



# The Phyllis Schlafly Report

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## Insolvable Problems of Federal Daycare

As Senate Democrats were emoting about how they plan to spend the taxpayers' money to provide daycare, I had a vision of their next social program. It could sound like this.

"We have a crisis in housing. American workers can't find the kind of housing they want and need at a price they can afford, and those who do have a house are having a hard time making their mortgage payments. The majority of wives are in the paid labor force now, and they find that most of their paycheck goes for housing.

"The Federal Government must make housing more affordable and available. Therefore we propose a Housing Care Bill with funds to build more units of public housing and improve the units we have. We will give certificates or vouchers to families which can be spent in public housing units.

"Existing public housing isn't safe because of the high incidence of crime and drugs, so we will create a national commission to draw up new federal regulations to prevent abuses and improve quality. Of course, all these taxpayer benefits will go only to those who use public housing."

You would have a hard time finding sponsors for such a new liberal social spending bill. Why? Because the American people have already had a good look at federal housing, and they don't want to live there if they can possibly avoid it, and they don't believe that more money or more federal regulations will make it desirable.

Over the last 40 years, the income tax deductibility of property taxes and mortgage interest has been a powerful influence in helping Americans to own their own homes. If anyone wants to improve housing affordability, availability and quality, the best way is to vote for tax deductions, not for federal spending to bureaucrats, regulators, "housing providers," or certificates spendable only for public housing units.

On June 23, when the liberal Democratic majority in the Senate passed S. 5, the Dodd ABC Daycare bill with the Mitchell and Bentsen amendments, they did for preschool children exactly what this mythical "Housing Care" scenario would do. They invited American workers to put their babies in government-regulated daycare at the taxpayers' expense (a HUD for babies?), while the big majority of families who don't accept this invitation are massively discriminated against.

The Mitchell-Bentsen amendments added a tax credit

ONLY for employed mothers who purchase daycare, and a tax credit for low-income parents ONLY if they buy expensive health insurance for their preschool children (a windfall to the insurance industry). Very low-income families who reject public daycare were given a slight expansion of the Earned Income Tax Credit starting in 1991.

The Senate Democrats are trying to undo the results of last November's election. They want people to forget that federal-daycare-Dukakis lost and nondiscriminatory-tax-credit Bush won.

The funny thing is that the conservative/profamily forces won the battle of rhetoric in Congress. It was amusing to see so many Senators talking emotionally about how much they love tax credits, mothers in the home, grandmothers and religious daycare, while at the same time they were passing a bill that is massively discriminatory and unjust toward all family child care and a downright fraud when it comes to religious daycare.

During one of those hypocritical outbursts, Senator Dodd got so carried away with himself that he said, the government guarantees certain standards for your car and your pet, so "your children deserve no less!" No one but a childless demagogue could believe that the American people want the bureaucrats to regulate our children like our cars and pets.

The national television media are more biased about child care than any issue in memory. Since the Fairness Doctrine is now defunct, the networks make little or no pretense of giving any time at all to the other side of federal child care policy, namely, that mothers in the home should be treated equally.

For example, the CBS Morning News on June 22 presented two spokesmen on this issue, both with exactly the same point of view: Senator Christopher Dodd and Marian Wright Edelman, chief lobbyist of the leftwing Children's Defense Fund. The CBS reporter, Kathleen Sullivan, falsely stated that the issue "comes right down" to: "The Democrats want cash payments to parents and the Republicans are backing tax credits."

The truth is that the only "payment" that might possibly go to parents under the Democratic bill is in the form of vouchers which can only be redeemed by purchasing daycare. The Democratic bill would give most of the money to government bureaucrats who must spend it on administrators, regulators and secular daycare providers.

The Republicans want to give tax credits (which are real cash payments, like an income tax refund) *directly to parents* with no strings on how they spend it, and without discriminating against mothers who stay at home. American families are counting on the House to clean up the bureaucracy-building, discriminatory daycare bill passed by the Senate, and, if it doesn't, are counting on President Bush to veto it.

### **The Assault on Religious Daycare**

It is difficult to escape the conclusion that one major purpose of most of the daycare bills pending in Congress is to prevent all preschool children from being subject to any religious influence. Any federal legislation that would give grants for daycare would have that effect, and there is no way to "fix" the religious daycare problem so long as grants of federal money are involved.

The original Dodd ABC daycare bill last year in Sections 20 and 21 contained some of the most virulently anti-religious language ever seen in any proposed legislation. The bill's advocates changed some of the language before Senate passage, but they did not diminish the problem at all.

The problem is explained in a 12-page Department of Justice opinion dated May 4, 1989 which concludes that the ABC bill would impose on all religious daycare "clear litigation risks" and "oppressive government oversight." If a church ever receives any benefit from the bill, it would suffer "far-reaching, officious government intervention in the private affairs of churches," and if it rejects all benefits, the religious daycare facility will be regulated anyway.

Translated into laymen's usage, this means, "Little church offering daycare, beware! If the daycare bill passes, your church will be inspected, regulated and harassed regardless of whether or not you get any benefits." While the Justice Department's opinion was addressed specifically to the Dodd ABC bill, all the other pending bills which would give "grants" or "certificates" for daycare would have the same effect. There is just no way out of the religious daycare dilemma.

Church-run daycare would most likely be barred from all benefits under the bills because, if the facility does anything at all religious (such as saying grace before milk and cookies), it would be deemed "pervasively sectarian" by the bureaucracy and the courts. Even if the church-based daycare were not ruled "pervasively sectarian," it probably would be barred from participation because the courts would hold that the continual monitoring of the center would result in an unacceptable church-state "entanglement."

Even if the church-based daycare sanitized itself of everything religious (i.e., prohibited Bible stories and grace before meals, stopped singing hymns, covered up the cross on the wall, and stopped hiring caretakers of its own denomination) and accepted government monitoring to assure that it remained scrupulously secular, the acceptance of one dollar of federal money under any form (including "vouchers" or "certificates") would make the daycare facility AND its affiliated church or synagogue subject to the Civil Rights Restoration Act (the Grove City Act). This would bring the church under the full force of Section 504 of the Rehabilitation Act of 1973, Section 309 of the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, and Title IX of

the Education Amendments of 1972.

Even more significant, regardless of how faithfully the church-based daycare center purged itself of everything religious, the Justice Department predicts that these centers "would probably be the targets of endless litigation in which their policies and practices would be questioned and second guessed." In defending themselves against such suits, church daycare would be forced to produce personnel records, expense records, and memoranda on private conversations between daycare personnel and church officials.

No wonder the Justice Department concluded that "whatever benefits religiously affiliated child care providers might receive could well be far outweighed by the financial costs and administrative burdens of compliance." But that's still not the worst of it.

Many states (especially in the south) now exempt church-operated daycare from state regulation and licensure, under the theory that religious daycare is a kind of Sunday school on weekdays. The Dodd ABC bill, however, would require state governments to impose all licensing and regulatory requirements (including registration requirements) "uniformly on all child care providers."

So, religious daycare which is now exempt from licensing would be ferreted out and forced into the government's regulatory scheme. Since religious daycare predominantly serves the poor in urban areas, the net result of these bills would be to reduce services and raise costs for those least able to afford them, as well as massively discriminate against those who choose to have some religious influences on their preschool children.

There is only one approach to the child care problem that avoids all these issues: Don't give any federal "grants" or "certificates"; instead give every preschool child a tax credit on his parents' income tax so that the parents can spend their own money in their sole discretion just like an income tax refund. Then parents will be able to choose religious or secular, family or institutional child care, as they wish.

### **Grandmother vs. Tax-Salaried Lobbyists**

When Ronald Reagan commented last year that we certainly don't want any federal daycare bills that would require the registration of grandmothers, he hit a tender nerve with the liberal Congressmen who are trying to paint themselves as profamily. After all, how can you be profamily while requiring grandmothers to be registered or licensed in order to take care of their own grandchildren?

At first, the liberal legislators promoting the Dodd-Kildee ABC baby-sitting bill were so imbued with the Big Brother notion that child care should be professionalized that they didn't understand how this grandmother issue played in Peoria. Congressman Dale Kildee (D-MI) admitted in one of his early hearings on the bill that, if his mother were to care for his children (her grandchildren) in his own home, he would want her registered and trained by the government!

When the Dodd-Kildee ABC bill, which failed last year, was reintroduced into the current Congress this year (S. 5), it was doctored up with a little cosmetic surgery. The "new" ABC bill appeared to allow grandmothers to receive federal benefits if they are designated as "eligible child care providers" by the state governments. But here is what a grandmother

would have to do in order to receive any ABC benefits. First, she would have to get state government approval for the conditions under which she would care for her grandchild and then enter into a personal written contract specifying those conditions. Second, the child's parents would have to sign a contract with the state. Third, the grandmother would be required to demonstrate that she complies with federal health, safety, and nutrition standards, and would have to submit daily reports proving that the food she feeds her grandchildren meets these standards. For example, she would have to vouch that the sandwich she serves her grandchildren has at least three tablespoons of peanut butter or 1-1/2 ounces of cheese.

As amended before Senate passage on June 23, the above language was reluctantly removed. However, it is likely that the states would reinstitute the tough grandmother regulations (including the peanut butter regulation). It is unlikely that any grandmothers would ever get anything because they would be competing for scarce funds with all the licensed daycare centers and providers, and the state bureaucracy would choose the "eligible" recipients.

Furthermore, grandmothers would probably be required to certify that their practices and their homes are *not* "pervasively sectarian." Do they say grace before meals? Do they have religious pictures on the wall? Look out, Grandma, the federal inspectors are coming!

The ABC bill would create a permanent, taxpayer-financed lobbying apparatus. The bill would create in every state a State Advisory Committee on Child Care, a Subcommittee on Licensing, and other local child care advisory committees. Of course, these committees would be largely staffed by current members of the ABC lobbying network so that tax-salaried propagandists could continue beating the drums about a "daycare crisis" and the alleged need for more daycare licensing and regulation.

ABC advocates have said all along that they are working for a large "infrastructure" of government-controlled, taxpayer-financed daycare to become the norm in the United States. The funding of a permanent tax-salaried lobbying staff in every state would be a big step toward that goal.

Once the Federal Government starts handing out money for child care, there is no way to solve the grandmother problem (which includes other relatives) or the religious daycare problem, which together make up the big majority of current other-than-mother child care. The only fair and sensible solution is to adopt the non-discriminatory tax credit approach, which allows parents 100 percent freedom to choose whether to spend their own hard-earned money on mother care, grandmother care, religious care, or atheist care..

### **The Hidden Daycare Network**

Where is the pressure coming from to make baby-sitting of preschool children, including infants, a federal function? Of course, we know that the liberals always propose a new federal agency as the "solution" to every problem, and we know that the feminists always want to unload the "burden" of child care onto the government.

It's also obvious that the American people don't want to submit their children to federally-regulated daycare. In actual practice, families are "voting with their feet" in overwhelmingly choosing (by at least 75 percent) in-home child care by

mothers or other relatives, and even the surveys on the subject that are outrageously loaded in favor of federal solutions come out in favor of mother-care, parental decision-making, and tax credits which do not discriminate against mother in the home or religious daycare.

Last year the *Washington Post* said that child care legislation "ought to await the outcome of the national debate now taking place between the presidential candidates." So, why are Congressmen toying around with Dukakis-style daycare (which imposes federal regulations and discriminates against mothers in the home) when the election results and the moral high ground are both clearly on the side of Bush-style tax credits (which are nondiscriminatory and allow full parental decision-making)?

Perhaps the answer to that question is the existence of a large network of advocates of federal baby-sitting, operating with generous funding from federal and foundation sources, with huge staffs of personnel, and political contacts both on Capitol Hill and in the individual states. Not only is this network hidden from the public scrutiny, but its social agenda is kept under wraps in order to avoid public debate and discussion.

The liberal Dodd ABC bill did not spring full-grown from the head of Senator Christopher Dodd (D-CT) like Athena from the head of Zeus. The network had been working for years to legislate federal baby-sitting and to create an apparatus in every state to receive funds flowing from the ABC bill.

The National Academy of Sciences, a private organization chartered decades ago by Congress, appears to be the mainspring of this network of persons trying to change the United States into a Swedish-style welfare state with national infant-to-school-age daycare paid for by the taxpayers and controlled by the government. With a closed membership selection process, it is able to elect like-minded colleagues as successors, and to channel taxpayer and foundation grants to their ideological soulmates.

The National Academy of Sciences covers its tracks through the creation of committees within committees. The NAS is the parent of a Commission on Behavioral and Social Sciences and Education, which in turn birthed a Committee on Child Development Research and Public Policy, which in turn spun off a Panel on Child Care Policy.

That Panel then set up the feminist-dominated Child Care Action Campaign, which is the visible tip of the iceberg promoting federal baby-sitting. That is the front that staged a media event at the Waldorf-Astoria Hotel in March 1988, and has created a system of state affiliates which are now salivating at the prospect of a new flow of federal funds.

Researchers whose studies support the national daycare concept are rewarded with grants from public and private money. Persons who are trained in the system developed by Professor Edward Zigler of the Center for Child Development at Yale University, an NAS affiliate, are placed on relevant Congressional committees where they can control hearings, write reports, direct spending, and pass legislation.

The NAS Committee on Child Development created a research site for the development of a Swedish-style daycare system at the Wellesley College Research Center on Women. With funding from federal agencies and the Ford, Carnegie

and Levi-Strauss foundations, a demonstration site for a comprehensive public-private partnership project of daycare based in the public schools was set up at Fairfax, Virginia.

Realizing that this objective is not popular, Zigler said that to "keep quiescent the vocal and active minority of taxpayers who do not wish to see public monies expended to aid women's entry into the out-of-home workforce, I suggest a fee system." The fee is meant to be abolished eventually as the national daycare system becomes part of the public school system.

American families don't want a daycare system dreamed up by ivory-tower academics and so-called professionals who think they are better qualified to raise children than parents. The most important factors in raising children are love, commitment, and self-sacrifice, and you can't buy those at any price. Congressmen had better recognize the difference between the voices of the self-serving bureaucracy and tax-funded lobbyists who are trying to get control of children, and of parents who want to raise their own children. The former have wide access to the media, but the latter have the votes.

### Real Money or Funny Money?

"I'm from the government and I'm here to help you" is a standard straight-man line in comedy routines. It's always good for a laugh. As applied to child care, it would be funny if it weren't so tragic. With a track record like the government has demonstrated in public housing, public welfare, and public schools, it certainly isn't safe to trust the government with our babies.

The Democrats are sniping at George Bush's plan to give a \$1,000 tax credit per child, saying \$1,000 isn't enough to pay for daycare because the average cost per child is \$3,000 per year. However, any implication that the liberal Democrat bills would give families more money than \$1,000 is false.

When children get a tax credit, families will have REAL MONEY in their own hands to spend. If the liberals set up a baby-sitting bureaucracy, families would get only FUNNY MONEY because most of it will go to bureaucrats, regulators and administrators, and even the "tax credits," "vouchers," and "certificates" included in the bill will have strings attached so Big Brother can tell us how to spend it.

The liberals propose a system that discriminates against mother care and grandmother care in favor of hired care. We absolutely should not, as a matter of public policy, have any legislation that discriminates against mothers who take care of their own children.

Only one policy is fair to all, sensible, practical to administer, and cost-effective: give each preschool child in America a tax credit on his parents' income tax so that parents can decide how to spend the money. A parent who has \$1,000 tax credit to spend will get \$1,000 in value, or maybe several times the \$1,000 value if it is used within the family unit to secure loving child care from the child's own relatives.

How much value do you think any child would ever get from \$1,000 spent by a Federal Administrator of Baby-Sitting in the Department of Health and Human Services?

First, the \$1,000 would have to pay the salaries and the office expenses of a new department, of course allowing for enough staff to spend part of their time lobbying Congress for pay raises and bigger budgets. Then, a big chunk of money

would have to go to the regulators: to create new federal regulations, to monitor state regulations, and to browbeat and threaten states and local facilities to comply with the new federal regulations. Another chunk of money would be spent to develop training requirements for daycare staff, making sure that all grandmothers have at least 15 hours a year of federally approved training. Incidentally, the training would usually be given by young women who never took care of any children of their own. Then the feds would have to hire experts to devise the procedure for giving out grants of federal money. Specialists would be used to make sure that only approved so-called non-profit centers run by their pals would ever get federal funding.

Another slice of money would be spent to force the states to go on a search-and-destroy mission to force out of business the 1.65 million legal-but-unlicensed neighborhood daycare mothers, as well as the presently licensed daycare facilities in some 25 states which don't meet the new federal regulations. Another search-and-destroy mission would round up all legal-but-unlicensed religious daycare and force it into the licensing network. Of course this federally caused scarcity would increase the pressure for more federal spending on federally approved centers.

If ten percent of the funds in the liberal baby-sitting bills ever benefited children, we would be surprised. But even that ten percent would be an illusion because, first, the money available to parents, if any, would have to be spent in federally designated centers. Second, since the new federal regulations would dramatically inflate the price of daycare, the net price of daycare would be higher than daycare-without-subsidy.

Some bills in the 101st Congress are a hybrid breed — part child tax credits and part discriminatory/ bureaucracy building. Those bills should be recognized as trying to bribe mothers with a pittance of a tax credit while starting their discriminatory baby-sitting bureaucracy anyway.

Every American family will get more value, dollar for dollar, in a child tax credit than the feds can give us by spending our money for us. It's the difference between real money and funny money.

**WHO WILL ROCK THE CRADLE?** is *the* tool you can use to speak effectively on the child care issue. Its 300 pages of information include 18 addresses by nationally known experts on child care as personal and public policymaking decisions. It is published by Eagle Forum Education & Legal Defense Fund, Alton, Illinois 62002, and available @ \$14.95 postpaid. The book is edited by Phyllis Schlafly.

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