregnancy taken by organizations like NACSAP and CECC, as well as by Kennedy’s bill. Klerman and Jekel’s review of existing service programs for teenage mothers had suggested that:

> These perspectives were not necessarily bad and were probably unavoidable, but sometimes they were narrow. The questions being asked by legislators and others may have too narrow a focus. To the question, “Is this a good approach to re-habilitation?” the answer might be, “Yes, if rehabilitation is your goal, but what is really needed is prevention!” Similarly, the answer to the question, “Is anything being accomplished?” might be, “This approach to programming is accomplishing something, if society is not going to change in any fundamental way; but what is really needed is a more fundamental change.”

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Noting that the “deviance” of young, unwed mothers was considered a problem “in proportion to its visibility and its duration,” Klerman and Jekel pointed out that young women like Judy Fay, who kept attending school and depended on their parents for support, might not represent a social or public policy problem at all. American society, they suggested, “conceivably could consider this lifestyle an acceptable alternative” to “ordinary” or “normal” teenage life, just Americans accepted “attending college and depending economically on parents as an acceptable, and even laudatory, alternative to entering employment.”

Comprehensive, thorough, and data-driven, Klerman and Jekel’s evaluation of existing service programs for young, unwed mothers had concluded that the young women targeted by these programs – “urban” school-age pregnant teens – varied widely in their “capability, motivation, and potential for achievement,” and that there was “no justification for considering these young women more ‘bad’ or ‘hopeless’ than other school-age girls.” The problems and challenges facing young women, they suggested, were primarily a product of poverty.

During the same Senate hearing on Kennedy’s bill, Health Services Administration Acting Administrator Dr. Robert Van Hoek also cast doubt on the long-term effectiveness of comprehensive support programs for young, unwed mothers. According to Van Hoek, the crux of the problem lay in “the cultural and social attitudes of the population,” rather than in the decisions that young people made. Referring to sex education programs which had been “blocked by opposition from the parents and the community at large” and to organizations that had “object violently” to sex education programs, as well as to “problems with the legal consent age” in some states, Van Hoek

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18 Ibid., 3.

19 Ibid., 129.
appeared to be making a case for approaching the problem of teen pregnancy as a matter of changing public perceptions of young, unwed mothers, and overcoming public resistance to preventative programs.\textsuperscript{20}

Kennedy, however, dismissed these suggestions as “an incredible response to the legislation we are considering.” While he did not question “what happens in local communities, or the difficulties in changing mores or attitudes toward facts,” Kennedy insisted that “what we are dealing with is reality,” and that it was more important to focus on the “hundreds of thousands of expectant teenage girls” who were in need of help. “We cannot,” he suggested, “get into all the other kinds of issues or questions about changing peoples mores and attitudes and all the rest. No one is suggesting that is going to be the scope or the purpose of the legislation.”\textsuperscript{21}

The fact that high-ranking bureaucrats like Van Hoek and Lowe were willing to speak – albeit obliquely – about the need for expanding young people’s access to contraceptives and sex education spoke to the degree of consensus amongst medical and academic experts on this issue during the early 1970s. By suggesting that the problem of teenage pregnancy was in many ways a problem of perception, and that not all teenage sex and childbearing need be regarded as inherently problematic, these experts repeated James W. Maddock’s call to redefine teenage sexuality as normal. Most lawmakers, however, had paid scant attention to Maddock and other early 1970s advocates of reform, and it was becoming less and less likely that they would do so in the changed political and cultural climate of the mid- and late-1970s. An increasingly dramatic disconnect had

\textsuperscript{20} School-Age Mother and Child Health Act, 334 (statement of Dr. Robert Van Hoek).

\textsuperscript{21} School-Age Mother and Child Health Act, 334 (statement of Senator Edward Kennedy).
begun to develop between the perspective of experts like Klerman and Jekel and the images and perceptions of teenage sexuality which dominated political debates on the issue.

Kennedy’s 1974 legislation had lacked the support of the Ford Administration, and did not pass. A similar bill resurfaced in 1978, however, when the Carter Administration sponsored new legislation titled the Adolescent Health, Services, and Pregnancy Prevention and Care Act. A product of several task forces on adolescent pregnancies created by President Carter, and initially much more focused on the prevention of teenage pregnancy than Kennedy’s 1975 bill had been, the act was based on the recommendations of experts like the Department of Health, Education and Welfare’s Deputy Assistant Secretary Peter Schuck. Preventative services, according to Schuck, had been “demonstrably successful” and cost-effective in the past, while elaborate post-pregnancy interventions services like those favored by Senator Kennedy were limited in their ability to minimize the consequences of teen pregnancy.  

Schuck’s perspective played a key role in shaping early drafts of the 1978 legislation, which were largely focused on the prevention of teen pregnancies. According to Vinovskis, however, there was “extensive disagreement” within the Carter administration and the Democratic Party over what direction the administration’s response to teen pregnancy should take, and Kennedy – along with many of the same organizations that had backed his bill in 1975 – succeeded in shifting the emphasis of the bill in Congress. By the time it was passed, the Health, Services, and Pregnancy Prevention and Care Act was focused on providing comprehensive services to teenagers

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who were already pregnant, or had already borne children, rather than on helping teenagers avoid unplanned pregnancies.23

The Kennedy foundation, NACSAP, and – to a lesser degree – Planned Parenthood’s decision to focus on comprehensive services for teenagers who were already pregnant, rather than expanding teenagers’ access to contraception and family planning services during the 1975 and 1978 congressional debates seems puzzling at first glance, and it has often been criticized. Vinovskis has criticized the tactic as a choice that left members of Congress “with the mistaken impression that family planning programs are relatively ineffective in reducing adolescent pregnancies.” Similarly, Mike Males has suggested that this focus perpetuated a “perverse” notion that poverty was caused by sexual irresponsibility, and spread the perception that many teenagers chose to become pregnant for irrational, irresponsible reasons.24

Given many adults’ discomfort with the idea of teenage sex, the powerful conservative backlash which earlier state and local-level efforts to provide young people with access to sex education and contraception had provoked, and the perceived urgency of the “epidemic” of teenage pregnancies, however, Kennedy’s program seemed to be an appropriate and realistic one to many liberal activists and policymakers. If nothing else, funding comprehensive services would help large numbers of young, unwed mothers who were in need, and it had the potential to lead to greater recognition and legitimization of the need for family planning, poverty relief, and educational services for young people over the long term. Many liberal activists, in other words, saw the struggle over political

23 Ibid., 62.

responses to teenage pregnancy as a long game. Seeing very little chance of convincing either lawmakers or the American public to expand teenagers’ access to contraception and sex education during the 1970s, they concentrated on problems which they felt they could solve – and hoped that their efforts to help young, unwed mothers directly might lead to incremental change in Americans’ attitude towards teenagers’ sexuality.

Writing in the *Journal of School Health* in 1977, for example, James F. Jekel suggested that his support of comprehensive programs was based on his recognition that the broader shift in values that Maddock had called for during the early 1970s had not materialized – and was unlikely to appear anytime soon. Instead of waiting for a cultural shift that was clearly not coming, Jekel advocated a pragmatic focus on helping young mothers in need.²⁵ Similarly, Shriver justified the Kennedy foundation’s focus on comprehensive, integrated programs for young, unwed mothers by suggesting that such programs would help develop “community commitment” to resolving the issues associated with teen pregnancies. Conscious that “primary” prevention programs were unlikely to work “in the absence of considerable economic, social, and attitudinal change in the society,” Jekel and Shriver advocated attacking teen pregnancy at its deepest roots in poverty, racism, and inequality. It was only by creating “a supportive environment in the community,” in this view, that “the pressures and tensions which so often lead to too-early pregnancies” could be minimized, and only when “the consciousness and

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conscience of America” had been raised to the “moral, emotional, psychological needs of teenagers” that teen pregnancy could be effectively prevented.\(^\text{26}\)

Focusing on post-pregnancy care, of course, also offered a way to help young people without provoking the kind of opposition that sex educators and lawmakers like Beilenson had encountered during the late 1960s and early 1970s. Young, unwed mothers had obviously already had sex, and there was little danger that lawmakers and family planning organizations would be accused of “condoning” teenage sex or infringing on parents’ rights by helping them. The fear of such accusations clearly weighed on lawmakers minds during the late 1970s, and in a statement on the 1978 legislation, the Senate Committee on Human Resources was careful to specify that any sex education programs that did receive funds under the act should “involve the participation of the community, including parents” and even ministers, “so that a supportive environment can be created” for young people who participated.\(^\text{27}\) No one, it seemed, wanted to risk being accused of undermining parents and ministers’ authority to control and monitor teenagers’ sexuality, or of handing out sex education and contraceptives willy-nilly. By focusing on young, unwed mothers and their children, rather than on preventing teen pregnancy, Kennedy’s program allowed lawmakers to do something about the teen pregnancy problem, and to portray themselves as helping children in need, while skirting more unsettling questions about what it meant for large


numbers of American teenagers to be having sex – or for lawmakers to be helping them do so safely.

According to Vinovskis, “almost everyone” in Washington believed that adolescent pregnancies “constituted a very serious social and health crisis,” which required “an immediate response.” On the surface, the legislation that Kennedy has sponsored seemed to offer something for everyone; liberals could claim that the act helped to prevent teenage pregnancies and reduce its social costs, while conservatives could tell constituents that they were “reducing the drain on taxpayers” by keeping more young, unwed mothers off welfare. Both groups could claim to be providing young women with an “alternative to abortion,” soothing the worries of those Americans who feared that *Roe v Wade* had ushered in “wave of recklessness” and promiscuity among teenagers. In reality, however, the debate over the act had been a tense one, and Congress could not even deliver on even the modest goals that the act laid out, as legislators repeatedly failed to appropriate enough funds for the newly-created office Adolescent Pregnancy Programs (OAPP) to fulfill its mandate. By the late 1970s, many American adults’ discomfort with teenage sex, their fear that policies which were intended to help teens have sex responsibly might be interpreted as “condoning it,” and their sense that teen sexuality threatened both parents’ authority and the very notion of childhood as a time of sexual innocence seemed to have left lawmakers in a state of paralysis.

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“Consenting Children:” The Age of Consent and Childhood in New Jersey

During the last year of the 1970s, a dramatic controversy over the age of consent in New Jersey demonstrated just how little progress American policymakers and the American public had made in determining whether – and when – teenagers became capable of making responsible decisions about sex for themselves. In general, the term “age of consent” describes minimum-age laws that draw a clear distinction between young people who are mature enough to make their own decisions about sex from those who are not. The term, however, seldom appears in statutes. In most states, the law defines a minimum age for consenting to sexual intercourse through statutory rape laws, which define sexual contact with young people below a certain age – by someone who is not a peer – as criminal. In theory, these laws are based on an assessment of young people’s ability to make mature, responsible decisions for themselves at a given age – but as scholars like Carolyn Cocca and Mary Odem have argued, age of consent laws have also often been “intertwined with and used as a symbol” for other issues, such as prostitution, changing sexual mores, and class or racial tensions.30 New Jersey’s debate over the age of consent was no exception. For many of those involved the struggle over New Jersey’s age of consent was part of a broader struggle over the proper relationship between young people, their parents, and the state – and over the boundaries between childhood, adolescence, and adulthood.

New Jersey’s debate over the age of consent focused on a new statutory rape law, which was part of a broader effort to re-write and modernize New Jersey’s criminal code.

Lawmakers and legal reformers had been working on the new code for nearly a decade. Prodded by the American Law Institute (ALI) to modernize and standardize their criminal laws, lawmakers in states throughout the country had worked to draft and approve extensive re-writes of criminal statutes since 1962, when the ALI – a group of lawyers, judges, and legal experts who were dedicated to promoting “the clarification and simplification of the law and its better adaptation to social needs” – had promulgated their Model Penal Code. The process of drafting New Jersey’s new criminal code had begun in 1968, when New Jersey Governor Richard Hughes had initiated a project to renew the state’s criminal statutes. A proposed code had been repeatedly studied and modified over the course of the 1970s, until Assemblyman Martin Greenberg – who chaired the New Jersey Senate’s Judiciary Committee – finally introduced omnibus legislation to modernize the New Jersey’s criminal laws in 1978.

While New Jersey lawmakers had been working on the new penal code during the 1970s, however, a second, broad movement for legal reform headed by feminist activists and scholars had begun to make both the ALI’s model code and the proposed New Jersey Code’s treatment of rape and sex crimes seem increasingly outdated. Beginning in the early 1970s, feminist activists and rape crisis center workers had begun to press for legal reforms that would make it easier to report, investigate, and prosecute rape. These activists had focused, in particular, on replacing older statutes that had often made it seem as though it was “the victim, not the defendant,” who was on trial in rape cases, and which had made it difficult to prosecute all but the most violent, brutal cases of rape.

Working off of model rape statutes created by the Michigan Women’s Task Force on Rape, the National Organization of Women, and feminist legal scholars, feminist activists in New Jersey had prevailed on New Jersey’s lawmakers to replace the ALI’s rape statute with their own proposal, asserting that even the Model Penal Code was still predicated on an outdated view of rape as “a crime fantasized by pseudo-victims,” and contained odious, outdated provisions, such as a requirement for corroboration of the victim’s testimony. Working closely with State Senator Greenberg, and in uneasy alliance with law and order and victim’s rights activists who also supported revision of rape statutes, feminist activists like Susan L. Goldring - who drafted the New Jersey rape statute on behalf of the New Jersey Women’s Coalition Against Rape – and New Jersey’s NOW chapters had convinced lawmakers to enact Goldring’s rape statute.

The new rape statute contained many of the same clauses that rape law reform activists had lobbied for in other states. It made the crime of rape gender neutral, re-defined it as sexual assault, and required the police, prosecutors and the courts to treat victims more humanely. But it also contained a clause on statutory rape, replacing an older statute that had assumed that offenders would be male, and defined young women under the age sixteen as incapable of consenting to sex under any circumstances. Like most of the reform statutes of the 1970s, the new law was gender neutral, and sought to de-criminalize sex between consenting teenagers as young as thirteen. The statutory

rape clause differed from similar laws in other states, however, in that it specifically granted young people as young as thirteen the capacity to consent to sex, rather than setting the “age of consent” somewhat higher, but using an “age span” provision to decriminalize sex between peers. Popular in other states, this arrangement allowed most post-pubescent young people to consent to sex with peers, but not with older youth and adults. The New Jersey law contained no such provision, instead choosing to institute a statutory age of consent of thirteen, and using a clause that criminalized sex between teenagers and adults who were in a position of authority over them – such as teachers, employers, and coaches – to protect young people from sexual exploitation by older individuals.

The new criminal code had already been the focus of considerable public attention and opposition by the spring of 1979. In the final stages of the bill’s passage through the legislature, a series of articles in the Newark Star-Ledger had drawn attention to the fact that the new law repealed Sunday closing laws, and decriminalized sexual acts between consenting adults that had previously been outlawed, such as sodomy. The law, as the New York Times put it, would “reflect the new morality” of the 1970s, decriminalizing “common sexual behavior” that was still outlawed, as well as “penny-ante” poker playing, over-indulgence in alcohol and a number of other archaic offenses, while placing heavy emphasis on “personal responsibility” in a reflection of the legislature’s “view of current public morality.” As a result, some conservative voters, lawmakers, and activists had been suspicious of the new criminal code from the start, and when the state senate

voted to approve the bill in August of 1978, they had done so to shouts of “perverts!” and “sodomites!” and “garbage!” from the bills’ opponents.\textsuperscript{34}

Despite all of this attention to the new criminal code’s treatment of sex offenses, however, it was not until April of 1979 that the bill’s age of consent provisions became the subject of controversy. The code had been hurried through the legislature by Greenberg, who – after years of revisions and re-writes – had finally urged lawmakers to “pass the code now, and make any changes in the year before it takes effect” in 1978. As a result, not all parts of the code had been thoroughly reviewed by either lawmakers or the press, and it was repeatedly amended to correct errors and oversights once it had been passed.\textsuperscript{35} When a Paramus police lieutenant sounded the alarm over the new age of consent in his local paper, and a television news report broadcast the details of the new law across the state in April of 1979, however, the outcry which ensued was unprecedented.\textsuperscript{36}

A large, vocal cross-section of New Jersey residents – including lawmakers from both major parties, many of whom had voted to approve the new code – were shocked and outraged to learn that the legislature appeared to have granted thirteen-year-olds the legal capacity to consent to sex. Opponents of the bill quickly rallied around the notion that New Jersey’s lawmakers were putting vulnerable, innocent children at risk, and


\textsuperscript{35} Cameron H. Allen, “Legislative History of Amendments to the New Jersey Code of Criminal Justice Passed Prior to the Effective Date of the Code,” \textit{Criminal Justice Quarterly} 7 no. 2 (Summer 1979), 41.

angry parents soon had lawmakers “running for cover,” as they deluged their representatives with angry phone calls, petitions, and letters demanding that the change be reversed.\(^{37}\)

Opponents’ issue with the new law echoed earlier campaigns against sex education, contraception, and services for young, unwed mothers – suggesting that the new law implied a “condoning” of teenage sex, and undermined or even “usurped” parental authority. One Republican assemblyman even suggested that the new law brought “Sodom and Gomorrah to New Jersey” by removing a key “deterrent” to premarital sex – namely, the possibility of facing statutory rape charges.\(^{38}\) Many of the bill’s most vocal opponents invoked a familiar rhetoric of child protection, taking legislators to task for approving legislation that offered “no protection” for “the most sexually vulnerable group – 13, 14, and 15-year-olds.” Media reports highlighted the fact that under the new law “an adult male cannot be prosecuted for having sexual relations with a girl 13 years or older” and “a 14-year-old who had sex with a consenting 12-year-old” would not be punished.\(^{39}\) One Freehold Township official struck a nerve when he suggested that under the new law, “if I take your 13-year-old daughter to a motel room and she says yes, you can’t stop her.”

“Flooded” with telephone calls from adults who were incensed and outraged that the legislature had approved the bill, most New Jersey legislators immediately began


\(^{39}\) D’Aurizio, “Criminal Code Changes on Sex.”
falling over each other in a rush to distance themselves from it, and to reassure their constituents that the new law would be amended. Assembly Assistant Minority Leader Dean Gallo, for example, reassured New Jersey residents by publicly stating his belief “a thirteen-year-old girl is not old enough to consent,” and suggesting that in its current form the new law would be “a mistake of immense and tragic proportions,” which could only “undermine and erode the strength of the family unit.”

The outcry was an embarrassment to lawmakers like Greenberg, who had worked hard to build political and public support for the new criminal code, and to Governor Brendan Byrne, who had hailed it as “the fulfillment of nearly ten years of criminal justice reform efforts,” and “the achievement of one of the major goals of my administration” when he signed the bill. Byrne and Greenberg’s opponents were quick to capitalize on the controversy. One Republican assemblyman, for example, claimed that he had received the final, 212 page version of the criminal code “only hours” before it was scheduled to pass, and had not had time to read it carefully. Republican Assemblywoman Marie Muhler claimed that the fracas was the result of “a concentrated all-out effort by the Democratic legislators and the Governor to rush the new code into law without regard for many of the tragic consequences.” But many Democrats, too, quickly disavowed the new bill, claiming that they had intended to revise the age of consent provision all long, or that it had only been included in the criminal code by mistake. Democratic Assemblyman Paul J. Contillo, for example, told reporters that it

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41 D’Aurizio, “Criminal Code Changes on Sex.”
42 Friedman, “Consent-at-13 Foes.”
was “a forgone conclusion” that the age of consent provision would be amended before it went into effect, and chalked the entire controversy up to “an oversight in wording.”

Initially, however, the lawmakers and activists who had been most involved in drafting and building support for the new statutory rape law were steadfast in their defense of it. Greenberg, for example, asserted that the current law was “unrealistic and unenforceable,” and expressed hope that “the light of reason” would penetrate what he admitted was “a highly emotional subject.” There could be little doubt that the law currently in place was outdated and no longer serving its intended purpose. As reformers pointed out, the existing law had left young men who had sex with their girlfriends vulnerable to statutory rape charges, parents had often used such charges to control their daughters’ relationships, and police forces had often responded to these situations by ignoring or failing to pursue most accusations of statutory rape.

Advocates of the new law used much of the same rhetoric that had been used to justify earlier 1970s legal reforms. State Coalition Against Rape spokesman Mary Ellwood, for example, suggested that the age of consent was being lowered “to bring the law into conformity with reality,” and had been made necessary by social and cultural change. The “reality of the situation,” she asserted, was that more teenagers were sexually active during the 1970s, and that most teenage sex was consensual sex between two peers. Lowering the age of consent, she suggested, “in no way licenses or promotes promiscuity,” and was simply designed to keep young people who were already having sex.

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43 D’Aurizio, “Criminal Code Changes on Sex.”
sex out of the criminal justice system.\textsuperscript{45} Elwood was far from the only person to suggest that in the context of the 1970s the change “made sense,” and many of the new rape statute’s defenders were concerned that the existing law – or an over-zealous counter-reaction against the new criminal code – would allow the law and criminal justice system to treat young people unfairly, discriminating against them solely on the basis of age. Assemblyman Martin Herman, for example, pointed out that “if our courts have decided that fornication is not a criminal act for consenting adults, then how can we make it an offense for two young people of similar age?”\textsuperscript{46} One supporter of the code told the \textit{Star-Ledger} that the new law simply recognized the reality that “15-year-old kids may have a relationship that includes sex.” Such a relationship, they asserted, “should not be a crime,” even if it was “a hard thing for parents to realize.”\textsuperscript{47}

Opponents of the new age of consent, however, were adamant that lawmakers should not be making sex among – or with – teenagers legal simply because it was happening. New Jersey Council of Churches President Arthur S. Jones protested that the law was “just another indication of the continuing disintegration of our society’s moral values.” According to Jones, “those who say that sexual activity is ‘in fact’ engaged in by some 13-year-olds and, therefore, ought to be accepted as ‘reality’” opened themselves to serious questions. Noting that girls as young as ten also “engaged in sex,” Jones wondered why lawmakers had stopped at thirteen. Thousands of teenagers, he suggested, also used drugs and alcohol, without having their activities legalized, and Jones decried

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\textsuperscript{45} Stuart Marques, “Legislators Act to Keep 16, not 13, as the Age of Consent,” \textit{Newark Star-Ledger}, April 24, 1979.
\textsuperscript{46} D’Aurizio, “Criminal Code Changes on Sex.”
\end{flushright}
the “cover of acceptability” which he argued was being spread “over unlimited abortion, drug use, living together out of wedlock, and all kinds of deviant sexual” behavior, which he argued was “a prescription for societal collapse.” 48

Many of the bills opponents opposed it out of a belief that at thirteen, teenagers were still children, and incapable of “making the decision” to have sex, particularly in cases of a relationship between an “older individual and a younger child.” 49 Republican Assemblyman Charles Hardwick, for example, asserted that the “concept of consenting children” was the “most appalling abuse of state authority since Sodom and Gomorrah.” 50

Above all, however, it was parents’ desire to control the sexuality of their own children that seemed to have motivated the broad public outcry over the new age of consent. Liz Sadowski, president of the New Jersey Majority Women, claimed that “this law usurps and undermines my parental authority, because it legally allows a boy or girl of age 13 and 14 to have sex when most parents would not allow it.” 51 When they were interviewed for television news reports, several parents told reporters that they anticipated seeing “parents going out and getting shotguns, and taking the law into their own hands” should the bill become law, while one father of a thirteen-year-old suggested that his daughter was “not ready for this at all,” stating that “I don’t want her to get involved at this tender age.” And when they were asked to sign a petition to have the age

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48 Letter to the Editor, Newark Star-Ledger, May 12, 1979.
49 NBC News, April 26, 1979, Vanderbilt Television News Archive.
50 Stuart Marques, “Legislators Act to Keep 16, not 13, as the Age of Consent.”
of consent restored to sixteen, parents frequently responded by suggesting that the age of consent should be “much higher” than that.  

The counter-reaction was so intense that it spilled over the borders of the state; publications such as Newsweek, The New York Times, and America brought news of a law that legalized “Sex at 13” to an incredulous public nationwide, and television reports like Wagner’s fueled a nationwide fit of head-shaking over New Jersey lawmakers’ decision to lower the age of consent. Some of this coverage was sympathetic with the lawmakers who had drafted and approved the new law. Writing in America, for example, Thomas J Reese suggested that “believe it or not, the New Jersey legislature is not filled with fools who care nothing about the children of their state. They were trying to solve a problem whereby under the old law a 16-year-old would be guilty of statutory rape if he had sexual relations with a 15-year-old girl.” In general, however, the law was roundly condemned – both for its omission of an age-span provision that would have provided more protection for young people from exploitation by adults, and for the poor optics of a law which set the “age of consent” as low as thirteen.  

Most of the parents and other adults who heaped scorn on New Jersey’s lawmakers over the rape statute were responding viscerally and emotionally to the idea of thirteen-year-olds having sex, and to the possibility that the bill might encourage young people to “do it” at younger ages than they otherwise would have, rather than to the specific provisions of the bill. In an attempt to stem the flood of popular outrage which

54 Reese, “Sex at 13.”
they were facing, lawmakers like Greenberg and rape law reform activists continually urged their opponents to “look at what the bill actually says,” arguing that it still protected young people from exploitation, and was intended primarily to protect young people from being prosecuted for statutory rape for having consensual sex with a peer. In the face of an unprecedented, angry backlash, however, legislators had little choice but to approve a hurriedly drafted amendment that restored an age of consent of sixteen. Within weeks of the initial media reports on the new law, the New Jersey legislature had passed a bill tabled by Speaker Christopher Jackman, which he described as a no-nonsense restoration of an age of consent of sixteen. The bill, he stated, would eliminate “all the colons, semicolons and nonsense the lawyers want,” and make the age of consent “16, plain and simple.” The bill was co-sponsored by nearly every other assembly member, and in the Senate it passed with Greenberg as the lone dissenting vote.\footnote{55} Other lawmakers, however, worried that even Speaker Jackman’s bill was an attempt to “hoodwink” the public; Republican Assemblyman Walter Kern, for example, worried that it was a “halfway thing,” because it did not criminalize sex between two young people who were both between the ages of 13 and 15.\footnote{56}

The revised statute, however, was in many respects an exercise in public relations. As the legislature was considering it, several lawmakers suggested that the most pressing need was “to get the public off our backs,” and that less hasty, more even-handed revisions would be made later on.\footnote{57} The “attitude in the street,” according to Senate


\footnote{56} Ibid.

Majority Leader John Russo, was that “we have made sex [for youths] legal, that we condone it.” And according to Democratic Assemblyman William Flynn, the new law was simply designed to “make it very clear to the public that we are not legitimizing 13-year-old sex.” The Bergen Record was quick to point out, however, that Assembly bill created some jarring inconsistencies, leaving thirteen, fourteen, and fifteen-year-olds free to have sex with each other, and allowing a thirteen-year-old to have sex with a ten-year-old, or a fifteen-year-old to have sex with a twelve-year-old, but making it illegal (and a serious offense) for a sixteen-year-old to have sex with a fifteen-year-old. Similarly, the Newark Star-Ledger’s Mary Jo Patterson warned that the new bill “ensured [the] continuance” of the problem that the original bill had been designed to fix, “namely, that of sending New Jersey teenagers who are discovered making love to their younger peers into the criminal justice system.” One public defender – who had reviewed and approved the original bill – characterized the rush to approve Jackman’s bill as “an exercise in the Legislature running for cover.”

Once the controversy had died down, lawmakers carefully replaced the statutory rape provision yet again. Governor Byrne quietly vetoed Jackman’s amendment, and the legislature approved a new bill which, while it specifically retained an “age of consent” of sixteen – making New Jersey one of the few states to actually use the term “age of

58 Ibid.
62 Ibid.
consent” in its statutes – also contained carefully constructed age-span provisions which made this “age of consent” largely irrelevant, allowing young people well below the age of thirteen the legal capacity to consent to sex with young people who were within a few years of their own age. The fracas over the age of consent, in other words, had primarily been over the symbolic value of the age of consent as a marker of the boundary between childhood and adulthood; New Jersey residents had been incensed by a bill which explicitly granted thirteen-year-olds the capacity to consent to sex, yet they were quite willing to tolerate a bill which achieved the very same objective implicitly, while preserving the appearance and language of the previous “age of consent.”

The controversy over the age of consent in New Jersey made it clear that most Americans did not believe most thirteen-year-olds to be ready for sex, but it did little to clarify the question when young people did become capable of making decisions about sex for themselves. Efforts to actually evaluate young people’s ability to make responsible decisions about sex – or reflections on what capacities or conditions might be necessary for younger teens to consent meaningfully – were conspicuously absent from the political debate over the bill, as they had been from most other political debates over policy responses to teenage sex during the 1970s. The debate over the bill, in other words, had largely been a struggle to preserve the illusion of teenage and adolescence innocence, rather than an informed, rational policy debate over how young people’s sexuality should actually be managed by the state. Despite a decade’s worth of conflict and debate over how policy-makers should respond to teenage sex, Americans had still not come to terms with the tensions and contradictions that teenagers who had sex represented.
Conclusion: Teenage Sexuality and the “Disappearance of Childhood”

During the second half of the 1970s, a broad range of American journalists, academics, policy-makers and political activists had begun to re-assert old assumptions that adolescence and adult sexuality were fundamentally incompatible aspects of life, which could only result in disaster when young people tried to combine them. Negative images of young, unwed mothers, in particular, had largely supplanted more positive depictions of teenage sexuality by the end of the decade. Growing numbers of journalists revived Arthur Campbell’s view of adolescent pregnancy as a life-destroying event, and portrayed young, teenaged women who were having sex out of wedlock as misguided youth, who were making exceedingly poor decisions. Whether out of immaturity, out of ignorance, or out of a misguided desire to grow up too fast, in this view, young mothers were consigning themselves and their children to poverty. In many of these stories, adolescent sexuality seemed to represent a threat to the very idea of childhood itself, and the assumption that young people were doing too much too soon became increasingly widely shared during the 1970s.

In their influential books The Hurried Child (1981) and The Disappearance of Childhood (1982), psychologist David Elkind and cultural critic Neil Postman both argued that young people were growing up too fast, and being pushed – primarily by the mass media – into adult roles and responsibilities too soon. Both books pointed specifically to young people’s sexuality as a sign that “the differences between adults and children are disappearing.” Postman, for example, decried what he called the “Brooke Shields phenomenon,” in which children as young as eleven or twelve were treated as

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“erotic objects” on film and TV, specifically mentioning films like *The Blue Lagoon*, *Bugsy Malone* and *Pretty Baby* as some of the worst offenders. Such depictions of young people, he argued, were spreading “a conception of the child who is in social orientation, language and interests no different from adults.” Elkind largely agreed, asserting that American children were being “forced to take on the physical, psychological and social trappings of adulthood before they are prepared to deal with them,” by media depictions which “force children to think they should act grown up” before they were ready to do so. Television, Elkind asserted, was being flooded with “teenage erotica,” which not only promoted “teenage sexuality” but also “the wearing of adult clothes and the use of adult behaviors.”

Both Postman and Elkind’s works were fundamentally conservative in tone and argument; Elkind, for example, specifically singled out divorced and single mothers as one of the primary causes of “flirtatious” and promiscuous behavior among young girls, and warned that sex education programs were “condoning, if not advocating” what he referred to simply as “teenage sexuality.” What these authors were most interested in defending, however, was a traditional conception of childhood – one which understood children to be vulnerable, innocent, and in constant need of adult supervision and direction. “Children,” Elkind asserted, “do not learn, think, or feel in the same way as adults.” To ignore these differences, in his view, was “not really democratic or egalitarian,” and could not “make them more like adults.” Rather, it endangered young

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64 Ibid., 124-5.
66 Ibid., 14, 57.
people’s health and safety. Postman specifically repudiated Margaret Mead’s argument that in the rapidly changing, technological society of the post-1960s United States, children were in many ways wiser than adults, and that adults could no longer assume that they “know what children know.” According to Postman, children who “know what their elders know” had gained access to the “the previously hidden fruit of adult information,” and had been “expelled from the garden of childhood” in the process.

Elkind and Postman’s jeremiads against the “adultification” of children and childhood were consistent with the news media’s growing tendency to portray sexually active youth and unwed mothers as damaged, corrupted children during the 1970s. They suggest that Americans were retreating from the more flexible, dynamic understandings of childhood, adolescence and adulthood which had played such an important role in convincing policymakers to alter the voting age and age of majority during the late 1960s and early 1970s. By the 1980s, older, more rigid understandings of childhood, and of the proper boundaries between “youth” and “adult” behaviors were being emphatically reasserted.

When Time magazine ran a cover story on teenage pregnancy titled “Children Having Children” in 1985, for example, it demonstrated just how far the pendulum had swung back towards treating teenagers as vulnerable children, and adolescent sexuality as inherently dangerous and destructive. The article made for a dramatic contrast with Time’s story on “Sex and the Teenager” from 1972, in which numerous academic and professional experts had asserted that changes in teenagers’ sexual mores were no reason to panic, and that teenage sexuality was nothing to be feared in itself. The 1985 cover

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67 Elkind, The Hurried Child, 22.
68 Postman, The Disappearance of Childhood, 97.
story, in contrast, ran under a headline which declared that teen pregnancies were “Corroding America’s Social Fabric,” and began by quoting fifteen-year-old mother Corey Allen, who asserted that “I’m still just as young as I was,” and that she hadn’t “grown up any faster” by having a child. 69 Described by Time as a “prototypical adolescent,” Allen admitted that babies were a “big step,” and that she “should have thought more about it.” As if on a mission to insult the young women being featured in the article, the authors suggested that most of them had stumbled into motherhood without considering the consequences, and intimated that young parents like Allen were particularly prone to child abuse, because they were often too immature to understand “why their baby is crying, or why their doll-like plaything has suddenly developed a mind of its own.”70

Activists, journalists and policymakers had been talking about an “epidemic” of teen pregnancies for well over a decade by 1985, but the article nonetheless suggested that the “dimensions and social costs” of the problem were “just beginning to be appreciated.”71 Policymakers, educators, and service providers quoted in the article variously described teen pregnancies as “personal tragedies,” and as “appalling” in their numbers, and expressed hope that young men and women might begin to “consider the ramifications of being sexually active” more carefully. Providing teens with contraceptives, however, was described as a “strong and controversial” measure, which

70 Wallis, “Children Having Children,” 79.
71 Ibid.
was being considered in some school districts and jurisdictions only because of “the magnitude of the problem.”

A popular consensus on the need to discourage teenagers from having sex and keep them from bearing children grew stronger and stronger during the late 1970s, and by the mid-1980s it was firmly entrenched in both popular culture and political debates. By that time, many experts were well aware that the “problem” of teen pregnancy was more one of perception – and of poverty – than it was of the prevalence and consequences of teenage sex.72 A growing “mismatch” between the actual experiences of young teens and public debates over how their sexuality should be managed, however, kept academic experts from being able to effectively communicate these views to policymakers and the American public.73 As a result, public and political debates on the subject began to take on an air of unreality after 1980, as socially conservative policymakers like Republican Senator Jeremiah Denton and President Ronald Reagan leveled new attacks against organizations like Planned Parenthood, and asserted that sex education, family planning services, and access to contraception only “encouraged teenagers to have sex.”74

This air of unreality was in large part a product of Americans’ failure to come to grips with – much less resolve – the contradiction between teenagers’ engagement in “adult” sex acts and their status as minors during the 1970s. As they retreated from an understanding of young people and their place in American society which might have


73 Furstenberg, Destinies of the Disadvantaged, 75.

74 Ibid, 87.
permitted them to be both minors and sexually active – without also representing a serious social problem – the activists and lawmakers who sought to shape policy responses to teenage sex were left in the same place where they had started. They were left, in other words, with the same contradictory, seemingly impossible blending of childhood and adulthood that Judy Fay had embodied in 1971. Instead of responding to the perceived contradictions of teenage sex by making room – in schools, in popular culture, in family planning clinics and in the welfare system – for sexually active teenagers, as policy makers like Beilenson had tried to do during the early 1970s, the policymakers of the early 1980s would respond by attempting to turn back the clock on teenage sex.

Once Ronald Reagan became president and the Republican Party took control of the Senate in 1980, federal policy responses to teenage sex shifted dramatically. Republican lawmakers moved quickly to sponsor the Adolescent Family Life Act (1981), which Senator Jeremiah Denton wrote to “encourage abstinence” among teenagers, and which he introduced by suggesting that many of the problems associated teenage sex should be blamed on organizations like Planned Parenthood, and their alleged promotion of the idea that “premarital intercourse among children” was acceptable. In 1982, President Reagan unsuccessfully attempted an unprecedented curtailment of young people’s sexual autonomy, when he issued a directive requiring federally funded clinics to notify the parents when they provided contraceptives to an un-emancipated minor, only to have the regulation struck down by the courts. After a decades-worth of reforms which had been put in place to recognize and respond to the “new reality” of teenage sex, in other words, Americans had elected a government which interpreted this reality as an
aberration, and which sought to re-establish legal, social, and cultural boundaries which identified teenagers as children, and required them to be chaste.\textsuperscript{75}

\textsuperscript{75} Vinovskis, \textit{An Epidemic of Adolescent Pregnancy?}, 78.
CHAPTER EIGHT

CAUSE FOR OPTIMISM, OR CARNAGE ON THE HIGHWAY? CHANGING PUBLIC PERCEPTIONS OF THE DRINKING AGE

“America,” said President Ronald Reagan, “has a clear stake in making certain that her sons and daughters, so full of vitality and promise, will not be crippled or killed.”

It was a sunny day in July of 1984, and Reagan was standing before a crowd of reporters in the White House Rose Garden, about to sign the National Minimum Drinking Age Act into law. Within three years, the act would force every state in the union to institute a minimum legal drinking age of twenty-one, by withholding up to ten percent of federal highway funding from any state that retained a lower drinking age. Normally a stanch defender of state’s rights, President Reagan was careful to frame the act as a “judicious use of federal power” that would “save our children’s lives.” The President had invited transportation secretary Elizabeth Dole and the founder and president of Mothers Against Drunk Driving (MADD), Candy Lightner, to stand by him as he signed the bill, and he portrayed the act as a response to the “grave national problem” of drunk driving in his remarks. Young people between the ages of eighteen and twenty, Reagan asserted, were more likely to be involved in drunk driving accidents than Americans in any other age group. While acknowledging that the government could not protect all of America’s young people from the dangers of drunk driving, Reagan described raising the drinking age to twenty-one as “one simple measure” that would “save thousands of young lives.”


1 Ronald Reagan, "Remarks on Signing a National Minimum Drinking Age Bill," July 17, 1984, The American Presidency Project,
By approving the National Minimum Drinking Age Act, congressional lawmakers and President Reagan ended a decade-long period of unprecedented drinking age reform. At some point between 1971 and 1984, 31 different states had set the drinking age below twenty-one for some, if not all types of alcohol, and large numbers of eighteen, nineteen, and twenty-year-old Americans had enjoyed the privilege of purchasing alcohol legally.2 These reforms were a dramatic departure from pre-1970 drinking age laws, which had denied this privilege to young people under the age of twenty-one in all but a handful of states.3 As discussed in Chapter Three of this dissertation, state lawmakers who voted to lower the drinking age during the early 1970s did so primarily in response to the Twenty-Sixth Amendment, which had lowered the voting age to eighteen nationwide in 1971. Their efforts to lower the drinking age were part of a broader effort to make eighteen the legal age of majority, and to grant eighteen year olds all of the legal rights and responsibilities of adult citizens. Reformers like Texas State Senator Robert Gammage convinced many of their fellow lawmakers that it was important to treat young people who were on the verge of legal adulthood consistently during the early 1970s, and


3 Pre-1970s drinking age laws varied widely, and there were exceptions to this rule: New York and Louisiana allowed eighteen-year-olds to purchase alcohol, for example, while a small number of states allowed them to purchase either low-alcohol or full-strength beer. Paul C. Whitehead, *Alcohol and Young Drivers: Impact and Implications of Lowering the Drinking Age* (Ottawa: Ministry of National Health and Welfare, 1977), 9.
lawmakers who voted to lower the drinking age during this period placed a great deal of faith in eighteen-year-old Americans’ ability to consume alcohol responsibly. Most were well aware that their decision might place a small minority of young people at risk. But lawmakers who supported a lower drinking age often stressed that many adults, too, seemed incapable of drinking responsibly, and they asserted that it was more important to treat the majority of mature, responsible eighteen-year-olds fairly than to protect a small, less mature minority at all costs.

A decade later, very few lawmakers were willing to express such a high tolerance for letting eighteen-year-olds take risks, or so much faith in young people’s judgment. Legislators in many states voted to *raise*, rather than lower the drinking age during the late 1970s, and by 1984 nineteen different states had – at least partly – reversed their earlier drinking age reforms.\(^4\) Some states only retained a lower drinking age for a few years during the early 1970s, and when congressional lawmakers passed the National Minimum Drinking Age Act in 1984 they demonstrated that public opinion had swung decisively against a lower drinking age. The pattern of 1970s-era drinking age reforms, in other words, had followed a path from reform to reaction in a very short period of time.

Both at the time and in later years, most policy-makers, journalists, and academic scholars framed this reversal of early 1970s drinking age reforms as an attempt to prevent

\(^4\) This total includes the state of New York, which had set the drinking age at eighteen since the 1930s. New Jersey and Rhode Island, it should be noted, raised the drinking age twice, first from eighteen to nineteen, and then from nineteen to twenty or twenty-one. Wagenaar, *Alcohol, Young Drivers, and Traffic Accidents*, 4.
drunk driving accidents. A careful examination of both federal and state-level drinking age debates, however, suggests that the relationship between the drinking age and drunk driving accidents was never as clear as Reagan’s remarks in 1984 suggested, and that lawmakers who voted to raise the drinking age during the late 1970s and early 1980s were concerned with more than just traffic safety.

Part III of this dissertation analyzes state and federal lawmakers’ reversal of early 1970s drinking age reforms, in order to explain how and why Americans changed their minds about eighteen-year-olds’ capacity to drink responsibly during the late 1970s and early 1980s. It is divided into two chapters. This chapter (Chapter Eight) traces the longer history of minimum drinking age laws in the United States, and analyzes political

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debates over the drinking age in order to suggest that these laws have always served as much more than just a means of protecting young people from the risks associated with consuming alcohol. They have also often served as a means of controlling young Americans’ behavior, and of marking a clear boundary between youth and adulthood.

Opponents of early 1970s drinking age reforms were concerned about much more than just preventing drunk driving accidents, but they leaned heavily on warnings that a lower drinking age risked promoting “carnage” on the nations roads – particularly once early media coverage of “new” eighteen-year-old drinkers made it clear that the widespread moral transgressions and disorder which they had also warned of was unlikely to materialize. For the most part, early media reports suggested that eighteen-year-olds were handling their new privileges well, and behaved as well or even better than many adults as bar patrons. During the mid-1970s, however, opponents of a lower drinking age focused relentlessly on the drunk driving issue, and made very effective use of accident statistics that seemed to suggest that there had been a rise in drunk driving accidents in states that lowered the drinking age. Further efforts to lower the drinking age in other states quickly stalled.

Chapter Nine suggests that public images and depictions of young drinkers grew increasingly negative from the mid-1970s on, as concerns about a perceived “epidemic” of teenage drinking and alcoholism mounted, and new statistical studies gave further credence to the idea that the drinking age and drunk driving accidents could be causally linked. As the faith and trust in eighteen-year-old Americans – and the positive images of them – that had helped to drive early 1970s reforms began to fade, Americans grew increasingly interested in placing young Americans’ drinking behavior under greater
adult control during the late 1970s and early 1980s. Organizations like the New Jersey Coalition for 21 pushed state lawmakers to re-instate a higher drinking age throughout this period, often couching their campaign to clamp down on what they perceived as many young people’s disorderly and disrespectful behavior in a rhetoric of child protection. And during the early 1980s, these activists joined forces with a separate group of anti-drunk driving activists such as Lightner to push for nationwide drinking age reform, making very effective use of the claim that they were seeking to “save our children’s lives.”

1970s battles over the drinking age were part and parcel of broader conflicts over American teenagers’ legal status, and the timing of their transition into legal adulthood. When state and federal lawmakers reversed early 1970s drinking age reforms, in other words, they were also re-evaluating eighteen- to twenty-year-olds’ readiness for adult rights and responsibilities, and their decision to revoke these young people’s access to alcohol was in many ways a repudiation of early 1970s reforms to the legal boundaries between childhood and adulthood. These lawmakers were responding to broader changes in how Americans thought about and perceived the nation’s youth, and to growing public concern for both protecting and controlling teenagers. When they voted to reverse early 1970s drinking age reforms, they were expressing their own – and many of their constituents’ – renewed belief that eighteen- to twenty-year-olds were not adults, and that they could not be trusted to make mature, responsible decisions for themselves.

No Minors: Age, Liquor Control, and Modern Drinking Age Laws, 1933-1970

The 1970s and 1980s were a period of unprecedented drinking age reform. As lawmakers in many states voted to lower the drinking age during the early 1970s, they
often understood themselves to be making a radical break with tradition. From the vantage point of the 1970s and 80s, earlier state drinking age laws certainly appeared to have been relatively consistent and stable, particularly when compared with the flurry of new drinking age legislation that state and federal lawmakers passed after 1970. Most of the lawmakers, activists, and experts involved in 1970s drinking age debates assumed that these earlier laws had reflected a broad consensus on the wisdom of barring young people under the age of twenty-one from drinking. In 1974, for example, researchers at the University of Michigan’s Highway Safety Research Institute opened a report on the effects of new drinking age laws by asserting that state drinking age laws had remained “virtually unchanged for almost 40 years” before 1970. And when alcohol policy expert James F. Mosher looked back on the history of drinking age laws in 1980, he suggested that twenty-one had served as the “chosen age” for “virtually all” age-based restrictions on alcohol between the end of prohibition and 1970.6

In reality, however, most states’ drinking age laws had a complex and contentious history, and not every state had barred all young people under the age of twenty-one from drinking before 1970. In fact, the specific prohibitions and punishments laid out in each state’s drinking age laws had been something of a jumble. A survey of state drinking age laws that were in place just before the ratification of the Twenty-Sixth Amendment demonstrates just how inconsistent these laws could be. Louisiana and New York, for example, both permitted eighteen-year-olds to purchase alcohol without restriction in 1970, while Hawaii and Nebraska set the drinking age at twenty. Ten other states permitted young people to purchase beer but not liquor at eighteen, while South Dakota

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6 Douglas et al., The Effect of Lower Legal Drinking Age, 1; Mosher, “The History of Youthful-Drinking," 21–22.
and Maine allowed them to do so at nineteen and twenty, respectively. In Oklahoma, eighteen-year-old women could purchase beer, but young men had to wait until they were twenty to enjoy the same privilege. To make matters even more confusing, even those states that set the drinking age at twenty-one varied widely in terms of how they policed and enforced this restriction. While it was illegal to sell alcohol to young people who were below the drinking age in every state, it was not always illegal for adults to give them alcohol, or for young people to drink it under certain conditions. In many states, parents were explicitly permitted to give their children a drink, while in others it was not only illegal for any adult to give young people below the drinking age alcohol, but also illegal for young people themselves to possess or consume it.

State lawmakers had created this complex and often inconsistent web of drinking age laws over the course of nearly forty years of debate and reform. Drinking age laws as Americans understood them during the 1970s—and as they continue to understand them today—were a distinctly modern invention, which state legislatures had put in place following the repeal of prohibition in 1933.

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9 According to James Mosher, “true drinking age laws did not actually appear prior to prohibition because there was never a ban on all youthful drinking. The laws dealt almost exclusively with illegal sales . . . no crime was committed if a youth drank on the streets or at home,” and “in many cases, the minor could have purchased it.” Joy Getnick, however, writes that after prohibition most states simply “re-enacted prior statutes setting the minimum drinking age at twenty–one, which had been established on a state-by-state basis in connection with the established ‘age of majority.’” Further
1920s had dramatically altered Americans’ attitudes toward alcohol, and created the need for a new system of laws and regulations that could manage Americans’ consumption of alcohol in a post-prohibition world. Drinking age laws were a core component of state lawmakers’ efforts to make drinking safe and socially acceptable during this period, which served both to protect vulnerable young people and to legitimize adults’ consumption of alcohol. Lawmakers in each state approached the problem of restricting young people’s access to alcohol – and the problem of “liquor control” more generally – somewhat differently, but over time more and more Americans grew concerned that too many young people were drinking, and that alcohol was leading them astray. When state lawmakers altered drinking age laws between 1933 and 1970, then, they almost always did so in order to restrict, rather than expand young people’s access to alcohol.

The drinking age laws that state legislatures put in place following the repeal of prohibition in 1933 differed both in form and function from laws that had restricted young people’s access to alcohol during the late nineteenth and early twentieth century. When earlier generations of state legislators passed liquor control laws – both age sensitive and otherwise – they had primarily done so in response to pressure from the temperance movement, and in order to further the temperance movement’s goals. Like many temperance-minded Americans, these legislators viewed alcohol as an intrinsically harmful substance, and they understood excessive drinking to be a moral failing. Not surprisingly, they had designed the liquor control laws of the late nineteenth and early twentieth century to discourage – or to stop – Americans from drinking, rather than to

research is required to determine the exact relationship between pre- and post-prohibition drinking age laws.
regulate their consumption of alcohol.\textsuperscript{10} In keeping with these broader goals, state legislators and temperance activists designed the age-sensitive liquor laws of the late nineteenth and early twentieth century to keep young people from ever drinking, or to protect them from the harmful effects of adult – and primarily male – drinking, rather than to draw a distinction between young people who were “old enough” to drink from those who were not.\textsuperscript{11} Temperance education programs, “dry zones” around educational institutions, and limits on young people’s ability to enter saloons or purchase alcohol were all intended to isolate children and young people from what temperance-minded lawmakers understood to be the evil, corrupting influence of “demon rum.”

With the ratification of the Eighteenth Amendment in January of 1919, the temperance movement appeared to have achieved its goals, and existing age-based liquor laws were rendered obsolete.\textsuperscript{12} Historians disagree over how to evaluate the “success” of prohibition. To the extent that it closed saloons, reduced the amount of alcohol that Americans consumed, and destroyed the nineteenth-century “culture of male drinking” that temperance reformers had so deplored, it is possible to argue that prohibition was at

\begin{itemize}
\item \textsuperscript{12} Mosher, “The History of Youthful-Drinking Laws,” 20.
\end{itemize}
least partially successful in fulfilling the temperance movement’s goals. But prohibitionists had also hoped to “eliminate alcohol as a problem in American life,” and in this respect prohibition was a failure. Banning alcohol only created new problems - in the form of bootlegging, corruption, and organized crime - and by the early 1930s these problems had convinced many Americans that prohibition would ultimately prove unenforceable. As alcohol historian Garrett Peck argues, temperance activists had “seriously misjudged the desire of Americans to drink,” and prohibition had the unintended effect of demonstrating that alcohol was “too deeply embedded in American culture for people to give it up – even if that relationship has always been fraught with anxiety and contradictions.”

The experience of prohibition precipitated a revolution in Americans’ drinking habits, and in their attitudes towards alcohol more generally. During the 1920s, many wealthy, working-class, and middle-class Americans alike continued to drink in large numbers, often by finding resourceful ways around prohibition. In the process they began to drink in different settings, and for different reasons, than they had before 1919. Whether by drinking in the privacy of their home instead of in a saloon, by throwing private “cocktail parties,” or by boozing it up in speakeasies, men and women drank together during the 1920s, and they had a great deal of fun doing it. As historian Catherine Murdock has demonstrated, some of these shifts were underway well before lawmakers ratified the eighteenth amendment. But prohibition completed the process of “domesticating” alcohol, by stripping it of the association with gendered saloon culture it

13 Pegram, Battling Demon Rum, 163–4.
14 Peck, The Prohibition Hangover, 12.
15 Ibid., 11–16; See also Rotskoff, Love on the Rocks.
had carried during the nineteenth century, and providing ample opportunities for men and women to drink together in an – at least somewhat - “respectable” setting.\textsuperscript{16} No longer equating alcohol with evil, more and more Americans joined repealers after 1933 in thinking of alcohol consumption as “a normal part of life” rather than as “deviant or sinful” pursuit.\textsuperscript{17}

The transition, of course, was not instant. As Peck has pointed out, “there was no great wave of binge drinking” when repeal took effect, and many Americans remained fearful that repeal would lead to the return of the “old evils” that had fueled support for the temperance movement in the first place.\textsuperscript{18} During the 1930s and 40s, however, more and more Americans began to accept and enjoy alcohol consumption as an integral aspect of American culture and life. As historian Lori Rotskoff has demonstrated, this change was accompanied by a shift in how Americans defined and managed alcohol problems: in order to portray most Americans’ drinking as normal, “antiprohibitionsists needed a deviant standard against which to measure that normality.” Medical doctors, psychologists, and public health authorities were busy re-conceptualizing “problem” drinking during this period, by creating “a new model of habitual drunkenness (alcoholism) and a new category of subjective identity (the alcoholic).”\textsuperscript{19} By the 1950s, most Americans no longer considered heavy drinking to be a moral failing, but rather an illness. Many Americans, in other words, still over-indulged in the years and decades following prohibition’s repeal, and their drinking often caused serious social,

\textsuperscript{16} Murdock, \textit{Domesticating Drink}, 5.
\textsuperscript{17} Rotskoff, \textit{Love on the Rocks}, 37.
\textsuperscript{19} Rotskoff, \textit{Love on the Rocks}, 63.
psychological, and medical problems. But by defining alcohol problems as a problem of mental and physical health, the medical and psychological professions helped to legitimize “moderate” drinking as relatively harmless.

The legitimacy of moderate drinking by adults also depended, however, on minimum drinking age laws. The temperance movement had long used images and narratives of children and young people who were harmed by adult’s consumption of alcohol, corrupted by saloon culture, or became heavy drinkers themselves in order to build support for temperance and prohibition. As educators and children’s welfare activists became progressively more concerned with protecting children from a variety of social and moral ills during the late nineteenth and early twentieth century, protecting them from the evils of alcohol – and the effects of its consumption – had become increasingly important to progressive and children’s welfare reformers.\textsuperscript{20} With the collapse of the temperance movement and the end of prohibition these fears that alcohol could cause children and young people great harm reappeared. At the same time, young people – and in particular college students – were sometimes at the forefront of Americans’ embrace of alcohol during and after prohibition, or at least the focus of political and cultural debates over alcohol. Youth, according to historian Paula Fass, “appeared suddenly, dramatically, even menacingly on the social scene” during the 1920s. Increasingly segregated into peer-groups and attending colleges in growing numbers, white, middle-class youth developed new age-based identities and styles during

the 1920s and 30s, which most adults defined as both “indications of promiscuity,” and symptomatic of “a growing license in moral behavior.”

In a culture where children were perceived as vulnerable, and youth as both vulnerable and threatening – or at least on the verge of loosing their moral compass – a clearly defined minimum legal drinking age served to legitimate “normal” adult drinking, by drawing a clear line between those young people who could not drink responsibly and needed protection – children and youth – and those who were considered capable of consuming alcohol responsibly – adults. By drawing this distinction, state lawmakers helped to minimize worries that adults’ drinking would have a negative impact on children and youth. They also – at least in theory – kept alcohol out of the hands of young people who many adults found threatening. Minimum legal drinking age laws functioned, in other words, both as a means of protecting the innocence of vulnerable young people, and as a means of controlling youth who were already regarded as having gone astray.

Drinking by under-age youth, or even by young people who were over twenty-one but not yet considered adults - such as college students - thus had the potential to appear doubly threatening in the decades following prohibition’s repeal. Young people’s consumption of alcohol threatened to exacerbate or accelerate perceived divergences between young people’s values and mores and adults’ own standards of acceptable behavior. Perhaps more importantly, this consumption threatened - by virtue of making so many adults uneasy – to once more make alcohol itself appear dangerous. Very quickly after repeal, educators, parents, and public health officials – along with a much

larger group of adult Americans who found youth culture threatening – began to fret about a perceived “college-drinking epidemic.” Surveying the history of college drinking in 1938, for example, Henry S. Warner wrote that the end of prohibition had caused more drinking by college students “than can be found in any previous period.”

“To drink,” he suggested, had “become ‘the thing to do.’ It is the fad of the moment. The swing is so general as to suggest a tidal wave of alcoholic indulgence.”

During the 1940s, 50s, and 60s public concern over young people’s drinking simmered. As Joy Shana Getnick has argued, public discussions of youth and teenage drinking during this period were characterized by a divergence between “a slow but growing body of genuine research on youth” – which suggested that there was no real cause for alarm – and sensational news coverage, which portrayed youthful drinking as a widespread and serious problem.

Robert Straus and Sheldon Bacon of the Yale Center for Alcohol Studies, for example, in 1953 published an extensive study titled Drinking in College, in which they argued that most college students drank moderately, and without causing serious harm to themselves or others. “Most student drinking,” they wrote, “has no untoward consequences.” Media reports, however, often portrayed young people’s alcohol consumption as a grave danger. Most Americans, Straus and Bacon noted with frustration, seemed to assume “that many student drink, that most of these drink

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22 Harry S. Warner, Alcohol Trends in College Life: A Survey of American College Attitudes on Beverage Alcohol (The Board of Temperance, Prohibition and Public Morals of the Methodist Episcopal Church, 1938), 34.

23 Ibid.

frequently and to excess, and that the result is usually intoxication, often leading to situations involving serious problems, embarrassment, or disgrace.”

Throughout the post-war era, then, educators, parents, and public health officials grew more and more concerned with policing the drinking age. Already anxious about the strange new behaviors and styles that American youth were adopting, they had little tolerance for youthful drinking, which seemed itself to be a sign that young people were slipping out of adults’ control. Post-war public panics over juvenile delinquency, rock and roll, and youth gangs, for example, often implicated youthful drinking as both a product and a harbinger of various “deviant” behaviors by young people. In response, legislators in most states repeatedly fine-tuned state drinking age laws. While they rarely considered changing the drinking age itself, lawmakers acted to close loopholes that had allowed under-age young people to drink under certain conditions, and to institute tougher penalties for Americans – both young and old – who tried to skirt the rules. In California, for example, state lawmakers had set the drinking age at twenty-one in 1935 by passing a statute that prohibited anyone other than the parents of under-age youth from selling or giving them alcohol. In 1937, the legislature voted to remove this parental exemption and made it a misdemeanor for minors to purchase or consume alcohol in bars. It was not until 1941, however, that California legislators granted alcohol sellers the power to require proof of age from customers they suspected of being under-age. In 1951, they made it illegal for young people to be in possession of alcohol outside their own home, and in 1958, they passed a law imposing a mandatory fine on any minor who

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entered a bar. In 1956 – as part of a voter initiative that also made it legal for restaurants to serve hard liquor – California voters even enshrined the drinking age of twenty-one in the state constitution, using an amendment that would make it all-but impossible for lawmakers to lower the drinking age in later years.27

Up until the 1960s, then, Americans’ tolerance for teenaged and youthful drinking appears to have steadily diminished. During the 1960s, however, fears that American youth were abandoning the moral, political, and aesthetic values of their elders reached new heights, and new anxieties about an unprecedented “gap” between the generations suddenly made young people’s consumption of alcohol seem much less threatening than it had in the past. During the 1960s, large numbers of young people in communities across the United States challenged adults’ authority over them, proudly exhibiting behaviors and ideas that were far outside most adults’ understanding of acceptable behavior. Sometimes, alcohol played a key role in these conflicts. When college and university students rebelled against their schools’ ability to control their behavior in loco parentis, for example, they sometimes did so by challenging universities’ ability to keep campuses “dry.” Conflict across the generation gap during the 1960s was about much, much more than just alcohol, however, and young Americans’ embrace of other drugs seemed much more threatening to adults than their consumption of alcohol. By the early 1970s, many parents were more likely to express relief than anger when they discovered that their teenager had been drinking, since they considered drinking to be far less offensive – and far less dangerous – than drug use.28 Responses like these may help to

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27 My discussion of California drinking age laws is largely based on the work of James F. Mosher in “The History of Youthful-Drinking Laws.”

explain why lawmakers proved willing to lower the drinking age in so many states during the early 1970s, after having worked for years to place greater restrictions on young people’s access to liquor. The events of the late 1960s – as discussed in greater depth in Chapter Two and Chapter Three of this dissertation – had shifted adults’ definition of unacceptable or deviant youth behavior, and dramatically destabilized long-standing age hierarchies. The idea of allowing eighteen-year-olds to drink, in other words, no longer seemed as threatening as it had in earlier years.


Between 1971 and 1975, lawmakers in 29 different states lowered the drinking age. 29 This rapid wave of reforms would seem to suggest a groundswell of enthusiasm for a lower drinking age, but political and public support for these laws was often much shakier than it appeared. Political conflict over new age of majority laws during the early 1970s had been intense, particularly when these laws included provisions for a lower drinking age. As discussed in Chapter Four of this dissertation, many of the conservative lawmakers, parents, teachers, and other adults who opposed a lower drinking age during the early 1970s had done so for moral reasons. They feared, in other words, that any reform that allowed eighteen-year-olds to drink would soon see them gambling, frequenting strip clubs, buying pornography, and – in the case of young women – being plied with liquor in bars. Others resisted the idea of a lower drinking age on the basis that eighteen-year-olds did not deserve to drink, because most of them were not economically self sufficient, or running their own households. These arguments

29 Wagenaar, Alcohol, Young Drivers, and Traffic Accidents, 3-6.
mixed both protective and controlling attitudes towards young people with resentment over what many adults perceived as the “special” place of youth in American society.

Opponents of a lower drinking age also adopted a set of arguments that had evolved out of earlier, inter-state squabbles over the drinking age, which focused on the relationship between the drinking age and drunk driving accidents. During the 1950s and 1960s, for example, lawmakers and government officials in New Jersey, Connecticut, and other states that bordered on New York had quarreled repeatedly with their counterparts in Albany over New York’s drinking age, which New York’s legislature had set at 18 in 1933. Beginning in the mid-1950s, lawmakers in these states had begun to worry that New York’s lower drinking age was luring people across state lines, and causing “a great deal of misery and heartache” to parents in other states. In part, these policymakers were concerned that New York’s lower drinking age was fostering immoral behavior amongst their own state’s young people. One Bergen County, NJ official, for example, asserted that young people in his state often drank too much on their trips into New York, and spent “the rest of the morning hours parking off the beaten path.” Others worried, however, that young people were getting into more serious trouble, and even being “killed on the way home” from New York in drunk driving accidents. Despite the pleas of lawmakers and governors from other states, however, New York’s policymakers steadfastly refused to consider raising their own state’s drinking age. In 1962 New Jersey


Governor Richard J. Hughes pointed out that his state had been making this plea annually for nine years straight, to no avail.\textsuperscript{32}

These earlier drinking age debates attracted considerable attention nationwide, and as a result, lawmakers in most states were already primed to think of the drinking age and drunk driving as related problems when they entered into new political debates over the drinking age during the early 1970s. Adopting the language and the concerns of the policymakers who had sought to convince New York to raise its drinking age in earlier years, lawmakers and public safety officials in many states warned that a lower drinking age would amount to nothing less than “a Magna Carta for murder on the highways.” Members of the public were often just as concerned, and fears that any changes in the drinking age would cause a jump in drunk driving accidents were palpable during the early 1970s.\textsuperscript{33} Legislators in many states responded to these concerns by hedging their bets. Lawmakers in six of the twenty-nine states that lowered the drinking age during the early 1970s opted for a drinking age of nineteen, instead of eighteen, and one state – Delaware – lowered the drinking age to twenty.\textsuperscript{34}

In other states, government officials did their best to alleviate public concern by launching a pre-emptive strike against drunk driving by eighteen- to twenty-year-old youth. In New Jersey, state publicists circulated an anti-drunk driving poster in preparation for the new law’s effective date, and asked that bar and liquor store owners post it prominently. The poster depicted a group of young men drinking in a “car


\textsuperscript{34} Wagenaar, \textit{Alcohol, Young Drivers, and Traffic Accidents}, 3-6.
graveyard.” Drawing a clear connection between the wrecked cars and the young men’s consumption of alcohol, the poster asked “Do You Think They’ll Make it to 19?” The poster was reminiscent of the tactics used in driver education “scare” films during the 1950s and 60s, and it suggested that both public and official concern about the potential effects of a lower drinking age was closely linked to a broader set of fears about the dangers which lurked on the road.

In addition to the poster campaign, New Jersey state police toured high schools and colleges throughout the last months of 1972, warning the state’s youth about the dangers of drunk driving. Governor William T. Cahill wrote an “open letter” and recorded a special video message to New Jersey’s eighteen- to twenty-year-olds, in which he warned that their new rights also came with responsibilities and urged them to enjoy their new privileges safely. Expressing the same optimism and faith in young Americans’ judgment that had led lawmakers to approve a lower age of majority in the first place, the governor expressed every confidence the state’s eighteen year-olds had the “intellectual capacity and the moral fiber” to exercise all the rights of adulthood, including the right to drink. He warned them, however, that while they were gaining the right to drink, they would also “have the obligation of using it in moderation.” Drinking and driving, he told them “do not mix.35

Long before the drinking age reforms of the early 1970s began to take effect, then, some lawmakers, traffic safety officials, and police were already extremely concerned that a lower drinking age would cause a dramatic increase in drunk driving

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deaths. As the first of these laws began to take effect in states like Vermont, Maine, and Michigan during 1971 and 1972, lawmakers and government officials from across the United States watched closely, anxiously awaiting the publication of accident statistics that could be used to gauge the effects of a lower drinking age. It would be some time, however, before the effects of these laws could be quantified: the number of drunk driving accidents fluctuated naturally from year-to-year and month-to-month. Barring any spectacular, clearly unusual rash of traffic accidents, there was no way for police officials to reach any definitive conclusions except through compiling and comparing accident statistics over an extended period of time. No such rash of accidents occurred, and police authorities – both in New Jersey and in other states - initially reported that the new drinking age laws did not seem to have had a visible effect on the number or severity of drunk driving accidents. As a result, early evaluations of the effects of new drinking age laws came in the form of media reports, rather than official statements or accident statistics. For the most part, these evaluations were overwhelmingly positive, and they were very much in keeping with the positive images of mature, responsible young people which had played a key role in debates over the voting age and age of majority.

In New Jersey, newspaper reporters interviewed young people, bar owners, and police officials repeatedly in the weeks and months after the new drinking age of eighteen took effect in January of 1973. Headlines like “New Drinking Age Gets Good Report,” and “Teen Tipplers, Tiny Troubles” told the story.\footnote{John A. Toth, “Teen Tipplers – Tiny Troubles,” Trentonian, Feb 6, 1973; Joan Cook, “New Drinking Age Gets Good Report,” New York Times, December 31, 1973.} New Jersey State Police spokesmen told the press that they had found fewer drunk young people on the roads than expected, and most reporters agreed that eighteen- to twenty-year-olds were heeding the advice of
Governor Cahill’s “hard-hitting publicity campaign.” According to the *New York Times*, New Jersey police charged only three young people between the ages of eighteen and twenty with driving while intoxicated on January 1, none of whom were involved in accidents. On the same night, the paper noted, they had charged 99 adults for the same offense, and one under-age drinker from out of state.

Following teens into the bars, newspaper reporters generally found that New Jersey’s new drinkers were well behaved. One tavern owner who had originally opposed the lower drinking age told Barbara Kukla of the Newark *Star-Ledger* that his newest customers were actually easier to manage than older youth: twenty-one-year-olds, he stated “think they can drink, but the younger ones keep their mouths shut, show their identification and usually just have one drink.” Another tavern owner echoed this sentiment, telling Kukla that “I find my problems are with the older fellows. The 18-year-olds are conducting themselves better than most men.” Business was suddenly booming for bars that catered to young people, and those that offered live music in particular had been “mobbed by the younger drinking set.” Young people, it seemed, were sometimes much more interested in seeing their favorite local band play or enjoying the atmosphere in bars than they were in getting drunk.

Many older drinkers and some bar staff, however, complained that the influx of younger patrons had altered the atmosphere – and potentially the profitability – of New Jersey’s bars and taverns. Club employees occasionally complained that eighteen- to

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twenty-year-olds took up space in their establishments while buying fewer – and much cheaper – drinks than older patrons. The change, according to one employee at a discotheque “can’t be good for business. The kids don’t have the money. They pay the cover charge, order one beer and just take up space the rest of the night.” Complaints like these were arguably more reassuring than worrying to Americans who had feared a lower drinking age, but they also hinted that at least some of New Jersey’s adults resented the presence of “kids” in their bars and weren’t quite ready to think of them as adults. One 24-year-old teacher complained that the influx of younger women made it harder for women her age to “compete with the younger girls,” and while many parents likely found the idea of older men buying drinks for their daughters unsettling, statements like these also spoke to some adults’ sense that young people had infringed on their turf. In general, however, New Jersey newspaper reporters seem to have found young people’s behavior in the bars and discos downright tame, and the photographs accompanying these stories were innocuous: they depicted white, middle-class teens sipping beers or waiting patiently to get into bars, smiling for the camera, but showing little outward signs of intoxication or disorderly behavior.

Other reporters waited with young people in New Jersey’s county courthouses and clerk’s offices as they cued for new proof-of-age identification cards, in what one newspaper described as the “great ID card rush.” The cards were not required to buy a drink, but they made proving one’s age easier, and reporters described “an air of


41 Ibid.
excitement – almost exuberance,” in the air as young people lined up to apply for them.\footnote{42 Rose and La Volpe, “The Great ID Card Rush.”}

Not everyone viewed these impromptu gatherings so positively. In an article titled, “It’s Bars over Ballots,” Camden Courier-Post reporter Bob Reichenbach noted that the number of young people who lined up for ID cards in Camden – over 3000, according to the County Clerk – dwarfed the number who had turned out to register as voters in the months after ratification of the Twenty-Sixth Amendment. “The appeal of elbow-bending at the local pub,” Reichenbach wrote, “seems to hold more allure than pulling a lever at the polling station.” According to the Newark Star-Ledger, however, many of the young people who lined up in Camden were actually from Pennsylvania, where the drinking age was still twenty-one.\footnote{43 Kukla, “Jersey Teens Shrug Off ‘Adult’ Benefits.”}

In Bergen County, where eighteen-year-olds had for years found it relatively easily to cross the Hudson into New York when they wanted a drink, smaller numbers of young people lined up for ID cards, which the Bergen Record interpreted as a “cause for modest optimism.” In a somewhat tongue-in-cheek editorial, the Record mocked the “alarmists [who] will be quick to tell you that, see, the kids are all hiding somewhere and smoking pot.” Marijuana, the paper claimed, was too expensive for most eighteen-year-olds to buy – especially when compared with alcohol - and “the economics of the situation seem to diminish the possibility” that they were all off somewhere smoking dope. While an earlier generation of young people might have clamored for ID cards, the Record claimed that early 1970s youth “have watched their parents and decided they’ll do things their own way. That may involve wine . . . it may involve marijuana. It may involve deciding to keep aloof from the whole scene. Whatever it is, they’re making up
their own minds and not marching along in a manufactured parade. It’s possible to feel a bit optimistic about that.”

When new drinking age laws took effect in states like New Jersey during the early 1970s, then, newspaper reporters and police officials alike suggested that eighteen- to twenty-year-old young people were handling their new responsibilities well. These evaluations, however, were largely subjective, and they frequently contained an undercurrent of resentment towards the “new drinkers” who poured into New Jersey’s bars during 1973. Many observers remained skeptical of eighteen-year-olds’ ability to drink responsibly, and – as in other states – New Jersey lawmakers and law enforcement authorities anxiously awaited the publication of accident statistics, which could be used to measure the effects of new drinking age laws with greater certainty. Reliable data, however, proved much more difficult to come by than most lawmakers and traffic safety officials had expected. Prior to lowering the drinking age, police had not always kept careful track of the number of youth-involved drunk driving accidents or the ages of the drivers involved, making simple before-and-after comparisons difficult. Worse, the high level of public interest in the effects of new drinking age laws had altered police behavior, and led police and traffic safety officials in many states to change how they caught and counted young drunk drivers. This made it all but impossible to make valid, reliable assessments of these laws’ effects on drunk driving accidents using raw accident statistics. Even when police authorities made these statistics available, lawmakers, activists, and members of the press often lacked the knowledge and experience to interpret them properly. As a result, some of the earliest efforts to interpret and analyze

this data – by observers who were far from experts – amounted to little more than misinformation.

Data released by the Michigan State Police, for example, drew the attention of news media, traffic safety experts, and state legislators nationwide during 1972 and 1973. Michigan had not been the first state to lower the drinking age, but the state’s law enforcement officials were among the first to publicly release their tally of drunk driving accidents involving eighteen- to twenty-year-old youth in the wake of a new drinking age law. The figures appeared to show a pronounced increase in the number of drunk driving accidents involving drivers between the ages of eighteen and twenty. Activist and lobby groups like the Michigan Council on Alcohol Problems (MICAP) and Traffic Safety for Michigan seized on these statistics and circulated them widely. Both MICAP, which beverage industry lobbyists were quick to label a “dry organization,” and Traffic Safety for Michigan published the figures in their newsletters, the MICAP Recap and the Government Bulletin.45 The Michigan statistics appear to have been circulated widely during 1972-73, shifting the tone of drinking age debates in other states. In Massachusetts, for example, opponents of a lower drinking age cited an “astronomical jump” in the number of drunk driving accidents in Michigan to oppose drinking age legislation in their own state during 1973, and copies of the MICAP Recap found their way into State Senator Robert Gammage’s files in Texas.46 In New Jersey, state lawmakers had already approved a lower drinking age by the time the Michigan statistics


were publicized, but these statistics were in large part what prompted Governor Cahill and the state police to launch their “preemptive strike” against teenage drunk-driving during 1972. ⁴⁷

MICAP executive director Robert L. Hammond won an even broader audience when he published an analysis of the Michigan accident statistics in the *Journal of Alcohol and Drug Education* in the spring of 1973. Hammond painted a grim picture of the new law’s effects: Michigan State Police data, he asserted, had shown an increase of 119% in alcohol-related accidents involving drivers between eighteen and twenty in 1972. According to Hammond, the increase in the rate of fatal accidents for drivers of this age had been nine times that of other drivers in 1972, while arrests for driving while intoxicated had increased 141%. ⁴⁸ In September, National Safety Council President Howard Pyle catapulted the Michigan figures into the national media spotlight when he angrily charged that states which lowered the drinking age were undermining the federal government’s efforts to reduce drunk driving. Washington, Pyle argued, was spending millions to combat drunk driving “at the same time the separate states allow 18-year-olds to drink.” The situation, Pyle argued, was like fighting a forest fire “while someone else is allowed to be careless with matches.” Citing the Michigan statistics specifically, Pyle asserted that drunk-driving accidents involving eighteen to twenty-year-old drivers looked to have doubled during the first half of 1972. Michigan’s eighteen-year-olds, he

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asserted, were “still learning the driving task at the same time they are learning how to
drink. The results are proving to be tragic.”

The statistics released by the Michigan State Police – and widely publicized by
activists like Hammond and Pyle - were extremely influential, but they were also
seriously flawed. Prior to 1972, the accident statistics for the state of Michigan compiled
by state police had not included data from the Detroit Metropolitan Area. As a result,
they had counted a much smaller number of drunk driving accidents than had occurred in
the state as a whole, and primarily represented the experiences of smaller, rural
communities. When organizations like MICAP, Traffic Safety for Michigan, and the
National Safety Council accepted this police data at face value, they were comparing two
very different data sets, and mistakenly representing many of the drunk driving accidents
which occurred in the Detroit Area during 1972 as the product of the new, lower drinking
age. On learning of this problem, Traffic Safety for Michigan quickly printed a
retraction, urging its readers to “treat the 18-21 year old traffic data cautiously,” and
warning users of the data that pre-1972 figures had not included accidents from Detroit.
Noting that “considerable national attention has been stirred by the publication of
Michigan State Police data,” and that “some states were waiting on the data before acting
on similar legislation,” the group sounded a more cautious tone in interpreting accident
data thereafter. They were not the only ones: in December of 1972, the Government
Bulletin reported that Michigan’s own State Safety Commission had “thrown up its

49 National Safety Council Press Release, September 14, 1972, File SB 123, Box
97-230/24, Gammage Papers.

50 Douglas et al., The Effect of Lower Legal Drinking Age, 15.

51 “Minimum Age Law Mistakenly Related to Michigan Statistics.”

52 Ibid.
hands” on the issue, because there were “too many holes in the official data or to draw any conclusions.”

Despite these warnings, major newspapers, the Michigan State Police, and opponents of a lower drinking age continued to circulate the flawed 1972 statistics throughout 1972 and 1973. In March 1973, for example, a spokesman for the Michigan State Police insisted that fatal accidents involving teenagers had increased by 92 percent during 1972, a statistic which he reminded Michigan residents amounted to “35 more people killed” and “nearly 2,800 more injured” by eighteen- to twenty-year-old drunk drivers.”

That same month, the president of the Michigan Auto Club told the *Chicago Tribune* that drunk driving accidents among 18-20 year olds had gone up by 119 percent, and linked the new drinking age law with a 55% increase in fatal accidents. An article titled “When the Legal Drinking Age is Lowered” in *US News and World Report* spread Michigan figures even further afield, and asserted that the “shocking” accident statistics were giving officials in Michigan “second thoughts” about lowering the drinking age. The same article quoted a police official from Tennessee – where lawmakers had lowered the drinking age to eighteen in 1971 – who stated that lowering the drinking age had been “a drastic mistake.” Lawmakers were so worried, the officer suggested, “about getting

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their votes” that they had forgotten about eighteen-year-olds’ “physical and moral well-being.”

During the first few years after individual states had begun to lower the drinking age, then, conflicting and sometimes wildly inaccurate assessments of the impact of a lower drinking age won widespread public attention throughout the United States. During 1974-5, however, statisticians and traffic safety experts from The University of Michigan’s Highway Safety Institute, the Insurance Institute for Highway Safety, the Rutgers University Center for Alcohol Studies, and the MIT Operations Research Center all published much more in-depth, scientifically rigorous studies of new, lower drinking age laws. These studies were much more sophisticated, and all of these scholars were united in their dismissal of the figures that Robert L. Hammond, MICAP, and the Michigan State Police had circulated during 1972 and 1973. Richard L. Douglas and his colleagues at the University of Michigan, for example, described Hammond’s work as “relatively informal observations of accident data” with “no design or analytic control for alternative explanations.” Attempting to make comparisons using raw statistics from before and after a change in the drinking age, they argued, was a futile exercise, since the legal changes had themselves created changes in accident reporting procedures, and led


the police to be more vigilant in documenting drunk driving accidents.\textsuperscript{58} Allen F. Williams and his colleagues at the Insurance Institute for Highway Safety similarly described earlier studies as inconclusive, arguing that the statistics they used had relied on “inaccurate indicators” of whether or not young drivers involved in accidents had been drinking. Changes in the number of drunk driving accidents like those reported by the Michigan State Police, according to Williams, could just as easily have been the product of a “change in police investigation” or of unrelated, more broadly-based changes in driver behavior.\textsuperscript{59}

Each of the research teams who published scientific studies of the effects of new drinking age laws during the early 1970s used a different methodology for developing a more accurate understanding of these laws’ impact. Some of them compared data from states that had lowered the drinking age with data from states that had not.\textsuperscript{60} Others used before-and-after data from individual states, but used advanced analytical techniques to isolate the effects of new drinking age laws from the effects of other variables. Douglas and his colleagues at the University of Michigan, for example, used a “quasi-experimental time-series analysis.” Rather than relying on arresting and responding police officers’ assessment of whether or not a driver had been drunk, they used a surrogate measure, working off an assumption – proven, they argued, by “various replicated analyses” - that between 53% and 63% of crashes involving a single vehicle driven by a male driver and occurring between 9:00 pm and 6:00 am were “consistently alcohol-

\textsuperscript{58} Douglas et al., \textit{The Effect of Lower Legal Drinking Age}, 4.

\textsuperscript{59} Williams et al., “The Legal Minimum Drinking Age and Fatal Motor Vehicle Crashes.”

\textsuperscript{60} Douglas et al., \textit{The Effect of Lower Legal Drinking Age}, 16. Douglas also looked at data from New York, where the drinking age had long stood at eighteen.
Douglas claimed that this methodology made his study the first to use “objective data elements,” free from distortions caused by crash investigator’s behavior. Statistical tricks like these eliminated many of the inaccuracies in the original data, but they also demonstrated just how unreliable much of that data had been: when Williams and his colleague screened for unreliable data sets, they found that only seven out of eighteen data sets which they had collected were “sufficiently well behaved to be used in the analysis.”

Because their data sets and methodologies differed, these traffic safety experts’ conclusions varied considerably. Both Williams and Douglas concluded that lower drinking age laws had indeed caused an increase in the number of drunk driving accidents—but they reported a change of much smaller magnitude than R.L. Hammond had in 1973. The Insurance Institute study, for example, found that the number of fifteen- to twenty-year-old drivers involved in alcohol-related fatal crashes had only risen by five percent in states that had lowered the drinking age. Douglas and his colleagues at the University of Michigan came to a similar conclusion: they reported a 10% increase in drunk driving accidents caused by eighteen- to twenty-year-olds in Michigan, and a 16% increase in Maine. In Michigan, however, Douglas found that the impact of the new law varied tremendously by region: in Washtenaw County (Ann Arbor) the data appeared to show that a lower drinking age had led to 25% more drunk driving accidents among the affected group. In Wayne County, the change was barely significant. Douglas was also surprised to find that a lower drinking age appeared to have had little to no effect on

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61 Ibid., 22–23.

drunk driving accidents in Vermont. In Vermont, he suggested, eighteen-year-olds seemed to have had relatively free access to alcohol even before the law went into effect, and as the result the state had already been in an “end state” where eighteen to twenty-year-old drivers were already at “peak involvement” in drunk driving accidents.  

While they acknowledged that reducing the legal minimum drinking age was “a social policy that carries a price,” then, alcohol and traffic safety experts reported that this “price” was significantly smaller than earlier studies had suggested. The complexity of Douglas and Williams’ studies made it clear that the real impact of a lower drinking age on drunk driving accidents was “not simply stated.” While they did find a “statistically and socially significant” increase in the number of drunk driving accidents, these scholars were reluctant to advocate an increase in the minimum legal drinking age. In general, they were optimistic that better prevention and education programs could reduce the toll of a lower drinking age, and that in time the costs of this change would diminish.

Douglas, for example, argued that states which lowered the drinking age would eventually reach an “end state” - which Vermont and New York already exhibited - where the number of drunk-driving accidents involving younger drivers stabilized. One research group at MIT asserted that while eighteen- to twenty-year-old drivers did show a higher rate of involvement in fatal accidents than older drivers once lower drinking age laws took effect, the increase was simply a sign that young people were now drinking and driving at the same rate as older drivers. This conclusion suggested that a

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63 Douglas et al., *The Effect of Lower Legal Drinking Age*, 77–79.
64 Williams et al., “The Legal Minimum Drinking Age and Fatal Motor Vehicle Crashes.”
65 Douglas et al., *The Effect of Lower Legal Drinking Age*, 81.
66 Ibid., 73–74.
higher *driving* age, rather than drinking age, would save more lives, and the study’s authors were careful to point out that raising the drinking age would be “unduly discriminatory against this age group.”

Academics like Williams and Douglas painted a much more optimistic picture of eighteen-year-old drinking than earlier reports by MICAP and the Michigan State Police. But their studies still demonstrated that a lower the drinking age had indeed caused an increase in the number of youth-involved drunk driving accidents in some states. This finding alone – and the scientific authority that these researchers brought to their analysis – played a key role in retarding any further efforts to lower the drinking age after 1975. Opponents of a lower drinking age used the studies by Douglas, Williams, and other academics to lend greater scientific and academic authority to their own claims that lowering the drinking age had been a mistake, but they also continued to cite the same – or similarly flawed - statistics that Hammond had first circulated in 1973. Officials in many states continued to use raw, uncontrolled statistics to assert that the number of youth-involved drunk driving accidents had “skyrocketed” when new minimum drinking age laws took effect, and journalists usually spread these assertions uncritically. Their use of these figures was rarely challenged, and by the mid-1970s even lawmakers who had supported a lower drinking age earlier in the decade began to take it for granted that their actions had caused an increase in drunk driving accidents.

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67 Cucchiaro et al., *The Effect of the 18-Year-Old Drinking Age*, 30.

Having read in publications like the *New York Times* and *US News* about a major spike in youth-involved drunk driving accidents in states that had lowered the drinking age, most members of the public and lawmakers in most states were inclined to believe the opponents of new drinking age laws when they claimed that these laws would have tragic effects by the mid-1970s. As media reports and academic studies linking a lower drinking age to drunk driving accidents proliferated, the wave of drinking age reforms that had swept through state legislatures after 1971 ground to an abrupt halt. In 1974, only two states – Virginia and Maryland – approved a lower drinking age, and in 1975 Alabama became the last state to do so, when the lawmakers there approved a reduction of the drinking age from twenty-one to nineteen. In the years that followed, state lawmakers across the country were unwilling to seriously consider lowering the drinking age, and legislators in states that had already approved a lower drinking age faced growing pressure to roll back or reverse earlier reforms. Between 1976 and 1984 – when Congress imposed a nationwide drinking age of twenty-one - 19 different states passed legislation which *raised* the drinking age.\(^{69}\) While the collapse of public support for a lower drinking age was primarily a response to worrying accident statistics, however, lawmakers and activists who worked to raise the drinking age during the second half of the 1970s were responding to a much broader set of concerns.

Since the 1950s, fears that drinking teenagers might cause – or were already causing – a dramatic increase in drunk driving accidents have played a key role in political conflict over minimum drinking age laws in the United States. These fears were the central focus on inter-state squabbles over the drinking age between New York and its neighbors during the 1950s and 1960s. They were raised again during political debates over new, lower drinking age laws in many states during the 1970s, and they played a key role in stalling further drinking age reforms once reports of a spike in drunk driving accidents in states such as Michigan began to circulate after 1974. No state legislature voted to lower the drinking age after 1975, and by the time congressional lawmakers began to debate a national minimum drinking age during the early 1980s, both political debates over the drinking age and media coverage of those debates often focused narrowly on the relationship between the drinking age and drunk driving. In 1984, New Jersey democratic Senator Frank L. Lautenberg – the chief sponsor of the National Minimum Drinking Age Act – built political and public support for his proposal by claiming that it would save more than 1000 lives each year.¹

Not surprisingly, both the National Minimum Drinking Age Act and state legislators’ earlier decision to reverse their earlier drinking age reforms during the second

half of the 1970s were often framed primarily as anti-drunk driving measures. And when they have written about these laws, most academic scholars have similarly assumed that state and federal legislators’ decision to restore a drinking age during the late 1970s and early 1980s was a straightforward attempt to reduce drunk driving deaths, motivated primarily by accident statistics which showed a link between the drinking age and drunk driving accident rates among teenagers. This is, however, only part of the story.

Lautenberg and other supporters of the 1984 drinking age act were certainly sincere in their desire to save lives during the early 1980s. So, too, were state-level lawmakers and activists who sought to raise the drinking age at the state level after 1974. A careful analysis of state-level campaigns to raise the drinking age during the late 1970s, however, suggests that state-level drinking age activists – who were among the first to call for a reversal of early 1970s drinking age reforms – cited a much broader range of arguments than just the prevention of drunk driving accidents. Some were motivated by resentment of what they viewed as young people’s unfairly privileged position in American society. Eighteen- to twenty-year-olds, in this view, had not “earned” the privilege of drinking alcohol by assuming adult roles and responsibilities in life. These activists were motivated as much by their perception of young people as spoiled, privileged individuals as by their belief that eighteen-year-olds needed protection from alcohol. For the most part, however, pioneering state-level drinking age activists like Phyllis Scheps – who founded a drinking age lobby group called the New Jersey Coalition for 21 in 1977 – were motivated by a desire to both protect and control the young people in their communities.
Activists such as Scheps fought to keep alcohol out of the schools and to prevent child and teenage alcoholism, but they also understood themselves to be fighting a broader crisis of adult and parental authority. In their view, state lawmakers had undermined the authority of parents, teachers, and other adult authorities when they lowered the drinking age during the early 1970s, and in the process they had exposed young people – most of whom these activists still thought of as children - to unacceptable risks. While they were usually motivated by a sincere concern for young people’s well being, in other words, these activists were also working to expand adult control over young people’s activities and behavior. They viewed eighteen-year-olds who drank as inherently threatening, and they often assumed that most eighteen-year-olds were incapable of making responsible decisions for themselves. Teenagers, they argued, needed to be controlled and supervised by adults – both for their own protection, and the good of their communities.

Drinking age activists like Scheps were responding both to their personal experiences of interacting with young people in their communities and to a gradual shift in public images and depictions of young Americans’ drinking habits, which by the late 1970s had begun to place more and more emphasis on the dangers of youthful drinking and the irresponsible habits and behavior of many young drinkers. These activists soon learned, however, that they could gain even greater traction by framing drinking age reform as an anti-drunk driving measure. This was particularly true during the early 1980s, when anti-drunk driving activists like Candy Lightner were busy building a broader national movement against drunk driving.
MADD and the drunk driving prevention programs that it helped to put in place are a ubiquitous presence in the United States today, and few Americans are unaware of its work. But Lightner only founded MADD in 1980 – when her thirteen-year-old daughter Cari was struck and killed by a drunk driver - and drunk driving prevention had been a low priority for many lawmakers and public safety officials well into the 1970s. MADD, along with earlier drunk driving organizations like Remove Intoxicated Drivers (RID) - which journalist Doris Aiken had founded in New York in 1977 – played a key role, in making drunk driving the popular, perennial issue which it has been since the 1980s.

Fusing a long tradition of maternal activism in defense of children with the angry, populist political style of the new right, MADD and RID used of the images and stories of children and young people who had been killed by drunk drivers – including Cari Lightner - to attract an unprecedented amount of public sympathy and media attention during the early 1980s. Early on, anti-drunk driving activists like Lightner and Aiken had been motivated as much by their desire to punish drunk drivers as they were by a desire to create new drunk driving prevention programs, but they soon began to work more closely – and to compromise – with legislators at both the state and federal level. It was this process which led MADD to focus narrowly on the issue of the drinking age by 1984: legislation like the 1984 drinking age act allowed both MADD and congressional lawmakers to claim that they were tackling the drunk driving issue head-on, while avoiding the need for a much more divisive debate over how to curtail drunk driving by

2 For a general history of the anti-drunk driving movement, see: Barron H. Lerner, One for The Road: Drunk Driving Since 1900 (Baltimore: Johns Hopkins University Press, 2011).
those over the age of twenty-one. In this way, the interests of MADD and of drinking age activists like Scheps converged during the early 1980s, as both groups began to portray a higher drinking age as one of the most important steps which lawmakers could take to protect innocent and vulnerable young people, and as the moral outrage which MADD’s media campaigns aroused gave drinking age activists like Scheps a means of forcing both state and federal lawmakers into action.

When President Reagan, Senator Lautenberg, and Candy Lightner all described the National Minimum Drinking Age Act as a means of saving “our children’s” lives, however, their rhetoric was inherently contradictory. Most of the young people whose stories had animated public concern over drunk driving had been killed by adult drink drivers, and the National Minimum Drinking Age Act was unlikely to save the lives of other young people like them. A higher drinking age was no panacea for the problem of drunk driving, and – as many traffic safety experts and student activists pointed out – it would do nothing to solve the larger, even more endemic problem of drunk driving by adults. What’s more, the young people whose lives the drinking age act was likely to save were not children at all: while the youngest of them were still completing high school, most eighteen- to twenty-year-olds were either attending college or had entered the workforce in 1984, and state lawmakers had legally redefined these young people as legal adults over a decade earlier.

When young people protested that a higher drinking age would treat them unfairly, however, they found few adults willing to take their side. Instead, these young people faced accusations that they “just wanted to drink,” and their protests were met with derision, or even with accusations that they were endangering innocent lives. By
approving the National Minimum Drinking Age Act, in other words, congressional lawmakers were not just restricting young people’s access to alcohol. They were also rescinding much of the trust that state and federal lawmakers had placed in eighteen- to twenty-year-old youth during the early 1970s, creating new limits on their legal rights and privileges, and refusing to treat them as adults. The act signaled the end of 1970s-era adjustments to the legal boundaries between childhood and adulthood, and the triumph of Americans’ desire to protect and control young people over their desire to treat them consistently as adults.

The Teenage Drinking Epidemic

For a thirteen-year-old young woman named Carrie, it started with a scotch and coke. Scotch had soon led to other things, and before long she was “guzzling anything that would make her high.” She became “a heavy boozer, a party girl, and a pill freak,” moved in with her boyfriend, and got pregnant. She went to New York for an abortion, and sank into suicidal depression, a low point that Carrie reached when she was only eighteen years old. By that time, she had been drinking for five years. As told by Diane Weathers of Newsweek in 1979, Carrie’s story read like a litany of every parent’s worst fears. Alcohol, her tale seemed to suggest, did not just lead to drinking problems, but to drugs, sex, teenage pregnancy, abortions, and potentially even to suicide.\(^3\) One scotch and coke, it seemed, could ruin an innocent young American’s life.

During the latter half of the 1970s, parents, educators, and public health officials across the United States worried that stories like Carrie’s were becoming all too common.

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Many adults, of course, had feared the consequences of teenage drinking for decades, and public concern over under-age drinking was nothing new. Throughout the post-war decades, parents, school administrators, and law enforcement officials had waged a constant battle to keep young Americans away from alcohol. Young people, of course, had often proved themselves infinitely resourceful in their quest for alcohol, and Weathers herself acknowledged that “taking a drink is virtually a rite of passage for adolescents in this country.”⁴ After 1975, however, growing numbers of adults began to worry that an “epidemic” of teenage drinking was sweeping through the United States.⁵ Where once Americans had worried about the drinking habits of college-aged youth, more and more of them began to worry that high school students - and even much younger children - were drinking alcohol during the 1970s.⁶ Worse, observers like Weathers suggested that young people were not just drinking “for kicks” or “because it seemed cool,” but rather “to stupefy themselves,” drinking more - and more often - than young people ever had before.⁷

For much of the late 1960s and early 1970s, alarmed adults had focused much more narrowly on drug use by teenagers and youth, rather than on their consumption of alcohol. But as drug use among American youth – or at least its profile in the news media – subsided during the early 1970s, teenage drinking once more became a cause for concern. When major news magazines like *Newsweek*, *US News and World Report*, and

⁴ Ibid.
⁶ See, for example: Robert Straus and Selden D. Bacon, *Drinking in College* (New Haven, CT: Yale University Press, 1953).
⁷ Weathers et al., “The Latest Teen Drug.”
Time published articles with titles like “The Latest Teen Drug: Alcohol,” and “Alcohol and Marijuana Spreading Menace Among Teenagers,” they made this transition from fear of drugs to fear of drinking explicit. Newsweek, for example, told readers that while young people were using fewer drugs, “from nearly every quarter of the nation, school authorities and teenagers themselves report that the latest fad in juvenile drug abuse . . . is alcohol.” Many alcohol policy and public health expert agreed: reports by the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism (NIAAA), and National Council on Alcoholism, for example, all reported an increase in drinking by under-age youth in the United States during the 1970s, and sounded the alarm over rising numbers of teenaged and even adolescent alcoholics. In 1975, NIAAA director Morris E. Chafetz suggested that “all of the signs and statistics over the past couple of years have pointed to the fact that the switch is on among young people – from a wide range of other drugs to alcohol.”

Initially, many adults were actually relieved to think that young people were drinking instead of doing drugs. Newsweek asserted that “most parents are relieved to discover that their children are using alcohol rather than less familiar drugs,” and added that some parents were more dismayed by their children’s choice of beverage than by the fact that they were drinking. During the early 1970s, several liquor producers created new brands of “sweet wines” with names like “Strawberry Hill” and “Ripple.” These

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wines featured fruity flavors and a high sugar content, and they were designed and advertised explicitly for consumption by young people. According to Newsweek, they were highly successful, despite the fact that – according to one school official - “you won’t find many adults who can stomach them.”\textsuperscript{11} The fact that these wines were so widely marketed, and that Newsweek could poke fun at them in this way, demonstrated that many adults were remarkably tolerant of youth drinking during the very early 1970s. According to a spokesman for one federally funded Alcohol Safety Action Program in Los Angeles, “parents who hassled their kids about other drugs” during the late 1960s and early 1970s were “willing to look the other way on alcohol”\textsuperscript{12}

Concerned that they were seeing growing numbers of young people in their early teens and even adolescents turn up in alcoholism treatment programs, and worried that under-age drinking was on the rise, educators and public health officials moved quickly to raise the alarm over under-age and teenage drinking during the early 1970s. A study by the National Institute on Drug Abuse, for example, surveyed drug and alcohol abuse by junior and senior high school students in San Mateo California throughout the early 1970s. In her final report, study supervisor Lillian St Clair Blackford reported that “alcohol usage had definitely increased” among young people during the early 1970s. Her study found that the number of young people in grades 9-12 who reported drinking alcohol within a year of the survey had jumped from 25.4 to 54.7 percent since 1968, while the number of who reported using alcohol more than fifty times during that period jumping from 15.6 to 27.6 percent. While Blackford did not publish her final report until 1977, her study was drawing media attention as early as 1975, when US News used


\textsuperscript{12} Ibid.
Blackford’s data to suggest that half of all high school students consumed alcohol at least 10 times a year, and that nearly a quarter of them drank more than fifty times a year.\textsuperscript{13}

In 1975, an NBC television movie directed by Richard Donner and starring Linda Blair brought a more personal – and perhaps more frightening - portrait of teenage alcoholism into Americans’ living rooms. \textit{Sarah T: Portrait of a Teenage Alcoholic} opened by juxtaposing a fictional advertisement for “Courey’s Beer” - which featured a group of young people playing football, Frisbee, and enjoying a barbeque - with still photographs of young people at school, and photographs of a young man being arrested by police. An unseen narrator spoke as the film cut back and forth between the upbeat beer ad and the menacing black-and-white photos:

\begin{quote}
There are approximately one-half million teen and pre-teen alcoholics in this country today, and the number is growing. 3 out of every 4 teenagers do some drinking, one out of 20 has a serious drinking problem. 1 in 10 will become an alcoholic. Alcohol related arrests of young people have increased 700 percent in the last four years . . . you find them in schools, on the beach. In your own home.\textsuperscript{14}
\end{quote}

The film followed Sarah Travis – played by Blair – as she descended into alcohol addiction. A child of divorce, Sarah’s teenage worries and family problems were transformed – through easy access to alcohol and the inattention of adults – into severe alcoholism during the course of the film. Desperate for a drink late in the film, Sarah at one point promised a group of young men that she would “do anything you want” if they bought her a bottle of vodka. The young men ultimately did little more than tease Sarah and drink most of the alcohol that she paid them to buy, and by the end of the film Sarah

\begin{flushright}
\textsuperscript{13} Blackford, \textit{Summary Report}; “Alcohol and Marijuana Use Spreading.”

\textsuperscript{14} \textit{Sarah T.: Portrait of a Teenage Alcoholic} (NBC Universal, 1975).
\end{flushright}
appeared to be on the road to recovery. But the scene still suggested that Sarah had come dangerously close to prostituting herself for a drink.  

Responding to the warnings of experts like Chafetz and media to depictions of teenage alcoholics like Sarah Travis and Carrie, American parents, teachers, and policymakers were increasingly likely to view young people’s consumption of alcohol as a serious problem, and many of these adults blamed the problem of teenage drinking on the new, lower drinking age of the early 1970s. Growing numbers of drinking age activists began to call on state lawmakers to restore a drinking age of twenty-one, and legislators in nineteen different states responded by raising the drinking age during the late 1970s and early 1980s. Not all of these states, however, raised the drinking age all the way back up to twenty-one. One of the primary arguments that drinking age activists made for a higher drinking age was that lawmakers needed to keep alcohol out of public schools. Early 1970s legislators’ decision to lower the drinking age to eighteen, they asserted, had allowed eighteen-year-olds – many of who were still high school seniors – to bring alcohol into the schools, where they were passing alcohol on to much younger youth, and turning schools into a conduit for alcohol, in what some activists called the “trickle down” effect of new drinking age laws.

The concerns that these activists raised with state legislators are difficult to substantiate: they were more the product of individual experiences and observations than of any measurable or quantifiable change. But if publications like US News were to be believed, educators throughout the United States were increasingly concerned about “bottles in school lockers, youngsters cutting class to guzzle beer in school parking lots,

\[15\] Ibid.
fights spilling over from week-end beer busts, and high absenteeism on ‘hangover’ Mondays.” By the end of 1975 the magazine was telling readers that youthful drinking was a “spreading menace” that had reached “epidemic proportions.” The liquid lunch, according to one writer, was “no longer the preserve of white-collar executives.” School children were joining in, storing alcohol in their lockers, buying beer on their lunch hour, or even – according to unnamed San Francisco authorities – injecting rum and vodka “into the oranges and grapefruits that they bring in their lunch pails.”

Many of the state legislators who worked to raise the drinking age during the late 1970s and early 1980s were specifically responding to parents and teachers’ worries about the flow of alcohol through schools. When New Jersey state senator Frank X. Graves, Jr. proposed a drinking age of nineteen in 1979, for example, he told his fellow lawmakers repeatedly that he was not trying to reduce drunk driving accidents. Graves had designed his bill, instead, “to remove the legal availability of alcoholic beverages from the high schools.” Seventy four percent of high school graduates, according to Graves, were eighteen before they graduated, and these young people were “in touch with over 300,000 youngsters a day. They share the same corridor, the same library, the same gymnasium, the same playground … they are, in mass totals, making [alcohol] available to the 14, 15, 16, and 17 year old.” Sounding almost as if he was fighting an outbreak of

16 “School Age Drunks.”
17 “Alcohol and Marijuana: Spreading Menace.”
18 *Public Hearing before the New Jersey Legislative Assembly Judiciary, Law and Public Safety and Defense Committee on S-1126* (transcript), January 23, 1979, New Jersey State Library, 15.
disease, Graves told New Jersey lawmakers that “I want to set these schools straight from being under the influence of alcohol.”

A careful analysis of the debate over Graves’ bill, however, suggests that many of the bill’s supporters shared a much broader set of concerns, and that rhetorical focus on keeping alcohol out of the schools was largely strategic. Throughout the debate, a drinking age lobby group known as the New Jersey Coalition for 21 played a key role in building public and political support for a higher drinking age. The Coalition for 21 claimed to represent 42 different member organizations – including the New Jersey Parent-Teacher Association, the Highway Traffic Officer’s association, the League of Municipalities, and multiple other business and professional organizations - as well as 280,000 voters. The group’s leaders were Captain Earle Wallo of the Florham Park Police Department, Dr. Arthur Yeager (a Westwood dentist), private investigator Peter Amico, and New Jersey state PTA member Phyllis Scheps.

Scheps founded the organization in 1977, when - as a member of a committee to discourage vandalism in her hometown in West Orange – she learned from local police that “nine of every ten children apprehended by them had been drinking.” Shocked by this statistic, Scheps enlisted the help of the New Jersey PTA, and quickly built the Coalition for 21 into a force to be reckoned with. One New Jersey legislator described the group as “a ball of fire,” and may lawmakers were surprised by the angry, uncompromising determination of the Coalition’s leadership and members. According to the New York Times reporter Michael Norman, Scheps “brought in the education groups, Mr. Wallo the law-enforcement organizations, and Mr. Amico the church groups from

19 Ibid., 15.
South Jersey.” A textbook example of 1970s new-right activism, the group played a key role in persuading New Jersey lawmakers to pass two separate pieces of legislation to raise the drinking age in New Jersey: first to nineteen in 1980, and then to 21 in 1983.

The Coalition for 21 left no records, but members made their reasons for wanting to raise the drinking age to twenty-one abundantly clear during the debate over Graves’ bill. In hearings before the Assembly Judiciary, Law, Public Safety and Defense Committee, a procession of Coalition-affiliated witnesses angrily demanded that lawmakers restore a drinking age of twenty-one, and charged legislators with having caused a broader crisis of order – in the schools, in their communities, and within New Jersey families – when they voted to lower the drinking age in 1973. Eighteen-year-old drinking, Coalition members argued, was undermining adults’ authority, and causing young people to run amok. Manya Unger of the New Jersey PTA, for example, made it clear that her organization was as concerned about maintaining adult authority as it was about combating alcoholism. Parents, teachers, and administrators, she suggested, were witnessing “a growing number of instances in which alcohol played a part in the breakdown of respect for property, programs, and people.”

Placing the blame for this breakdown or respect squarely on eighteen-year-old drinking, Unger suggested that a lower drinking age had done more than just increase young people’s access to alcohol or put them at risk of becoming alcoholics: it had made them bolder in their confrontations with school authorities and with parents, and encouraged them to attack their schools, their teachers, and other adult authorities. New Jersey Association of Secondary School

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20 Public Hearing before the New Jersey Legislative Assembly Judiciary, Law, Public Safety and Defense Committee on S-1126 (transcript), February 5, 1979, New Jersey State Library, 1.
Principals spokesman Walter W. Chenser supported this assertion when he testified that school administrators had had difficulty enforcing “no drinking” rules in schools and during after-school events. Chenser drew a direct connection between the new drinking age law and a rash of violence and vandalism that had plagued some New Jersey high schools during the late 1970s. Whether they occurred during or after school hours, Chesner stated, these incidents “can be traced directly to students having been under the influence of alcohol.”

Coalition for 21 members also made it clear, however, that the problems caused by eighteen-year-old drinking went beyond the schools. Adopting a confrontational tone that was highly unusual in legislative hearings, Robert Fastiggi of the New Jersey Police Traffic Officers Association angrily denounced the decision to lower the drinking age that lawmakers had made six years earlier. The new law, he argued, had given young people “a way to destroy themselves.” Fastiggi dared the committee members to come on patrol with one of his officers, and to see “all the complaints about accidents, drunkenness, vandalism, suicides, [and] overdoses of alcohol” which they handled. Fastiggi appeared to be most disturbed, however, by the attitudes of young people who had been drinking. He recounted a specific incident involving a “young lady” who had been “brought in drunk:”

We called her father and her father came in, and the first thing she said to her father is, “You’re a F___ing douche.” That incident is not isolated. It happens all the time. But again, ladies and gentlemen, you don’t see it. Statistics don’t show it. Just go with us for a few short weeks. I am sure, then, you will see that our young society can not handle the alcohol or the responsibility that you have seen fit to give them. You’ve taken away

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from them their most precious possession – and I mean this sincerely – their youth.\footnote{Ibid., 81-2, Redaction in the original.}

Fastiggi was suggesting that eighteen-year-old drinking had not just endangered young people, but encouraged disrespect for their parents, the police, and other citizens. When he told lawmakers that the “statistics don’t show” the full effects of a lower drinking age, he was referring as much to this loss of respect and defiance of authority as to teenage alcoholism and other safety risks. The Mayor of West Orange made similar assertions when he wrote to the committee suggesting that they should spend an evening in the area of “some of our more popular youthful drinking establishments” in his hometown. There, he suggested, they were liable to witness “fights, assaults on police officers, breaking of windows, littering, illegal parking, use of loud and profane language, loitering, [young men] making obscene comments to women who pass by, breaking of bottles . . .” and young people “in general causing a disturbance.”

Taken together, these witness’ testimony demonstrated that supporters of the Coalition for 21 were responding as much to a perceived crisis of adult authority over young people as to concerns over the effects of teenage drinking. Eighteen-year-olds, and even younger youth, they warned, were slipping out of adults’ control. Scheps made this argument explicit when she suggested that lawmakers had made “our responsibility an impossibility” when they lowered the drinking age. “On one hand,” she stated, “you say to us that it is up to us to teach them right from wrong.” But lawmakers had, according to Scheps, undermined adults’ efforts to do so - by providing youth with the ‘loaded gun’ that was access to alcohol. Urging lawmakers to put aside “civil libertarian” arguments, Scheps asked them instead to support parents and teachers in their efforts to
keep young people and alcohol apart. Unger made a similar point when she insisted that PTA members were “advocates and not adversaries of young people.” The young people whose access to alcohol they sought to restrict were “our own children . . . we are not out to get them, or deprive them of some alleged right.” Her words were reminiscent of the language that parents might use in confrontations with their teenaged children: restricting young people’s access to alcohol, Unger seemed to be suggesting, was for their own good.

Not everyone agreed, and New Jersey lawmakers also heard testimony from young people and alcohol policy experts who rejected Coalition for 21 members’ arguments. The college and university student government representatives who spoke out against a higher drinking age, however, were considerably less well-organized than members of the Voting Age Coalition (VAC) had been when they lobbied for a lower voting age a few years earlier. During the late 1960s and early 1970s, VAC members had filled the galleries of the New Jersey legislature, packed legislative hearings, and marched on the state house in large numbers. But VAC leader David DuPell had always insisted that the group was not interested in lowering the drinking age, and the student representatives who testified at legislative hearings on the drinking age used a very different set of arguments. DuPell and his fellow VAC members, for example, had passionately argued that eighteen-year-olds should be treated fairly and consistently under the law, and that their capacity to act as adults gave them a right to be treated as such. The students who spoke out against a higher drinking age during the late 1970s, in contrast, appear to have realized that their opponents – and many lawmakers – were

23 Ibid., 84-5.
24 Ibid., 1.
already rejecting such arguments off-hand. When Scheps casually urged lawmakers to reject “civil libertarian” arguments, for example, she demonstrated that the whole debate over a rise in the drinking age was in many ways predicated on a rejection of the idea that young people should – or had a right – to be treated consistently under the law. Well aware that many lawmakers were likely to ignore these arguments, student representatives like David Warrager referred only obliquely to the “philosophical grounds” for treating eighteen-year-olds as adults, which “we have all heard many times.”

Instead of re-hashing VAC’s old arguments and repurposing them to support eighteen-year-old drinking, young people who spoke out against Graves’ bill asserted that a higher drinking age was unlikely to resolve the problems that the Coalition for 21 associated with teenage drinking. Drew University student John Stobierksi, for example, told lawmakers that it was easy for young people below the age of eighteen to get alcohol - without having eighteen-year-olds buy it for them. A fake ID, Stobierski stated, was “something that any kid can get out of a magazine,” and being under the legal drinking age had “never deterred” young people who wanted to drink. Raising the drinking age, students like Warrager and Sobierski argued, was likely to create new, potentially more serious, problems, and it was a policy which risked taking “a problem that many high schools have,” and “dump[ing] it in the laps of Universities.”

Calling the drinking age “a glamorous issue,” Princeton University sophomore Eric Keller told lawmakers that

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25 Public Hearing before the New Jersey Legislative Assembly Judiciary, Law, Public Safety and Defense Committee on S-1126 (transcript), February 6, 1979, 19.
26 Public Hearing on S-1126, February 5, 1979, 110.
27 Public Hearing on S-1126, February 6, 1979, 18.
“we are probably not dealing with the serious problems,” by raising the drinking age. He urged lawmakers to “look for more comprehensive solutions to the problem of alcohol abuse in general.” Keller had done his homework: he cited a “lack of conclusive statistical data” on the effects of a lower drinking age on drunk driving accidents, and questioned the reliability of New Jersey State police data on the subject. Citing research by the National Highway Traffic Safety Administration (NHTSA) and Rutgers scholar Richard Zwillman, Keller told lawmakers that a higher drinking age was likely to have little effect on under-age young people’s actual consumption of alcohol. 

He strenuously objected to the idea of using the drinking age as a “quick fix” for under-age drinking:

There is no compelling reason why the privilege of this specific age group should be rescinded, nor is there sufficient rational to justify a change in their status before the law. Certainly there are less offensive and more effective ways of dealing with irresponsible drinking.

When he made these arguments, Keller seemed to have the science on his side. Two different scholars from the Rutgers Center for Alcohol Studies also spoke out against the Graves drinking age bill, and both of them made arguments somewhat similar to Keller’s. Dr. Robert Pandina proclaimed Graves’ legislation “a bad bill,” which would “in fact, have very little impact on the drinking practices or the problems related to drinking in the adolescent population.” Dr. Gail Milgram agreed, asserting that while it was true many under-age youth were drinking, this was nothing new. “We have known that,” she suggested, “since 1952.” Urging lawmakers to take the “emotional kinds of

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28 Ibid., 26
29 Ibid., 26
30 Ibid., 1A.
information” they were hearing about under-age drinkers with a grain of salt, Milgram told them that “those people had problems prior to the change in the drinking age.” Drinking age laws, she asserted, had very little impact on the reality of underage drinking, and changing it would not solve the problem: underage drinkers would simply “go back to the home parties, or to the car.”  

Scheps and the Coalition for 21 explicitly rejected such reasoning, and actively urged lawmakers to ignore these experts’ opinions. “Why,” Scheps asked the Assembly Judiciary Committee, “are you so adamant about statistics when you . . . know that they can be used both ways. Why don’t you accept the words of school boards, principals, teachers, law officials who are here today? Why can’t you take the human, living point of view, the actual experiences? Why are numbers so very, very important to you?” Coalition for 21 members returned to this theme repeatedly in their arguments – insisting that lawmakers listen to their concerns, and that their concerns were those of a large majority of New Jersey’s adult citizens. Coalition members’ angry, determined insistence that their own experiences and viewpoints were in themselves a clinching argument for a higher drinking age demonstrated just how important public perceptions of young people’s behavior had become by the end of the 1970s. Scheps’ insistence that lawmakers take the “living, human point of view” all but wrote off any expert or statistical evidence that her opponents could point to, and elevated her own abstract, emotional appeals beyond reproach.

The tactic was an extremely effective one, particularly when combined with the Coalition for 21’s skillful use of more traditional lobbying tactics. The group packed the

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31 Public Hearing on S-1126, February 5, 1979, 15-17.
32 Ibid., 85.
witness lists of legislative hearings, and used the political and professional networks of its leadership to great effect, encouraging parents and other adults to write and call legislators in support of Graves’ bill. Ultimately, however, the Coalition for 21 was only partially successful in achieving its goals by the end of the 1970s. Graves’ bill had been a compromise solution from the start, which sought to combat teenage alcoholism - while allowing older, college-aged youth to continue legally drinking – by raising the drinking age only as far as nineteen, thus ensuring that most young people would have graduated high school by the time they could legally purchase liquor. In brokering this compromise, however, Graves had mistaken one of the arguments that Coalition members had relied on – the need to keep alcohol out of the schools – for their primary goal. As its name suggested, the Coalition for 21 was unlikely to be satisfied until they succeeded in restoring a drinking age of twenty-one.

Drinking age activists in other states had similar experiences during the late 1970s, and of the 13 states that raised the drinking age between 1975 and the end of 1980, only Michigan and Illinois raised it all the way back up to twenty-one. Activists like Scheps, however, were nothing if not persistent. The Coalition for 21 would try again to raise the drinking age in 1982, and this time won widespread political and public support for their goal. By that time, however, the political and cultural environment in which lawmakers were debating a higher drinking age had shifted, thanks in large part to the development of a broad-based and intense public panic over drunk driving deaths after 1980. While they still talked about “giving parents the support they need,” and still sought to control young people’s drinking behavior, then, by 1982 the Coalition had allied itself with anti-drunk driving activists like Candy Lightner. Realizing the power of
the rhetoric and imagery that MADD and RID had used to generate public support, drinking age activists like Phyllis Scheps increasingly redefined their own campaigns as a matter of saving young, innocent lives, and the interests of these two distinct groups of activists began to converge.33

Get MADD: The Rise of the Anti-Drunk Driving Movement, 1980-84

Edgar Garfield Rogers was drunk. Driving his pickup truck too fast down the dark and winding roads near his Rockville, Maryland home, Rogers did not see the young man who was walking along the side of the road until it was too late. On the night of October 8, 1977, Rogers struck and killed that pedestrian, his sixteen-year-old neighbor, Peter Weiger. Despite fleeing the scene of the accident, later admitting that he had been driving drunk, and initially facing a charge of manslaughter, Rogers did not go to prison for causing Weiger’s death. Instead, he pled guilty to the hit-and-run and to driving while impaired, and paid a six hundred dollar fine.34

Peter Weiger’s tragic death attracted little attention outside his own community in 1977. The local newspaper carried his obituary, the Baltimore Sun printed a three sentence-long report on his death, and the local 4-H club started a memorial fund in his name, but Weiger’s passing was hardly national news.35 His death, sadly, was not all that unusual. By the early 1980s, 26,000 Americans were dying every year in drunk driving


35 “Rockville Youth Killed;” Obituary, Peter L. Weiger; “Two Youths Die.”
accidents – at a rate of seventy deaths a day, or one death every twenty-three minutes. Like Peter Weiger’s, these Americans’ deaths often went un-reported and un-noticed outside their own communities, and drunk drivers who killed or injured others often escaped with little more than a slap on the wrist.

For decades, many lawmakers, judges, prosecutors, and policemen had found it too easy to imagine themselves in the shoes of these drunk drivers, and they had resisted any effort to punish them harshly. According to historian Barron H. Lerner, these officials often “looked the other way,” even when faced with incontrovertible evidence of drunk drivers’ negligence, and for many of them “there but for the grace of God go I” had been the motto for dealing with drunk driving cases. From the perspective of the present - where drunk drivers face a powerful social stigma, and drunk driving is considered a serious offense – it can be difficult to understand just how prevalent these attitudes were during the post-war era, and just how far into the late twentieth century they persisted. Well into the 1980s, however, drunk driving accidents were often considered “an unfortunate act of God,” rather than the result of drunk drivers’ negligence, and drunk drivers like Edward Garfield Rogers often avoided severe punishment.

For a time, then, Peter Weiger seemed destined to become another statistic. But several years after his death, and against all odds, the Washington Post briefly made Peter Weiger into a public symbol for all of drunk driving’s victims. In March of 1980, the Post printed Weiger’s photograph – a picture of a handsome, smiling young man standing proudly beside his 4-H calf – on page one, just above a headline that declared the

36 Lerner, One for the Road, 4–5.
37 Ibid.
circumstances of his death “A National Outrage.” Post writer Joseph D. Whitaker used Weiger’s story to illustrate – and to help fuel – a growing wave of public anger over the number of drunk driving deaths in the United States, and over the “obscenely lenient” punishments that drunk drivers like Rogers often received. In the same article, Whitaker told the stories of several other Americans who had died in drunk driving accidents, some of whom were middle-age. But he relied on Weiger’s identity as a young person to maximize the emotional impact of his story. Weiger, he noted, had been a boy scout and active member of the 4-H club. His parents described him as a “great kid” who “loved people,” and Peter’s father told Whitaker of the enormous anger he felt “every time I think that someone took my child’s life.”

Weiger’s unlikely moment of posthumous fame was largely the work of anti-drunk driving activists like Doris Aiken and Candy Lightner, who created a new, national political movement to prevent drunk driving and bring drunk drivers to justice during the early 1980s. The organizations that these activists founded - Remove Intoxicated Drivers (RID) and Mothers Against Drunk Driving (MADD), respectively - used the stories and images of young people like Peter Weiger to bring the tragic costs of drunk driving home to Americans. With the help of journalists like Whitaker, they transformed popular understandings and attitudes towards drunk driving during the early 1980s, and the stories of loss, complacency, and injustice that they circulated created a massive wave of popular anger and outrage, which took many state and federal lawmakers by surprise.

Anti-drunk driving activists like Lightner and Aiken were not initially concerned with raising the drinking age. Their primary targets were the adult drunk drivers who

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38 Whitaker, “A National Outrage.”
were to blame for most drunk driving accidents, along with the lawmakers and law
enforcement officials who they charged with having coddled and protected these drunk
drivers for far too long. But anti-drunk driving activists like Aiken and Lightner
nonetheless shared a rhetoric - and some of their most basic goals - with drinking age
activists like Phyllis Scheps. Both groups of activists portrayed themselves as protecting
innocent young people from the dangerous effects of alcohol, and both groups used
popular anger and outrage as their primary means of forcing lawmakers to take action.
These two distinct groups of activists found common cause during the early 1980s, when
they cooperated to help pass legislation to raise the drinking age at both the state and
federal level. Both anti-drunk driving activists’ and drinking age activists’ campaigns
culminated in the same piece of legislation: the National Minimum Drinking Age Act.

A 51-year-old journalist and mother of three, Doris Aiken founded RID in 1977,
as a response to the deaths of two teenagers in her hometown of Schectenady, New York.
The victims were a pair of siblings, Timothy and Karen Morris, whose family Aiken
knew distantly. 19 and 17, respectively, the Morris’ had been struck and killed by a 22-
year-old drunk driver. Saddened to read about their deaths in the newspaper – and
perhaps following her journalistic instincts - Aiken called the district attorney to ask how
the driver was being punished. She was shocked by what she heard. The deaths, the DA
told Aiken, had been an accident, and the driver’s guilt at having killed two teenagers
was likely to be considered punishment enough. Incensed, Aiken used her media
contacts, printed fliers, and called a public meeting to discuss the case, with the initial
goal of seeing the drunk driver who had killed the Morris’ brought to justice. RID
developed out of that meeting, and it grew rapidly in the years that followed. By 1983,
according to historian Barron H. Lerner, the group had 130 chapters in thirty states, and it played a critical role in pressuring lawmakers in New York and other states to pass
tougher drunk driving laws during the early 1980s.\footnote{Lerner, \textit{One for the Road}, 76–80.}

Aiken’s was the first group of grassroots activists to demand that drunk drivers be brought to justice, and it preceded MADD by three years. It was Candy Lightner, however, who became the national public face of the anti-drunk driving movement during the early 1980s. MADD and RID shared the same goals, but they had started on opposite sides of the country, and a clash of personalities between Aiken and Lightner kept the two groups from working closely together. Lightner, moreover, brought something to her organization that Aiken could not: a tragic, compelling story of her own personal loss. In May of 1980, Lightner’s thirteen-year-old daughter Cari had been struck by a drunk driver while walking through the streets of her hometown Fair Oaks, California. Cari was thrown nearly forty feet by the force of the collision, and she died within an hour. The driver, Clarence Williams Busch, had been out of jail for only two days. He had just been charged with a separate drunk driving offense, and had four previous drunk driving arrests. But police had confiscated neither Busch’s license nor his car, and he had served only two days in jail for his repeated drunk driving offenses. Worse, the police privately warned Lightner that Busch was unlikely to spend any time in jail at all for his role in Cari’s death. Aggrieved, angry, and devastated by her loss, Candy Lightner vowed to see Busch and other drunk drivers brought to justice. MADD began as a gathering of some of Lightner’s closest friends and family in a restaurant bar,
but within four years, it had become one of the “best known and best loved charities in America,” and Lightner had become a household name.\footnote{40 Ibid., 65.}

Clearly, MADD and RID struck a chord with large numbers of Americans. What is less clear, however, is why these groups appeared when they did, and why they were able to gain so much more traction than earlier efforts to prevent drunk driving. The drunk driving issue, after all, was hardly a new one during the early 1980s – as the drinking age debates of the 1970s had themselves demonstrated. For decades, however, “no one had seemed to care” about drunk driving accidents like the ones that had killed Cari Lightner and Timothy and Karen Morris. Despite the best efforts of traffic safety innovators like William Haddon Jr. – head of the National Traffic Safety Agency during the 1960s – and Robert Borkenstein – the inventor of the breathalyzer – the drunk driving issue had been confined to the margins of American political discourse throughout the post-war era, and lawmakers had resisted most attempts to crack down on drunk driving.\footnote{41 Ibid., 64.}

During the early 1980s, however, activists like Lightner and Aiken managed to convince a large majority of Americans that drunk driving was a “national emergency,” which had reached “epidemic proportions.”\footnote{42 Whitaker, “A National Outrage.”} Suddenly, drunk driving statistics and harrowing reports of drunk driving accidents were everywhere. According to James Fell and Robert Voas, the number of drunk-driving stories featured in major American newspapers – the New York Times, Los Angeles Times, Wall Street Journal, and Washington Post – rose from a mere 3 in 1980 to a peak of 169 in 1983. Similarly, one
magazine index counted only a single article about drunk driving accidents in major periodicals during 1980. By 1983, the same set of periodicals printed 50.\textsuperscript{43} Just over a year after Cari Lightner’s death, her mother was already being featured in \textit{Time} and \textit{People} magazine, and making appearances on news and talk show programs like \textit{Phil Donahue} and \textit{60 Minutes}. In 1983 – three years after she had founded MADD - Lightner’s story was dramatized in an NBC Universal television movie, \textit{MADD: The Candy Lightner Story}.

In part, anti-drunk driving activists were successful because they tapped into a groundswell of populist, grassroots – and usually conservative – discontent, which had spawned a host of other law-and-order, “family values,” and anti-taxation lobby groups during the late 1970s and early 1980s. In his history of drunk driving in the United States, historian Barron H. Lerner argues that it was not until the early 1980s that the “political and cultural climate” of the United States became conducive to the kind of “angry, moralistic, and media-driven” campaigns mounted by MADD and RID.\textsuperscript{44} These organizations thrived during the early 1980s, in other words, because they fed off some of the most important cultural and political realignments of the Reagan era. Fundamentally, MADD and RID’s campaigns were fueled by the anger and frustration of white, suburban, middle-class voters – the same anger and frustration which led many of these voters to abandon the liberal ideals of the democratic party, reject higher taxes, and refuse to let “experts” dictate policy during the 1970s and 80s.


\textsuperscript{44} Lerner, \textit{One for the Road}, 64.
When MADD and RID first appeared, in fact, many observers inferred from their membership, tactics, and rhetoric that these groups were simply the latest in a long line of conservative anti-crime and “victim’s rights” groups that appeared throughout the 1970s. Little wonder, when Lightner told reporters that “nobody cares” about the victims of drunk driving accidents, and asserted that “it’s up to us to be the voice of the victims.”

In many respects, MADD and RID were victim’s rights groups. Lightner told People magazine in 1981 that her daughter had been “the victim of a violent crime,” and argued that “if my daughter had been raped or murdered, no one would say of the killer, ‘there but for the grace of God go I.’” Drunk driving, she asserted, was “the only socially acceptable form of homicide.”

The similarities between MADD, RID, and the victim’s rights movement were more than just rhetorical: a 1980 report on MADD in the Los Angeles Times, for example, explicitly labeled MADD a “law and order,” organization, and detailed how MADD members had turned out in force to a sentencing for Shirley Blythe, a San Diego resident who had struck and killed 28-year-old Anthony Brissinger in 1980. MADD had brought a TV crew to the hearing, and packed one side of the court-room with “stern-faced” supporters. In court, Brissinger’s mother told the court that as a “law abiding citizen” she wanted “to be able to see our son’s killer punished.” RID, too, often focused on punishing drunk drivers during the early 1980s. Doris Aiken, for example, pointed out the absurdity of laws that had allowed drunk drivers in New York to pay an

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45 Maria Wilhelm, “A Grieving, Angry Mother Charges that Drunken Drivers are Getting Away With Murder,” People, June 29, 1981.
46 Ibid.
47 Jeffrey Perlman, “Drunk Driver Given 2 Years in Death,” Los Angeles Times, September 6, 1980.
average fine of twelve dollars in 1980, while those who killed a deer out of season had to pay $1500. MADD seemed to be “badgering” lawmakers, prosecutors, and police everywhere to get tough on drunk drivers during the early 1980s, and in 1981 Lightner told *Time* magazine that her organization was just getting started: “we’ve kicked a few pebbles,” she stated, “we’ll turn a few stones, and eventually we’ll start an avalanche.”

While anti-drunk driving activists mobilized public anger in a manner that was quintessentially conservative, and consistent with the tactics and goals of the new right, however, MADD and RID also drew on an older, arguably more progressive tradition of maternal activism in defense of children. Notions of young people’s inherent innocence and vulnerability loomed large in their rhetoric, and it was their role as defenders of innocent children that made Aiken and Lightner household names during the early 1980s. It is possible, in other words, to draw parallels between the anti-drunk driving movement of the early 1980s and the “child savers,” children’s welfare activists, and child poverty campaigners of earlier eras. All of these groups had sought, on some level, to protect children. But they had also worked to defend particular notions of childhood itself, and the idea that children were inherently innocent, vulnerable, and in dire need of adults’ protection was seldom politically neutral. As historian Michel Grossberg has suggested, this discourse of “child protection” has had a unique power to legitimate social policy in American history, and “child protection” itself has often been exploited as “a trumping phrase” in American political discourse.

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protectors of endangered and innocent youth, in other words, MADD and RID became a
force which lawmakers, student activists, and a wide range of public policy “experts” had
great difficulty opposing. It was hard to resist them, in other words, without being
painted as an opponent of children’s safety and welfare.

It was no coincidence, then, that anti-drunk driving activists often focused their
public relations campaigns on those young people who best personified Americans’
ideals of childhood innocence: young, white, middle-class girls. The photographs that
accompanied news stories about drunk driving during the early 1980s were almost always
of young women who fit this description, with the *Washington Post*’s feature on Peter
Weiger being an unusual exception. A 1981 article in *Saturday Evening Post* provided a
particularly striking example of this bias. The magazine printed photographs of four
drunk driving victims with the article, all of whom were photogenic, white young women
who had been under the age of eighteen.\(^{50}\) Cari Lightner and a young girl from Maryland
named Laura Lamb were arguably the most famous drunk driving victims in the nation
during the early 1980s, and they too fit this stereotype. Lamb had only been five months
old when her mother Cindi’s pick-up truck was hit by a drunk driver in November of
1979. The collision left her paralyzed, and for a time, she was the youngest quadriplegic
in the United States. Described in the press as “adorable” and “blond and with dazzling
blue eyes,” Laura was a magnet for media attention, and as told in the news media, her
story was largely one of a childhood lost. Cindi told a Maryland House Judiciary

Committee in 1980, for example, that Laura no longer felt “any kisses …[she] doesn’t’ feel any hugs, doesn’t feel anything.”

American parents, of course, would have been horrified to see their child paralyzed during any period of history. But stories like Laura Lamb’s carried even more emotional weight during the early 1980s than they would have in earlier years: Parents were increasingly emotionally invested in their children’s lives during these years, and they were becoming more and more attached to their children’s childhoods as well. As scholars like Paula Fass and Phillip Jenkins have demonstrated, early 1980s panics about children’s safety were in many ways panics over preserving children’s innocence, rather than their safety, and these panics reflected adults’ increasing investment in their children’s own experiences.

Having a child who – as Laura Lamb described it – had been “beautiful,” and “everything I had hoped for” suddenly unable to “play patty-cake” or “laugh when I tickle her motionless feet,” in other words, was not just the child’s loss, but also the parent’s, and it was anger over the potential emotional costs to parents that motivated much of the public outcry over drunk driving deaths during the early 1980s. Candy Lightner’s public grief over Cari’s death, for example, elicited a widespread emotional

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53 Lerner, One for the Road, 85.
response to Candy Lightner’s personal loss, as well as to the death of Cari. Lightner seemed to be conscious of this factor’s importance in her own - and MADDs – appeal. In her 1991 autobiography, for example, Lightner described how her status as an aggrieved mother had played a key role in MADD’s meteoric rise. The first time she spoke publicly about Cari’s death, according to Lightner, she did not tell the audience that the young girl whose death she was describing had been her own daughter until the very end of her speech. But when Lightner told her audience, “that little girl was my daughter,” the response had been electric. According to Lightner, “the audience gasped. The press jumped up and ran out the door to call the photographers. Pandemonium broke out.”

Reactions like these were what made Lightner and MADD into household names during the early 1980s, and appealing to parents’ fears of experiencing a similar loss of their own proved to be an extremely effective tactic. A picture of Cindi Lamb pushing her daughter’s wheelchair and holding a sign which read “President Carter: This Could Have Been Your Child” which Christianity Today printed in 1982 struck home for many parents, and the underlying message - that it could have been anyone’s child - was not lost. This message had widespread public and political appeal, and activists like Lightner and Lamb used it to great effect, dramatically transforming how Americans thought about and talked about drunk driving within a few short years. As Joy Shana Getnick has argued, MADD’s great achievement was “putting a face on an otherwise

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theoretical, statistical problem,” and transforming a “numerical quandary” into “an emotional social problem that inspired people to action.”

MADD, RID, and the public anger which they stirred up did a great deal of good. RID won major victories in New York during the early 1980s, for example, by placing unprecedented public pressure on lawmakers to pass new anti-drunk driving bills. They succeeded in passing legislation that imposed mandatory sentences on repeat drunk drivers, funded additional drunk driving checkpoints, and provided police with more breathalyzers. Federal lawmakers, too, responded to pressure from anti-drunk driving activists during the early 1980s, passing legislation that was designed to encourage the states to lower their legal blood-alcohol limit, and put mandatory sentences in place for repeated drunk driving offenders. These reforms, however, were of limited scope, and anti drunk driving activists had had to fight hard to see them realized.

Well into the 1980s, in other words, both state and federal lawmakers often remained reluctant to confront America’s drunk driving problem directly, for fear that doing so would alienate some of their most powerful and largest constituencies: the beverage industry, the automobile industry, and the large numbers of Americans who considered their drinking habits none of the government’s business. Old attitudes towards drunk driving died hard, and while MADD and RID had increasing success in ensuring that drunk drivers were properly punished, they had a harder time convincing lawmakers to pass legislation that would prevent drunk driving deaths in the first place. Drunk driving was an endemic problem, and confronting it effectively would require a

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57 Lerner, One for the Road, 89.
much broader, and potentially more divisive, political debate about Americans’ drinking and driving habits. This was a can of worms that most lawmakers were unwilling to open. They were nevertheless eager, however, to appear proactive on the drunk driving issue, and to soothe Americans’ outrage over drunk driving deaths. During the early 1980s, both state level drinking age activists like Phyllis Scheps and anti-drunk driving organizations like MADD offered legislators like Senator Frank Lautenberg a way out of this quandary, by suggesting that Congress impose a nationwide minimum drinking age of twenty-one. This was a solution which offered lawmakers a means of placating both groups, and of generating a tremendous amount of public goodwill, while offending only a small – and often apathetic – portion of the electorate; young people between the ages of eighteen and twenty-one.

“Old Enough to Live: The National Minimum Drinking Age Act”

Having argued throughout the late 1970s that eighteen-year-olds were not mature enough to drink without causing harm to themselves and others, state-level drinking age activists like Scheps were quick to ally themselves with the anti-drunk driving movement during the early 1980s. Well aware of MADD’s success in mobilizing public and political support, the Coalition for 21 reframed its arguments for a higher drinking age during the early 1980s. By placing greater emphasis on preventing drunk driving accidents, the group hoped to appeal to the same voters that MADD had stirred into a frenzy, and to use some of MADD’s most effective rhetoric and tactics to achieve its own goals. At the same time, MADD itself was beginning to work more closely – and to compromise – with state and federal lawmakers, who were much more willing to
consider raising the drinking age than they were to crack down on drunk drivers more generally.

The Coalition for 21’s leaders had been persistent in their quest for a higher drinking age since 1979. Disappointed by New Jersey lawmakers’ decision to raise the drinking age to nineteen, rather than 21, they had noted – with regret – that New Jersey had “no initiative and referendum statute,” which would have allowed them to appeal directly to voters, and worked throughout the period between 1980 and to make the drinking age a campaign issue in the 1982 elections. Scheps and Earle Wallo, in particular, kept interest in the drinking age issue alive by taking out periodic newspaper, radio, and television advertisements, and gradually increased the ranks of Coalition for 21 supporters. After receiving new accident statistics from the New Jersey State Police, and Office of Highway Safety in 1980, they wrote a new draft resolution to raise the drinking age in New Jersey. The resolution “stressed the limited impact [that] New Jersey’s new minimum drinking age of 18 had had on alcohol-related arrests, accidents, and fatalities among drivers 18 to 20 years of age,” in a clear sign that the Coalition for 21 was reconfiguring its argument to center around the issues of drunk driving and traffic safety.58 During the 1981 state democratic primaries, Coalition for 21 members “openly challenged” candidates who had opposed a higher drinking age, and sent members to attend the speeches and rallies of gubernatorial candidates, where they publicly – and repeatedly – asked them for their views on the minimum drinking age.59

59 Ibid.
During the 1982 legislative session, it was once again State Senator Frank X. Graves – whose bill had raised the drinking age to 19 in 1979 - who sponsored the Coalition’s resolution. Debate over the bill focused almost entirely on the role of the drinking age in causing drunk driving accidents, and lawmakers who supported the bill argued – using figures from the New Jersey State Police – that drunk driving among 18 to 21 year-olds had risen “astronomically” since 1973. The bill, they asserted, would save more than 40 lives a year.\(^\text{60}\) Opposition came primarily from students and from tavern and restaurant owners. A few lawmakers, however, also spoke out publicly against the bill. Democratic Assemblyman Dennis L. Riley, for example, charged supporters of the bill with making young people “scapegoats for an extremely serious societal problem,” and called it “legal hypocrisy” to bar eighteen-year-olds from drinking, when these young people they were legally old enough to get married, sign a contract, serve on a jury, or appear in a pornographic movie.\(^\text{61}\) Scheps, however, had little patience for these arguments, and stubbornly refused to make the drinking age an issue of legal rights. “Nobody,” she was fond of saying, “ever died from not drinking.”\(^\text{62}\)

With the support of Governor Thomas H. Kean, and a majority of lawmakers from both parties, the bill passed the New Jersey Senate by a vote of 27 to 8, and the Assembly by a vote of 48 to 26. When he signed the bill, Kean referred directly to the “stories of deep personal tragedies resulting from drunk driving, especially among


teenagers,” which had motivated it, in a clear sign that the explosive growth the anti-
drunk driving movement had influenced the state’s drinking age debates. The Governor
was also keen to point out, however, that raising the Drinking Age had not just been an
emotional response. He referred, for example, to evidence that had “proven conclusively
and dramatically” that highway fatalities among eighteen- to twenty-year-olds had
“skyrocketed” because of eighteen-year-old drinking.

Similar scenes unfolded, and similar arguments were heard, in state legislatures
throughout the country during the early 1980s, as public anxiety over drunk driving
deaths and political support for a higher drinking age swelled to new and unprecedented
heights. Lawmakers and policy-makers at both the state and federal lever felt the full
weight of public anger over their failure to take decisive action over drunk driving deaths,
and before long even President Reagan – who had long argued that the drinking age and
drunk driving were state, rather than federal issues – was forced to respond. By the
spring of 1982, a petition drafted by MADD that called on the President to create a
Presidential Commission on drunk driving had collected more than 200 000 signatures,
while a separate petition - drafted by anti-drunk driving activist Sandy Golden, and
circulated by Congressman Michael Barnes (D-MD) – had been signed by 340 members
of Congress.63

President Reagan had little choice but to respond, and he signed an executive
order to create the Presidential Commission on Drunk Driving in April of 1982. While
he called drunk driving a “national menace, a national tragedy, and a national disgrace,”
however, the President made it clear that he was not about to endorse any federal

63 Lerner, One for the Road, 88.
government action to reduce drunk driving accidents. In the executive order establishing the commission, Reagan specifically called for it to “Persuade states and communities to attack the drunk driving problem,” and to “encourage public support for increased enforcement.” The administration seemed to have put very little thought into selecting the commission’s members, and they were an unusually diverse group, including representatives of the beverage, automobile, and insurance industries, congressional, state, and civic politicians, Candy Lightner herself, newspaper columnist Ann Landers, and TV star Dick Van Patten – who had participated in MADD media campaigns. To chair this motley crew, Reagan selected former Massachusetts Governor, Secretary of Transportation, and Ambassador to Italy John A. Volpe as Chairman. As Joy Shana Getnick has pointed out, for a body that Reagan had instructed to “accept and use the latest techniques and methods” to help prevent drunk driving, the Commission on Drunk Driving had surprisingly few traffic safety, statistical, or other scientific experts among its members.

In its final report, the Commission referred specifically to the key role that “citizen action groups” like MADD had played in public debates over drunk driving, and conceded that the Commission itself was “the culmination of a crescendo of voices –

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67 Getnick, The Drinking Age Debates, 166.
voices of victims and families – which [had] demanded action.”

Reagan had charged the commission with examining the drunk driving issue generally, rather than the drinking age specifically, and its recommendations dealt with a wide spectrum of preventative, educational, and punitive policies which Commission members believed would reduce drunk driving accidents. Critically, however, one of the commission’s most strongly worded recommendations called for a higher drinking age. Its Final Report asserted that there was a “direct correlation” between the drinking age and youth-involved drunk driving accidents, and that raising the drinking age had “produced an average annual reduction of 28 percent in nighttime fatal crashes” involving eighteen- to twenty-year-old drivers in some states. A nationwide drinking age of twenty-one, the Commission claimed, would save 730 young people’s lives each year, and the report recommended that every state raise its drinking age to twenty-one immediately. More importantly, however – and much to President Reagan’s chagrin – it also called on Congress to pass legislation which would deny federal highway funding to “any State not having and enforcing such a law.”

The President immediately signaled that he was unwilling to use federal funds as a means of strong-arming the states into raising the drinking age. But the Commission had nonetheless set the stage for the National Minimum Drinking Age Act with its report, simply by suggesting that federal highway funds should be used to enforce a national minimum drinking age. By incorporating this option into its recommendations, the commission put it on the table for congressional lawmakers. Just as important, the Commission’s final report gave its conclusions about the “direct correlation” between the

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68 Commission on Drunk Driving, Final Report, 2.
69 Ibid., 10.
drinking age and drunk driving accidents a veneer of scientific and political authority.\textsuperscript{70}

During the subsequent congressional debates over the National Minimum Drinking Age Act, lawmakers referred repeatedly to the 28% figure, and very few lawmakers or members of the media questioned it.

Scholars have quarreled for decades over the validity of the 28% figure, and over the use of traffic safety statistics in the debate over the drinking age act more generally. Joy Shana Getnick, for example, has traced the provenance of the 28% figure back to a study by scholars working for the Insurance Institute for Highway Safety, led by Allan F. Williams. According to Getnick, Williams’ conclusions “went well above and beyond the actual scope of his research,” and his “simplistic summary” of existing research ignored a “large body of conflicting data.” The statistics the commission used to support its recommendations on the drinking age – and in particular its assertion that a higher drinking age would reduce drunk driving crashes by 28 percent – were “fundamentally flawed statistical data.”\textsuperscript{71} Similarly, Darren Grant has suggested that the Commission’s – and other advocates of a lower drinking age’s – optimism about the effects of a higher drinking age “prevailed over judiciousness,” in the federal drinking age debates. Both lawmakers’ and many “experts’” handling of evidence, according to Grant, was characterized by “selective citation of the evidence,” and “flexible standards as to what constituted evidence” during the early 1980s.\textsuperscript{72}


\textsuperscript{71} Getnick, \textit{The Drinking Age Debates}, 166-173.

It may be unreasonable, of course, to expect that congressional lawmakers - or even the experts whom they consulted - could have evaluated the available evidence more effectively than they did. Certainly, other scholars have – and continue – to defend the studies and the data that informed the congressional debate over the drinking age. But it is nonetheless important to note that many of the most optimistic projections about the likely effects of a higher drinking age cited by lawmakers like Lautenberg were either hugely inflated or based on flawed data.\(^{73}\) At the time, of course, it hardly mattered whether the Commission’s conclusions had been based in well-founded research or not: what mattered was that the Commission’s report gave some of the most optimistic predictions of a higher drinking age’s effect on drinking driving accidents the \textit{status} of an “official” fact.

The Commission on Drunk Driving’s report had been a major victory for MADD. But the committee’s recommendations meant little without the support of President Reagan, and without concerted, carefully planned action on the part of congressional lawmakers. It was at this point that the combined influence of MADD, The Coalition for 21, and congressional lawmakers like Frank Lautenberg shifted the focus of federal drinking debates over drunk driving, and effectively redefined the drunk driving issue – at least at the federal level – as an issue of raising the drinking age. While MADD had played a key role in creating the Presidential Commission on Drunk Driving and expanding public support for federal legislation to raise the drinking age, it was a group of lawmakers, politicians, and activists from New Jersey – including Governor Thomas

Keane, New Jersey Senator Frank R. Lautenberg, and the Coalition of 21 - who were the primary architects of the drinking age act itself.

There was a direct link, in other words, between the state-level campaigns of the New Jersey Coalition for 21 and the National Minimum Drinking Age Act. Scheps and the Coalition’s other leaders were aware early on that the problems caused by inter-state variations in the drinking age would continue even after they had succeeded in New Jersey. Both drinking age and anti-drunk driving activists referred to this as the problem of “blood borders,” during the early 1980s. The Coalition for 21 had been conscious of it since at least 1980, when – in the wake of lawmakers’ failure to raise the drinking age to twenty-one - Earle Wallo had briefly considered working with drinking age activists in other states on a federal constitutional amendment to raise the drinking age nationwide. Once the Coalition had successfully raised the drinking age in New Jersey in 1982, they quickly shifted gears to fight for a higher drinking age in other states, and to support federal drinking age legislation. At the request of the National Transportation Safety Board (NTSB), for example, the Coalition produced a pamphlet for the benefit of drinking age activists in other states, designed as “a primer for individuals and groups in other states who want to raise the legal drinking age.”74 The pamphlet gave considerable insight into the tactics that the group had used, telling would-be drinking age activists that they could gain the help and support of “thousands of concerned people very quickly” by reaching out to churches, or by contacting their local MADD and RID chapters for support. Legislators, according to the pamphlet, needed to be “closely

74 Alcohol Research Information Services, *Monday Morning Report* 7 no. 1 (February 21, 1983).
watched when they vote,” and it was imperative “that they believe you will” publicly
draw attention to their actions.\(^{75}\)

Given the Coalition for 21’s determination to see the drinking age raised to
twenty-one nationally, and the skill that they had shown in bending lawmakers to their
will at the state level, it is perhaps not surprising that the chief congressional sponsors of
the National Minimum Drinking Age Act were both from New Jersey. Senator Frank R.
Lautenberg introduced the bill in the Senate in February of 1984, while Representative
James J. Howard sponsored a companion bill in the house. In congressional hearings
during 1983 and 1984, numerous individuals who had been associated with the campaign
for a higher drinking age in New Jersey testified. So too, of course, did Candy Lightner,
alongside numerous traffic safety, law enforcement, and public health officials. But
witnesses from New Jersey far outnumbered those from any other state, and one hearing
of the Subcommittee on Commerce, Transportation, and Tourism of the Committee on
Energy and Commerce heard from a list of witnesses that read like a who’s-who of New
Jersey’s earlier drinking age debates. It included representatives of the New Jersey State
Police, the Wine and Spirit Retailers of New Jersey, state Senator Frank X. Graves, and
the Coalition for 21. New Jersey PTA spokesman Arnold F Fege read a statement that
appears to have echoed the testimony which Maya Unger had given to the New Jersey
state legislature nearly 4 years earlier almost word for word. When he stated that “we are
not out to get children . . . or to deprive them of some alleged right,” and that it was

\(^{75}\) Prohibit the Sale of Alcoholic Beverages, 481-2 (Coalition for 21 Pamphlet,
How to Raise the Legal Drinking Age).
necessary to “protect youth from themselves,” for example, Fege appeared to be reading from Unger’s notes, if not from a copy of her speech.\textsuperscript{76}

The fact that so many of the key participants in the debate over the National Minimum Drinking Age Act had previously worked closely with the Coalition for 21 suggests that it was the \textit{combined efforts} of MADD and state-level drinking age activists which made the drinking age act seem almost unstoppable during 1984. And unstoppable it was: by the spring of that year, few questioned that Congress would ultimately adopt the bill. A Gallup Poll in January of that year had shown that 77 percent of Americans favored a national drinking age of twenty-one, and lawmakers from both major parties were facing unprecedented public pressure to approve Lautenberg’s bill.\textsuperscript{77} Discounting a small number of die-hard state’s rights advocates in Congress – most of whom nonetheless supported the idea of a higher drinking age – most of those who continued to oppose the drinking age act in the spring of 1984 were young people themselves.

The most vocal young activists to oppose the National Minimum Drinking Age Act were student government representatives, several of whom testified before congressional hearings. But large numbers of ordinary young Americans also wrote letters to the editor opposing the bill, asked their congressional representatives to vote against it, and even staged protest marches against a higher drinking age on university campuses. As adults, they asserted, eighteen-year-olds had as much right to purchase and consume alcohol as anyone else, and many of these young activists were adamant that denying them access to alcohol would make them into “second class” adults, who had

\textsuperscript{76} Ibid., 129-130 (statement of Arnold Fege).

access to some, but not all, of the legal rights of other adult citizens. The most common arguments that these young people raised, in other words, were very similar to the arguments that had convinced many state lawmakers to lower the drinking age in the first place: that young people had a right to be treated consistently under the law, and were mature enough to make their own decisions at eighteen. New York Students Association spokesman Greg Sullivan, for example, told a congressional committee that a national minimum drinking age of twenty-one would be contrary to “fairness and reason,” and would restrict the “freedoms of an entire group of citizens,” violating their rights as individuals. Eighteen-year-olds, he asserted, were full citizens who could fight for their country, hold a full time job, pay taxes, and vote, and thus they deserved to be given “some measure of discretion.” Katherine Ozer of the United States Student Association agreed, asserting that when individuals reached the age of 18, “they should be allowed the ability to make responsible decisions concerning their own personal actions and lifestyle. The ability of an adult to make these decisions should not be interfered with.” Ozer reminded lawmakers that eighteen-year-olds were adults, and that this was “the universally accepted age at which are considered under the law to be responsible. This is the point when an individual has the maturity to be responsible enough to make their own decisions.”

These had been clinching arguments during the early 1970s, in the context of state-level debates over the drinking age and age of majority. During the early 1980s, however, lawmakers, journalists, and the American public more generally routinely

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79 *Prohibit the Sale of Alcoholic Beverages*, 407-8 (statement of Greg Sullivan); Ibid., 417-420 (statement of Katherine Ozer).
dismissed these assertions. Missouri Senator John Danforth, for example, framed the drinking age not as a matter of fairness, equality, or rights, but as a matter of “being able to drink at age 18.” Contrasting young people’s desire to drink with what he described as “the statistical certainty that conferring the privilege of drinking on kids under the age of 21 is going to result in 1000 deaths or more a year,” Danforth made it clear which factor he considered more important. A large majority of American adults, it seemed, had grown tired of arguments that eighteen-year-olds should be allowed to drink simply because they were treated as adults in other areas of life and law. In May of 1982, for example, a *New York Times* editorial poked fun at the most common “old enough to fight” and “old enough to vote” arguments, asserting that that “the real point is not consistency but life.” All young people, the times asserted, were “old enough to live,” and this right to life trumped any claims that eighteen-year-olds deserved to be treated equally. “I am tired,” Candy Lightner echoed in 1984, “of hearing arguments like ‘if I am old enough to fight, I am old enough to drink.’” Neither voting nor fighting, Lightner insisted, had anything to do with drinking, and “when you vote, no one is killed, crippled, or maimed…as they are from drinking and driving.”

Realizing that rights- and maturity-based arguments were likely to be dismissed, young opponents of the national minimum drinking age act attacked their opponents’ assertions from multiple directions. In carefully written, well-researched, and passionately delivered testimony, student activists who appeared before congress

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82 National Minimum Drinking Age, 34-5 (statement of Candy Lightner).
questioned the value of the data and the statistics that Lautenberg had used to claim that the drinking age act would save a thousand lives a year. They questioned whether raising the drinking age was likely to change young people’s actual drinking behavior, and they argued that there were much more effective ways of reducing drunk driving, which would likely save far more lives than raising the drinking age. Some young activists even warned that raising the drinking age might even make the problems associated with youthful drinking worse – especially on college and university campuses, where student drinking would no longer be supervised and controlled by school administrators, but driven off-campus, and underground. Pointing out that adults, too, caused drunk driving accidents, and that alcohol abuse was “certainly not limited to the 18- to 21 year old age group,” they reminded lawmakers that only a tiny fraction of eighteen- to twenty-year-olds ever drove after drinking, and that these young people were far outnumbered by drunk drivers over the age of twenty-one. Celeste Bergman of the Florida Student Association, for example, argued that her opponents’ arguments that “16 percent of America’s fatal crashes are caused by people under 21” merely begged the question “what about the other 84 percent?” Lawmakers, she asserted, should be “concerned with saving everyone’s lives,” not just those who might be killed by drunk drivers who happened to be under twenty-one.83 Drunk driving, in this view, was “a societal problem,” which was unlikely to be resolved by restricting a relatively narrow group of young people’s access to alcohol.84

These were sound, perceptive arguments – but neither lawmakers nor the American public were listening, and student activists who made them often faced

83 Ibid., 101 (statement of Celeste Bergman).
84 Prohibit the Sale of Alcoholic Beverages, 418 (statement of Katherine Ozer).
considerable hostility for daring to challenge what MADD and Lautenberg claimed was a straightforward life-saving measure. In order to ward off arguments that they were endangering innocent young people’s lives, or that their behavior was irresponsible, young people who spoke out against the drinking age act were invariably obliged to start with a disclaimer. Bergman, for example, began her testimony before a congressional committee by reassuring her audience that “we want to make it clear from the outset that we are not in favor of irresponsible alcohol consumption; that we, too, are concerned about the loss of lives relating related to alcohol and traffic fatalities.”

Despite these assurances, however, young activists like Bergman were given scant attention. In congressional hearings on the drinking age act, they were scheduled to speak last, and their remarks were seldom reported in the mainstream news media. Young people who opposed a higher drinking age were clearly fighting a loosing battle, and by 1984 they were a minority even within their own age group: Gallup Polls that year showed that fiftyeight percent of Americans between the ages of eighteen and twenty-one supported a national minimum drinking age of twenty-one.

By the spring of 1984, then, the National Minimum Drinking Age had few opponents left, and both Congress and the news media were for the most part ignoring dissenting voices. According to the Boston Globe, lawmakers had realized that the drinking age was “a nearly ideal” policy issue. Opportunities to “please so many and offend so few, without even proposing to spend a lot of money,” were exceedingly rare,

85 National Minimum Drinking Age, 100 (statement of Celeste Bergman).
and lawmakers were lining up to proclaim their support for the act. President Reagan, however, was still loathe to support legislation that would use federal funds to make states raise the drinking age – not least because the bill was being sponsored by a freshman democratic senator from New Jersey. As public and political support for a national minimum drinking age reached unprecedented heights, however, the President – conscious that he was facing re-election in November – ultimately had little choice but to concede defeat. He did so very reluctantly – signaling that he was dropping his opposition to Lautenberg’s bill on June 12, little more than a month before he signed it into law.

Eight days after agreeing to support the national drinking age act, Reagan was in Oradell, New Jersey, where he appeared alongside Governor Kean at River Dell High School, tried out a driver’s education simulator, and spoke to the school’s assembled students. Reagan called the movement against drinking and driving “community leadership and community involvement at its best,” and told his audience that “you . . . parents and teachers, public officials, students and local groups – have fused your creativity and concern to deal with a great national problem.” Referring specifically to MADD, to the Presidential Commission on Drunk Driving’s findings, and to New Jersey’s state level drinking age reforms, the President asserted that raising the drinking age to combat drunk driving accidents had been a “demonstrable success.” The President explained his recent change of heart:

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Last year when the Presidential Commission on Drunk Driving recommended that every State Raise its drinking age to 21, I was delighted and hopeful . . . I hoped that the States would, as they should, take this action themselves without Federal orders or interference. Well, in the past 8 or 9 months, 4 states have done it, and in all, 23 States now have age-21 laws. But now it appears that things have slowed down. Things have stalled.

The “crazy quilt” of drinking age laws and “blood borders” between the states, according to Reagan, had created a situation which “hurts us all” by causing too many traffic fatalities. Noting that his decision was “at odds with my philosophical viewpoint” on federalism, Reagan argued that “in a case like this, where the problem is so clear cut and the benefits are so clear-cut, then I have no misgivings about a judicious use of Federal inducements to encourage the states to get moving, raise the drinking age, and save precious lives.”

Less than a month later, Reagan signed the National Minimum Drinking Age Act into law, ensuring that young people between the ages of eighteen- and twenty-one across the United States would remain “under age” long after they had reached the age of majority. In many ways, the act marked the end of 1970s legal reforms to the legal boundaries between childhood and adulthood. A repudiation of one of the most important and unprecedented early 1970s reforms, it marked eighteen- to twenty-year-old youth as children in an area of life and law that mattered a great deal to many young people, and symbolically revoked much of the faith and trust that early 1970s legislators had placed in American youth. The act heralded a new reluctance on the part of

90 Ibid.
American lawmakers to expand young people’s legal rights and autonomy, and to grant them access to “adult” privileges in particular. After 1984, state and federal lawmakers alike would be much more hesitant to grant young Americans new “adult” rights, privileges, or responsibilities, and much more interested in keeping these young people under adults’ close supervision and control.
By the early 1980s, many Americans were becoming increasingly aware that the path that most young people followed from childhood, through youth, and into adulthood was becoming an increasingly lengthy and varied one. In 1980, for example, the Charles Kettering Foundation—a non-partisan research foundation focused on “scientific research for the benefit of humanity”—published a report by a “National Commission on Youth,” which it had assembled and funded, but which included high-profile Americans such as Sociologist James Coleman, Psychologist Urie Bronfenbrenner, and George Gallup. The report was titled *The Transition to Adulthood: A Bridge Too Long*, and it began by suggesting that “contemporary youth move in a society far different from that of their peers centuries earlier.” While the pace of learning had increased, and sexual maturity arrived earlier for most young Americans, the commission suggested that youth were being “held back and shielded from the adult world,” kept in schools and out of the workforce for every-longer periods of time. As a result, the “the bridge of time between youth and adulthood has become a bridge too long.”

The report echoed an earlier report by the Panel on Youth of the President’s Science Advisory Committee, which had also pointed out that American society relied heavily on schools for socializing and training young people, and urged policymakers and educators to consider designing new environments for young people, which would “allow

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youth to be more than students.” And it echoed some of the arguments made by even earlier social critics such as Paul Goodman, who had complained in *Growing Up Absurd* that American society was not providing young people with enough opportunities for meaningful, fulfilling work.

During the early 1980s, however, the suggestion that young people’s path into adulthood was growing ever longer had new currency. During the 1970s, the proportion of Americans attending and graduating college had risen to unprecedented levels, while the average age of marriage had begun to rise. These demographic and economic shifts had begun to shape young people’s experiences – and adults’ perceptions – of the process of growing up. In 1987, for example, writer Cheryl Merser penned a thoughtful exploration of what it meant to become an adult in the 1980s titled *Grown Ups: A Generation In Search of Adulthood.* As she set out to determine why many of the young people of her generation did not feel like adults, Merser noted that “a lot of us settle into careers, families, or houses later than men and women did a generation ago, or not at all.”

Young Americans were beginning to take longer to transition into social adulthood during the 1970s and 1980s. This process would accelerate in the years and

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2 President’s Science Advisory Panel on Youth, *Youth: Transition to Adulthood: Report of the Panel on Youth of the President’s Science Advisory Committee* (Chicago: University of Chicago Press, 1972), vii.


decades that followed, and was magnified by the fact that Merser’s parents’ generation – the baby boomers – had often transitioned from youth into adulthood with historically unprecedented speed and ease. Steven Mintz has recently suggested that the longer, more varied, and more fraught path into adulthood that young Americans take today is, in the long view, consistent with the historical norm. According to Mintz, it is mid-twentieth century Americans’ “coming of age” experiences – characterized by early marriage and children, rapid transition into the workforce, and a relatively easy process of “settling down” in a single-family home – that were unusual. But from the perspective of the 1970s and 80s, the extension of young people’s schooling, the increasingly difficult time that many of them had finding work, and many young people’s decision to delay – or altogether eschew – marriage seemed to be a dramatic, historically unprecedented change.

The authors of The Transition to Adulthood: A Bridge Too Long called for a creative, unprecedented policy response, endorsing a national youth service program and community-based schools, and suggesting that there was an urgent need to keep young people from growing more isolated and alienated from the adult world. “The need for more aggressive action,” the report suggested, was “almost a moral imperative.” Yet commission members recognized that “the times may seem singularly inappropriate for the announcement of far-reaching recommendations involving fundamental changes in institutional forms and practices.” They could not deny that “the nation is in a period of

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6 The Transition of Youth Into Adulthood, 10.
conservatism.” Indeed, social critics such as Neil Postman and David Elkind were passionately lamenting the “disappearance of childhood” and the plight of the “hurried child” during the same period that the Commission published its report – and garnering significantly more attention from the public and from policymakers.

Americans were not sure what to make of or what to do with the growing numbers of young people in their midst who seemed to somehow miss the bus on the road from adolescence to adulthood – and to get stuck somewhere in between. And many of these young people weren’t sure who they were or what they wanted themselves. Merser, for example, had no doubt that the young people of her generation – and her age – were “grown up” in most senses. But she nonetheless felt “somehow that real adults were in a different category: more certain of their place in the world, wiser, their lives intact in ways we did not yet understand. Married, single, divorced, we were all looking for the balance between too much autonomy and not enough.”

The laws that set hard limits on young people’s autonomy – and on adults’ authority over them – were just one piece of the problem that confronted Americans as they wondered how to structure, ease, and understand young Americans’ path from childhood into adulthood during the 1980s and beyond. But they were – and are – an important part of that puzzle. Merser and her peers were among the first cohorts of Americans to come of age after the legal reforms of the 1970s, and it is possible that the diminished authority and significance of minimum age laws as a marker of legal and

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7 Ibid., 10.
cultural adulthood contributed to their confusion about whether or not they were “real” adults. Minimum age laws are not just significant because they determine when young Americans can do any number of “adult” things; they have often served as a marker of developmental adulthood as well. While Americans have grown increasingly aware that age and maturity do not directly relate to each other in recent years, the assumption that minimum age laws – and chronological age itself – are a rough measurement of young people’s capacity to make mature, responsible decisions for themselves is still widespread, particularly in policy debates and legal literature.

Growing public and academic interest in young people’s development into adults prompted new research by cognitive psychologists, life course theorists, and a variety of other academics during and after the 1970s. Cognitive psychologists, in particular, began ask when young people were capable of making responsible decisions for themselves, and were increasingly comfortable entering into political debates. Psychological studies by Thomas Grisso and Linda Vierling in 1978, and by Lois A Weithorn and Susan B. Campbell in 1983, for example, suggested that most young people were capable of making rational, informed decisions about medical treatment by their mid-teens. And during the 1980s, the American Psychological Association began, for the first time, to submit amicus briefs directly to the Supreme Court in cases where young people’s capacity to make responsible choices or their capacity to consent were at issue.¹⁰

This research was by no means definitive or perfect – some psychologists later questioned whether the APA’s role in key 1980s legal cases had been appropriate, and whether its advice had been sound. In many respects, however, it did not matter; by the time academic scholars and other experts where beginning to play a role in legal and policy debates over minimum age laws, their key findings were at odds with the tenor of political debates, and lawmakers and jurists alike had already formed the habit of assessing young people’s maturity and responsibly in much more subjective – allegedly “common sense” – terms. Even when the Supreme Court created new legal mechanisms that would allow lawmakers and the courts to take a more flexible approach towards regulating young people’s access to “adult” rights – as it did in *Belotti v. Baird* (1979), which allowed for minors to consent to an abortion if a judge found them to be sufficiently mature to do so – the court largely ignored experts’ advice on the matter, giving judges the power to make subjective and discretionary judgments.\(^{11}\)

Recently, researchers such as Laurence Steinberg have begun to speak with considerably more certainty about the question of *when* most young Americans become capable of making specific *types* of “adult” decisions responsibly and independently.\(^{12}\) At the same time, Americans have become increasingly conscious that young Americans’ transition from childhood into adulthood grows longer and more varied every day. Many scholars, educators, and other adults – and a few young Americans themselves – have begun to argue that dramatic reforms are needed to structure and smooth young people’s path into legal, social, and developmental adulthood in the United States today. If and

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when lawmakers embark on a new set of reforms to the legal boundaries between childhood and adulthood, this dissertation suggests that it will be critically important that Americans remain conscious of – and interrogate – the images and perceptions of “young people” and “American youth” that shape and structure their debates.
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